



MEETING OF THE COUNCIL OF THE COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO

Hybrid Meeting

Thursday, September 28, 2023 from 10:00 – 4:10 p.m.

Friday, September 29, 2023 from 9:00 – 4:00 p.m.

Commitment to the Public Interest

The public interest is the foundation of all decisions made by this Council. Acting in the public interest ensures that decisions consider: Accessibility, Accountability, Equality, Equity, Protection of the Public and Quality Care.

Conflict of Interest and Bias

Council members are required to declare a conflict of interest or remove themselves from any discussion where they or others may believe that they are unable to consider a matter in a fair, independent and unbiased manner. A declaration in this regard must be made at the start of any discussion item.





AGENDA

Closed Education Session:	
9:00 – 9:55 a.m.	<p>Sexual Abuse Awareness Training <i>(J. Birenbaum & A. Ashton)</i></p> <p>Council and Committee members will have the opportunity to work through case-based scenarios which highlight some of the challenges in investigating, deliberating and prosecuting matters involving allegations of sexual abuse.</p>

Thursday, September 28, 2023				
Item	Time	Topic	Page	Purpose
*	10:00 a.m.	<p>Welcome and Call to Order <i>(N. Madhvani)</i></p> <ul style="list-style-type: none"> • Roll Call • Land Acknowledgement 	n/a	N/A
1.	10:10 a.m.	<p>Review and Approval of the Agenda <i>(N. Madhvani)</i></p>	2-7	Decision
2.	10:15 a.m.	<p>Approval of the Consent Agenda <i>(N. Madhvani)</i></p> <ul style="list-style-type: none"> • Approval of the June 26-27 Council minutes • Acceptance of the Q1 Executive Committee Report (April – June 2023) 	8-21	Decision
3.	10:20 a.m.	<p>President’s Report <i>(N. Madhvani)</i></p> <p>Council is provided with an overview and updated regarding key activities and initiatives.</p>	22-25	Information



4.	10:30 a.m.	Canadian Alliance of Physiotherapy Regulator's (CAPR) Evaluation Services Re-envisioned <i>(B. Park, & K. Piasentin)</i> Brandi Park, National Director of Evaluation Services, and Kelly Piasentin, Lead Psychometrician from the Canadian Alliance of Physiotherapy Regulators (CAPR), are presenting the work of the Expert Advisory Panel (EAP) and a proposed model for entry-to-practice assessment based on the EAP principles.	26	Education
*	11:30 a.m.	Break (10 minutes)	—	
5.	11:40 a.m.	Registrar's Report <i>(C. Roxborough)</i> Council is provided with an overview and updated regarding key activities and initiatives.	27-32	Information
*	12:10 p.m.	LUNCH (50 minutes)	—	
6.	1:00 p.m.	Risk Tolerance <i>(D. Robinson)</i> Council will participate in a session on how Council may use risk appetite and tolerance in their role to oversee risk within their governance responsibilities.	33	Education
7.	2:15 p.m.	Enterprise Risk Management Policy <i>(Z. Robinson)</i> Council is being asked to approve the draft Enterprise Risk Management policy and changes to the Finance Committee's terms of reference in alignment with the policy.	34-44	Decision
*	2:45 p.m.	BREAK (15 minutes)	—	
8.	3:00 p.m.	Q1 Financial Report <i>(Z. Robinson)</i>	45-54	Information



		Council will be provided with an update on the College's Q1 financial performance		
9.	3:20 p.m.	Financial Sustainability <i>(C. Roxborough & Z. Robinson)</i> Council is provided with an overview of the College's financial position and a recommendation from the Finance Committee regarding registration and membership fees.	55-65	Decision
*	4:20 p.m.	Adjournment of Day One		

Friday, September 29, 2023

Item	Time	Topic	Page	Action
10.	9:00 a.m.	Lessons Learned from Previous Governance Reviews <i>(The Regulator's Practice)</i> As part of the College's Governance Practices Review, the Regulator's Practice will provide an overview of lessons learned from previous Governance Reviews.	66	Education
*	11:00 a.m.	Break (10 minutes)	—	
11.	11:10 a.m.	Q1 Dashboard <i>(C. Roxborough)</i> Council is provided with an updated Key Performance Indicator dashboard which incorporates feedback from Council.	67-71	Information
12.	11:50 a.m.	Committee Slate Amendment <i>(E. Persaud)</i> Council has received two new public appointees and are being asked to amend the committee slate.	72-78	Decision



*	12:05 p.m.	LUNCH (55 minutes)	—	
13.	1:00 p.m.	Appointment of the Auditor <i>(Z. Robinson)</i> This includes a review and debrief of the 2022-2023 Fiscal Year Audit followed by approving a recommendation of the Auditor for the Fiscal Year 2023-2024 audit.	79-81	Decision
14.	1:15 p.m.	Equity, Diversity, and Inclusion Primer <i>(C. Roxborough)</i> Council will be provided with an update on work that has been completed and work that is being planned in support of the College's commitment to Equity, Diversity, and Inclusion.	82	Education
*	2:00 p.m.	BREAK (10 minutes)	—	
15.	2:10 p.m.	Proposed Updates to the By-laws and Governance Policies <i>(M. Berger & E. Ermakova)</i> As part of regular maintenance of the By-laws, the College is proposing some housekeeping revisions to the By-laws, including simplifying some provisions, removing unnecessary duplications, and addressing some gaps. As well, the College is also proposing two additions to the By-laws.	83-262	Decision
16.	2:40 p.m.	Approval of a Competency Profile <i>(E. Persaud)</i> Council is being asked to approve a competency profile to fulfill the College Performance Management Framework (CPMF) requirement to have pre-defined competency criteria for individuals wanting to run in the Council election, Academic Councillors and individuals seeking	263-271	Decision



		appointments to a committee as a Non-Council Committee member.		
17.	3:10 p.m.	Motion to go in camera pursuant to section 7.2(d) of the Health Professions Procedural Code <i>(N. Madhvani)</i> Council will be asked to move in camera as personnel matters or property acquisitions will be discussed.	272	Decision
18.	3:45 p.m.	Members' Motion (s) <i>Standing item</i>	273	N/A
*	3:50 p.m.	Adjournment of Meeting		

Future Council Meeting Dates:

- December 14-15, 2023
- March 25-26, 2024
- June 24-25, 2024



COLLEGE OF
PHYSIOTHERAPISTS
of ONTARIO

ORDRE DES
PHYSIOTHÉRAPEUTES
de l'ONTARIO

Motion No.: 1.0

**Council Meeting
September 28-29, 2023**

Agenda #1.0: Approval of the Agenda

It is moved by

and seconded by

that:

The agenda be accepted with the possibility for changes to the order of items to address time constraints.



COLLEGE OF
PHYSIOTHERAPISTS
of ONTARIO

ORDRE DES
PHYSIOTHÉRAPEUTES
de l'ONTARIO

Motion No.: 2.0

**Council Meeting
September 28-29, 2023**

Agenda #2.0: Approval of Consent Agenda

It is moved by

and seconded by

that:

The following items be approved and/or received for information by Council:

- Approval of the June 26-27, 2023 Council minutes.
- Approval of the June 27, 2023 Council in camera minutes.
- Acceptance of the Q1 Executive Committee Report.



**MEETING OF THE COUNCIL OF THE
COLLEGE OF PHYSIOTHERAPISTS OF ONTARIO**

MINUTES

Monday, June 26, 2023, and Tuesday, June 27, 2023

The ALT Toronto Hotel & Virtually via Zoom

Public Member Attendees:

Nitin Madhvani (Chair)
Carole Baxter
Jesse Finn
Richard O'Brien
Tyrone Skanes

Professional Member Attendees:

Theresa Stevens (Vice Chair)
Sinéad Dufour
Anna Grunin
Janet Law
Dennis Ng
Pulak Parikh
Gary Rehan
Katie Schulz
Maureen Vanwart
Andy Wang

Staff Attendees:

Craig Roxborough, Registrar & CEO
Anita Ashton, Deputy Registrar & COO
Zoe Robinson, VP, Finance & Reporting
Lisa Pretty, VP, Organizational Effectiveness
Mara Berger, Director Policy, Governance &
General Counsel
Joyce Huang, Manger Strategy

Recorder:

Elicia Persaud, Governance Analyst

Public Member Regrets:

Tyrone Skanes (June 27)
Laina Smith (June 26 &27)

Professional Member Regrets:

Gary Rehan (June 27)

Council members participated in an ice-breaker session from 9:00 – 10:00 a.m. which was closed to the public.

Monday, June 26, 2023

10:00 a.m. Welcome

N. Madhvani, Chair, welcomed all members, opened the meeting with the College's Land Acknowledgement Statement, and confirmed the College's ongoing commitment to the Public Interest mandate. Members were asked to declare any conflict of interest for any of the items to be discussed during the meeting; none were declared.



1.0 **Approval of the Agenda**
Motion **1.0**

It was moved by T. Stevens and seconded by A. Grunin that:

The agenda be accepted with the possibility for changes to the order of items to address time constraints and with the addition of a motion to authorize the release of the relevant sections of the March 23, 2023, in camera minutes to RBC Dominion.

CARRIED.

2.0 **Approval of the Consent Agenda**
Motion **2.0**

It was moved by K. Schulz and seconded by P. Parikh that:
The following items be approved and/or received for information by Council:

- Approval of the March 23-24, 2023 and April 28, 2023 Council minutes.
- Acceptance of the March 7, 2023 Executive Committee Minutes.

CARRIED.

G. Rehan abstained from voting.

3.0 **Registrar's Message**

C. Roxborough, Registrar and CEO, provided Council with information about his regulatory experience and noted his guiding principles as the new Registrar of the College which includes:

- a focus on Right Touch Regulation and risk,
- emphasis on meaningful engagement,
- system partner collaboration,
- opportunities for continuous improvement, and
- evidence informed decision making.

The conclusion of the presentation highlighted that there are many resources by the College trying to help the profession understand the rules and to translate what the minimum expectations are, which supports preventative regulatory approaches, there is also a strong commitment to the work and to the public interest and collaboration by staff, and there is a strong focus on customer service.

G. Rehan left the meeting at 10:18 a.m.



3.b Motion to Authorize Release of In Camera Minutes

A request from RBC Dominion bank requires the official record of the appointment of C. Roxborough as Registrar & CEO. As this appointment was officially made in camera, in accordance with Governance Policy 7.13, Council was asked to authorize the release of the relevant portion of the in camera minutes of March 23, 2023 to RBC.

Motion 3.b

It was moved by A. Wang and seconded by R. O'Brien that:

Council authorizes the President to permit the release of the requested information contained in the March 23, 2023, in camera minutes to RBC, with all other information being redacted.

CARRIED.

4.0 PT Claims Data and How It Can Inform Decision Making

In keeping with Council's commitment to integrate data to inform decision making and to support more effective reporting, Maggie Green from BMS Canada Risk Services Ltd. provided Council with an overview of professional liability insurance including:

- why physiotherapists require professional liability insurance,
- the difference between malpractice claims, regulatory legal and expense claims (college complaints) and criminal claims,
- the CPO professional liability insurance requirements, and
- different types of liability insurance that do not meet the CPO liability insurance requirement but are helpful to be aware of including Clinic Professional Liability Insurance, Commercial General liability and Cyber Risk and Liability Insurance.

When considering professional liability insurance, physiotherapists should evaluate what is covered and not covered in their policy, are there limits and sub-limits, where and when are they covered, and do they have to pay anything if they have a claim.

M. Green noted that evaluating risk, minimizing exposure, and charging the appropriate rates for the policies are key considerations by insurers while the focus of regulators, such as



the College, is to protect the public and ensure that the public has access to compensation where appropriate.

5.0 Canadian Alliance of Physiotherapy Regulators (CAPR)

Dr. Bob Haennel, Chief Executive Officer of the Canadian Alliance of Physiotherapy Regulators (CAPR) provided Council with an update on the CAPR member and client services as well as some insight into the future direction of the CAPR.

It was noted that CAPR's primary mandate remains focused on exams and credentialing, but that they will consider their role in supporting policy discussions and they anticipate moving toward a more, and potentially fully, competency-based Board.

As part of the future direction of CAPR, the short and long-term plan for the evaluation services was presented which includes:

Short-term plan:

- Launching the client portal.
- Increasing the types of documents that they accept digitally.
- Launching a practice exam.
- Developing a screening tool for IEPTs to assess readiness to challenge the licensure exam.
- Reviewing credentialing policies for barriers (e.g., supervised practice hours requirement).
- Offering the Written Component more frequently.
- Exploring permit-to-permit pathways.
- Enhancing communication with examination candidates/credentialing applicants and partners.
- Reviewing the examination policy.

Long-term plan:

- Developing enhanced written exam targeting patient safety, decision-making and clinical reasoning.
- Developing competency assessment process for IEPTs who do not perform well on the screening tool.
- Establishing partnerships with bridging programs - address IEPTs' education /training gaps.
- With regulators, explore options - allow individuals to practice (restricted) while they are working toward full licensure.
- Developing resources for alternative careers.



- Providing more supports and resources for IEPTs.

6.0 Ontario Fairness Commissioner (OFC)

Commissioner Glasberg presented Council with an overview and several updates on the Office of the Fairness Commissioner, which included:

- A historical overview of the Fair Access Legislation in Ontario.
- The role and the function of the Fairness Commissioner.
- An overview of the Risk Compliance Framework which consider both the regulators historical performance plus a series of forward-looking risk factors.
- The Fair Access Registration Ecosystem.
- The ongoing work on applying diversity, inclusion, and anti-racism principles into fair registration practices.
- And recent legislative amendments to the *Fair Access to Regulated Professions and Compulsory Trades Act* (FARPACTA) and the *Regulated Health Professions Act* (RHPA).

7.0 Introduction to Council Member Commitments

M. Berger, Director Policy, Governance, & General Counsel, provided an overview of Council Member commitments which include conflicts of interest, declaration of office including fulfilling their statutory duties, compliance with the Code of the Conduct and compliance with College policies.

The Code of Conduct was reviewed in detail noting the three components: performance expectations, sanctions, and procedural and other safeguards, highlighting the impact and steps taken when there is a Code of Conduct breach.

8.0 Annual General Meeting

A. Ashton, Deputy Registrar and Chief Operating Officer presented highlights from the Annual Committee Report (Appendix A).

9.0 Approval of the 2023-2024 Committee Slate

E. Persaud, Governance Analyst, presented Council with the proposed 2023-2024 committee slate as recommended by the Executive Committee. Two new additions were also highlighted,



which includes the introduction of Vice Chairs for Committees as a pilot project and the appointment of all Council members to the Discipline and Fitness to Practise Committees, excluding the President. It was noted that should Council approve the appointment of all Council members to the Discipline and Fitness to Practice Committees, excluding the President, an amendment of the By-laws would be required to lift a current maximum of Professional Council members that can be appointed to those committees. It was also noted that if the Vice Chairs pilot is successful, future revisions to the By-laws and Governance Policies would be required.

Council reviewed the changes for each committee which resulted in a few questions regarding the proposed individuals for the Inquiries, Complaints and Reports Committee, however no changes were made.

Motion 9.0

It was moved by P. Parikh and seconded by A. Grunin that:

Council approves the 2023-2024 Committee Slate, including the Chairs, Vice Chairs, and appointments of the non-council Committee members.

CARRIED.

R. O'Brien abstained from voting.

Motion 9.1

It was moved by C. Baxter and seconded by M. Vanwart that:
Council approves the proposed amendments to s. 7.1 (4)(a)(i) and s. 7.1 (5)(a)(i) of the College Bylaws.

CARRIED.

Adjournment of Day One

The meeting was adjourned at 4:36 p.m.



Tuesday, June 27, 2023

The meeting was called to order at 9:00 a.m.

10.0 President's Report

N. Madhvani, President, provided Council with a summary of the President activities since the March Council meeting which included a summary of the post- Council meeting survey results and an overview of the new Council member orientation session that took place in early June.

It was also noted that in keeping with the role of the President, T. Stevens, Past President, nominated A. Ashton, Deputy Registrar & Chief Operating Officer, as the Canadian Alliance of Physiotherapy Regulators (CAPR) Board member.

11.0 Executive Office Report

C. Roxborough, presented Council with an Executive Office report which included an overview of operational work completed in the last quarter that supports the Strategic Plan (Appendix B).

D. Ng joined the meeting at 9:34 a.m.

12.0 Introduction to the Governance Review

In keeping with Council's strategic goal to improve governance practices, The Regulators Practice was selected to conduct a third-party Governance review. Bradley Chisholm, Project Lead, Harry Cayton, Senior Advisor and Deanna Williams, Senior Advisor, presented Council with an overview of the process for this review, including Council's involvement, noting that it will provide Council with clear insight and awareness to their strengths and opportunities for improvements.

The review includes a high-level look at governance practices and Council outputs and includes some education on other governance reviews that have been conducted as a means for additional learning and reflection on environmental trends. The scope of the review will not include a review of the current legislation.

Next steps were highlighted which includes:

- Completion of surveys by Council,



- Committee and Council observations, and
- Focus group sign-up for October focus group sessions.

13.0 Entry to Practice Working Group

J. Huang, Manager, Strategy, provided Council with historical context on the Entry to Practice scoping review conducted in 2019 which produced a number of next steps. In 2021 Council established a working group to investigate the recommendations in more detail and included exploring some possible solutions to the clinical exam.

As the working group has not met since May 2022, and given the changes to the entry to practice landscape, it was assessed that the current entry to practice working group may no longer be fit for purpose. It was noted that staff will continue to monitor external developments and review our registration program elements as needed.

13.0

Motion It was moved by K. Schulz and seconded by R. Obrien that:

Council sunset the Entry to Practice Working Group effective June 27, 2023.

CARRIED.

14.0 Q4 / Year End Financial Report

Z. Robinson, Vice President, Finance & Reporting, provided Council with an update on the College's year-end financial reports. It was confirmed that the College is up to date with all remittances.

15.0 Enterprise Risk Management Policy

Following-up on the education session in June, Z. Robinson provided Council with additional training to further enhance Council's understanding of risk, which included the different types of risk.

Council was then introduced to the concepts of an Enterprise Risk Management Policy and Enterprise Risk Management Program and the differences in accountability between Council and operations. The Risk Registry and Risk Management Model was presented for Council, noting that Council can expect its first Risk report in December.



D. Ng left the meeting at 11:24 a.m.
K. Schulz left the meeting at 12:30 p.m.

16.0 Approval of the 2022-2023 Audited Financial Statements

Blair MacKenzie, Managing Partner, and Geoff Clute, Principle, from the College's auditing firm, Hilborn LLP, presented Council with the 2022- 2023 audited financial statements ending March 31, 2023.

The auditor noted that the College received a clean opinion, and that no material concerns were identified in the audit.

Motion 16.0

It was moved by J. Law and seconded by A. Wang that:

Council approves the 2022-2023 Audited Financial Statements ending March 31, 2023.

CARRIED.

17.0 Motion to Amend the Agenda

The Chair tabled a motion to amend the agenda to add a new item to amend the committee slate as a result of the resignation of Public Member T. Skanes.

Motion 17.0

It was moved by M. Vanwart and seconded by R. O'Brien that:

Council approves the addition of item 17.1 to appoint Laina Smith to the Registration Committee and the Inquiries, Complaints and Reports Committee.

CARRIED.

17.1 Motion to Appoint Laina Smith

In keeping with the Public Member appointment process, all resignations must be approved by the Minister of Health. To ensure that the Registration and Inquiries, Complaints and Reports Committees will remain constituted upon approval of the resignation of T. Skanes, a slate amendment was proposed.

Motion 17.1

It was moved by A. Grunin and seconded by P. Parikh that:

Council appoints Laina Smith to the Registration Committee and the Inquiries, Complaints and Reports Committee.

CARRIED.



18.0 Financial Stabilization Plan

As staff begin developing a long-term financial plan to support an operational and financial decision-making framework going forward, Council was asked to explore its financial priorities within the five areas of:

- Fees
- Deficit
- Operational reserves
- Strategic priorities
- Operational resourcing

To support Council with this discussion C. Roxborough provided an overview of the different factors that impact the College's financial position, which includes the College's revenue streams, approach to budgeting, the Ontario Clinical Exam and its impact on the Colleges revenues, regulatory obligations, operating costs, and the operational reserves.

The feedback provided by Council demonstrated a consensus that there needs to be an appropriate plan to support the financial sustainability of the College. Staff will explore the different options within each of the financial priorities and bring forward a proposed plan to the Council in September.

19.0 Motion **Motion to go in camera pursuant to section 7.2(d) of the Health Professions Procedural Code** **19.0**

It was moved by T. Stevens and seconded by J. Law that:

Council moves in camera pursuant to Section 7.2(d) of the Health Professions Procedural Code.

CARRIED.

Council moved to an in camera session at 2:55 p.m. Council returned to the public portion of the meeting at 3:25 p.m.

N. Madhvani noted that in keeping with the College's commitment to transparency it should be noted in the public minutes that Council discussed a funding request for financial planning analysis software. Council approved this expenditure to implement the financial planning and analysis software in this fiscal year 2023-2024 and integrate ongoing subscription costs into future annual budgets.



20.0 Members' Motion (s)

No members' motions were made.

Adjournment

P. Parikh motioned that the meeting be adjourned. The meeting adjourned at 3:28 p.m.

Nitin Madhvani, Chair

DRAFT

Q1 Executive Committee Report

Reporting Period: April – June 2023 (Q1)

The Committee met two (2) times during this period:

- June 12, 2023
- June 27, 2023

Regular Executive Committee Meetings

Date:	June 12, 2023
Meeting purpose:	Regularly scheduled meeting to preview items that will go forward to Council at upcoming meeting.
Chaired by:	Theresa Stevens
Summary of discussions and decisions:	
<i>Feedback on materials to Council:</i>	
<ul style="list-style-type: none"> • Entry to Practice working group: The Executive Committee provided feedback on materials related to sunsetting the Entry to Practice Working Group. 	
<i>Recommendations to Council:</i>	
<ul style="list-style-type: none"> • Committee slate: The Executive Committee reviewed the proposed slate for each committee and made recommendations for Council to consider. 	
<i>Decisions made within Executive Committee's authority:</i>	
<ul style="list-style-type: none"> • Professional development program for the President: The Executive Committee reviewed the proposed professional development program and determined it was beneficial to establish a structured program to support current and future Presidents in effectively fulfill their role. 	
<i>Other:</i>	
<ul style="list-style-type: none"> • President's Report – received for information • Executive Office Report – received for information • Feedback to staff on Executive Committee meeting format 	

Date:	June 27, 2023
Meeting purpose:	Ad hoc meeting to consider an amendment to the Committee slate
Chaired by:	Nitin Madhvani



Summary of discussions and decisions:

Recommendations to Council:

- Amendments to the Committee slate: the Executive Committee recommended that Council appoint Laina Smith, public member, to the Registration Committee and Inquiries, Complaints and Reports Committee.

Executive Committee Acting on behalf of Council:

The Executive Committee did not act on behalf of Council during this reporting period.

Written Resolutions:

The Executive Committee did not pass any motions via written resolutions during this reporting period.

Meeting Date:	September 28-29, 2023
Agenda Item #:	3
Category:	Governance
Issue:	<i>For Information</i> President's Report
Submitted by:	Nitin Madhvani, President

Governance

Over the last quarter, the President has focused on establishing a collaborative partnership with the Registrar by having regular touch-point meetings and attended a training session with the Registrar called “Building an Effective CEO and Board Chair Partnership”, which was hosted by Propel Nonprofits. The aim of the session was to provide them with an opportunity to discuss how they will support each other in leading the College to success.

As part of the onboarding program for new Council members, a live orientation session was held on Monday, September 18 with Council's two new public members.

The topics covered included:

- An overview of the College and the College structure
- The College program areas
- The rules and responsibilities that guide Councillor conduct
- How to navigate Council meetings
- How to be an effective Council member

Stakeholder/Partner Engagement

Details to be provided verbally.

Council Feedback from June 2023 Council Meeting

Council members were asked to complete a post-council evaluation survey that assessed the effectiveness of the meeting and materials, education sessions and overall satisfaction with the meeting. There was an 85% (11/13) completion rate.

Overall, the feedback was very positive. Council members felt that the agenda had an appropriate balance between education, for information items and decision items. They also felt that the meeting was well facilitated and that a diversity of opinions was heard and considered during the discussions.

The education sessions were also positively received, and there were some suggestions that we should explore additional practical education sessions, like the education session on



Item	Responsibility	April	May	June	July	August	September	October	November	December	January	February	March	As Needed
2.8 Monitor quarterly financial statements	Council													
2.9 Review financial policies and procedures	Finance													
2.10 Review of College Investments	Council													
3. Registrar/CEO														
3.1 Receive reports on operations from Registrar/CEO	Council													
3.2 Set performance goals for Registrar/CEO	Council/ Exec													
3.3 Review reports on completion of Registrar/CEO performance appraisal – TBC.	Council/ Exec													
3.4 Annual performance appraisal for Registrar/CEO – TBC.	Council													
4. Council Activities														
4.1 Approve committee slates and appointment of committee chairs	Council													
4.2 Appointment of new committee members (combined with slate as needed)	Council													
4.3 Approve Council minutes	Council													
4.4 Annual General Meeting (as part of a Council meeting)	Council													
4.5 Review annual committee reports	Council													
4.6 Elect President, Vice President, and Executive Committee members	Council													
4.7 Evaluate meeting performance	Council													
4.8 Complete Council self evaluations	Council													
4.9 Council mid-year check-in calls with the President	Council													

Meeting Date:	September 28-29, 2023
Agenda Item #:	4
Category:	Education – <i>presentation only (no materials)</i>
Topic:	Canadian Alliance of Physiotherapy Regulator’s (CAPR) Evaluation Services Re-envisioned
Presented by:	Brandi Park, National Director of Evaluation Services & Kelly Piasentin, Lead Psychometrician

Presenters Biography:

Brandi Park joined CAPR as the National Director of Evaluation Services in November 2022. In her role, she collaborates with the relevant system partners to set the strategic direction for the credentialing and examination programs. She provides leadership and expertise to program staff and committees and establishes efficient and effective systems to implement the programs on a pan-Canadian basis. Brandi holds a degree in Public Administration and Governance. She has over 15 years of experience working for health regulators in Ontario and British Columbia. She has primarily worked in the areas of registration and policy. In her roles, she worked closely with third parties delivering components of regulatory processes, ensuring appropriate accountability and oversight.

Kelly Piasentin is the Lead Psychometrician for the Canadian Alliance of Physiotherapy Regulators (CAPR) where she oversees psychometric activities related to the development, delivery, and evaluation of the national entry-to-practice physiotherapy licensure examination. Part of her role is to evaluate the validity, reliability, and fairness of CAPR’s assessment tools, ensuring that each aspect of their development, administration and scoring conforms to industry testing standards. Kelly has more than 15 years of psychometric experience working with regulatory bodies, professional associations, and government agencies on high-stakes licensure and certification assessments. She received a Ph.D. in Industrial-Organizational psychology in 2007 from the University of Calgary.

Meeting Date:	September 28-29, 2023
Agenda Item #:	5
Category	Governance
Issue:	<i>For Information</i> Registrar's Report
Submitted by:	Craig Roxborough, Registrar & CEO

Issue:

Council is provided with updates regarding key activities, regulatory trends, and/or relevant environmental developments.

Public Interest Assessment:

Regular reports to Council on the College's activities and performance supports Council's oversight to ensure the College is fulfilling its public interest mandate.

Background:

A. Streamlining Council Materials

Regulatory, strategic, and operational activities are reported to Council through a variety of tools. Historically, this included quarterly reports from Committees and departments within the College. While there are annual reporting obligations for Committees, there are no requirements for quarterly updates.

With a new suite of reports being rolled out, an opportunity to provide a new streamlined approach to Council reporting has been identified. The new suite of reports focuses on providing the most relevant and important information to support Council in your oversight and decision-making roles. Council will continue to receive a comprehensive set of reports at each meeting, including: a dashboard, a risk report, a financial report, a Registrar's report (that will include relevant environmental trends), and an Executive Committee report. Other Committees will also report to Council annually, and if there are emerging trends or risks, they will be highlighted in the Registrar's report.

The Registrar's report will be a key tool to support Council in this new reporting model, as it will be where key highlights from the various reports will be pulled together. While the above reports will still be included in the Council package for information, the Registrar's report will complement them by highlighting items from those reports that are important, relevant, and require Council's closer attention.

Additionally, Executive Committee minutes were historically shared with Council and posted publicly in response to an interpretation of a College Performance Management Framework measure. A re-evaluation of that requirement has led to the development of a new Executive Committee report that provides a public report on the activities of this Committee in lieu of detailed minutes. This enables transparent reporting regarding the Executive Committee's activities while supporting robust minute taking regarding the committee's guidance and direction on issues prior to public presentation.

Finally, the Registrar's Report will also include a running list of action items stemming from Council meetings to support accountability and transparency with respect to how Council direction is discharged.

Collectively, these changes reduce the reporting requirements internally, seek to minimize and consolidate reporting to Council with a focus on areas of greatest risk or significance, and continue to enable appropriate decision-making and oversight across the governance structures of the College.

B. Strategic and Operational Updates

What follows is a non-exhaustive list of relevant activities, regulatory trends, or environmental developments in support of Council's oversight role. The updates are organized in relation to each pillar of the College's [Strategic Plan](#).

Risk & Regulation: Effectively regulate the physiotherapy profession in Ontario & advance its regulatory work through a risk-based approach.

Ontario Clinical Exam (OCE)

- Significant increases in the number of candidates registering for the exam have been observed. This is likely due, in part, to the resolving backlog at the national level.
- Increases in the number of seats available for each exam cycle have been made to ensure the College is not a barrier to timely completion of entry to practice requirements.

Scope of practice

- Advocacy with respect to physiotherapy scope of practice is currently underway in an active capacity. For example, the Ontario Physiotherapy Association has renewed their efforts and the Canadian Physiotherapy Association is calling for a [consistent national approach](#) to this space.
- Within Ontario, most of this work focuses on previously passed legislation that would if implemented through appropriate regulatory changes enable physiotherapists to order certain diagnostics.
- The College worked jointly with the OPA when this work was previously examined.

Emergency class of registration

- The regulations to create the emergency class of registration are now in force.
- A new policy providing guidance to Council on what constitutes an emergency that warrants opening this class of registration is in development.

Engagement & Partnership: Collaborate, partner, & engage with the public, profession, & other stakeholders in a clear, transparent, and timely manner to enhance trust and credibility.

Ontario Physiotherapy Association (OPA) and Canadian Physiotherapy Association (CPA)

- Existing relationships have been re-established with regular communication on live issues.
- New leadership at the Canadian Physiotherapy Association has presented an opportunity for a re-establishment of this relationship.
- Opportunities to explore partnership and collaboration and to understand the perspectives of physiotherapists on issues facing the profession have been undertaken.

Academic community

- As part of the Registrar's ongoing outreach, all academic program leads have been met to re-establish relationships and seek new opportunities for collaboration. This included exploring potential opportunities to leverage regulatory learnings in an academic setting. For example, ongoing support through outreach activities with the College's Practice Advice team.
- The Registrar was also invited to present to and welcome the incoming class at the University of Toronto.

Canadian Alliance of Physiotherapy Regulators (CAPR)

- Regular meetings or communication is underway to support information sharing and collaboration (e.g., back-to-back presentations to Council, updates regarding exam sessions).
- Following the recently approved recommendations to restructure CAPR (e.g., focus on evaluation and credentialing with a competency-based board), much work is underway including a re-envisioning of how the Registrar's of each regulator can continue to information share and collaborate.

Ministry of Health

- Relationships with the Ministry of Health have been re-established to support ongoing work and keep apprised of upcoming issues within the system.
- Information outlining the College's response to the challenges of the pandemic and registration was provided to detail the impact our actions have had and to confirm the College's commitment to removing barriers to registration.

Registrants and Learners

- Student material relating to Business Practices and Boundaries have been updates to support enhanced student engagement.
- A Practice Advisor is attending the upcoming PT North event to connect with physiotherapists working in Northern Communities.

Supporting Participants in Regulatory Processes

- Created or updated numerous resources to support participants in regulatory processes, for greater transparency and ensuring full participation:
 - Updated information about therapy and counselling funding to increase transparency about program.

- Added more resources for unrepresented physiotherapists and witnesses to support their participation in the disciplinary process.

People & Culture: Promote a collaborative environment & a culture based on equity, diversity, and inclusion principles while ensuring staff & Council have the resources they need to do their best work. Having an effective team will result in greater protection of the public interest.

Public Members

- Following recent advocacy efforts, the College received news of two new public appointments. Each appointment is for one year only.
- Committee appointments have already been assessed and recommended by the Executive Committee for Council's consideration (see Item 12 in the meeting package).
- We are working with other colleges through a Health Profession Regulators of Ontario (HPRO) working group to help collectively address and advocate for improvements on issues related to public member appointments.

Supporting Quality Assurance Assessor Performance

- The Quality Assurance team is in the process of a review exercise to evaluate performance of new and experienced assessors and provide feedback to assessors.
- The team created a feedback document to capture information in a standardized way.

Performance & Accountability: Implement strong corporate structures & systems that include effective data, technology, & processes to enable informed decision-making & progressive corporate performance to extend CPO's work & impact.

QuickBooks Online (QBO)

- Staff have recently completed a transition from QuickBooks desktop to QuickBooks Online accounting software. This supports our full migration of work to cloud-based technology and decommissioning of on-premises servers.

Council and Committee Extranet

- "One-stop-shop" for Council and Committee members to access the materials they need to do their work, leading to a better user experience, while ensuring confidentiality.
- This approach also simplifies internal processes for staff to post materials.

SharePoint and Atlas migration

- The Professional Conduct team recently transitioned to working in SharePoint and Atlas (our registrant database).
- This is an essential step to supporting more streamlined and robust data collection and analysis regarding this core regulatory function.

Registration processes

- The team is continually implementing improvements to processes and forms for more effective and efficient processes and a better applicant experience:
 - Setting up automated alerts to reduce the need for manual checking.

- Refreshing external communication materials for greater ease of use.
- Changing the Professional Health Corporation forms to proactively address common questions and errors when completing the forms.
- Better coordination between exams and registration teams for a more streamlined applicant experience, removing duplication.

Staff engagement on Strategy and the College Performance Measurement Framework (CPMF)

- Staff at all levels are actively being engaged in our strategic plan to build greater capacity to fulfill Council's vision for the organization.
- This included an all-staff strategy session, exploring our organizational 'North Star', our strategic plan, and how all College work is shaped by or contributes to fulfillment of the strategic plan.
- A full review of all 22 CPMF measures that are not yet fully implemented is underway. Work is underway to identify the actions that can be taken in 2023 (or 2024 at the latest) to fully meet the measures.

KPIs and Internal Metrics

- A data strategy to complement the implementation of the Council's Key Performance Indicator Dashboard is under development.
- The aim is to build the operational level metrics needed to understand and support the Council level metrics and support performance improvements in each domain.

Decision Sought:

This item is for information.

Related Action Items (ongoing):

A running list of action items from previous Council meetings; once items are marked complete, they will come off the list.

Date of Meeting	Action item description	Required by date	Current Status
February 10, 2023	Circulate draft regulations regarding the emergency class of registration for comment	February 13, 2023	Completed
March 23-24, 2023	Submit CPMF report to the Ministry and post to the College website	No later than March 31, 2023	Completed
March 23-24, 2023	Begin implementation of the revised Standards review framework.	Starting in spring / summer 2023	Completed. Council will review new Standards starting in December 2023.
March 23-24, 2023	Operationalize the new Allowances and Expenses Policy.	By April 1, 2023	Completed

Date of Meeting	Action item description	Required by date	Current Status
April 28, 2023	Submit the approved emergency registration regulation to the Ministry by May 1, 2023. Post the amended regulations for comment and seek permission to abridge the consultation period from the Ministry.	May 1, 2023	Completed. Permission to abridge was received from the Ministry in early May.
June 26-27, 2023	<i>There were no action items or decisions that require follow-up from this meeting.</i>	—	—

Meeting Date:	September 28-29, 2023
Agenda Item #:	6
Category	Education – <i>Presentation only (no materials)</i>
Topic:	Risk Tolerance
Presented by:	Dragica Robinson, Managing Director

Presenter Biography:

Dragica Robinson has held roles as an Employee, a Partner, an Executive, an Educator, a Board Director, a Facilitator, and a Speaker in public and private domains. Her experiences represent her work on 4 continents. She is continually exposed to diverse cultures and industries, both at the strategic and operational levels. She combines her expertise in risk management with deep experience in management practices, strategy, change and quality management.

Her experiences position her to be able to lead by example in fields where adaptability, decision-making and versatility are necessary to support a collaborative environment. Dragica has had to adapt to environments where emerging technologies, processes and operating business models are subject to change due to cultural shifts and the environment.

For 20+ years she has transferred this experience into coaching, mentoring, consulting, and teaching those on Boards, and in Management roles to expand their capabilities and knowledge and apply new learning. She helps clients establish a core for success, built on delivering performance and value using their capabilities.



Motion No.: 7.0

**Council Meeting
September 28-29, 2023**

Agenda #7.0: Enterprise Risk Management Policy

It is moved by

and seconded by

that:

Council approves the Enterprise Risk Management Policy.



Motion No.: 7.1

**Council Meeting
September 27-28, 2023**

Agenda #7.0: Risk Management Policy

It is moved by

and seconded by

that:

Council approves the revised terms of reference for the Finance Committee, now referred to as the "Risk, Audit, and Finance Committee," and that all references to this Committee in the By-Laws and Governance Policies be updated accordingly.

Meeting Date:	September 28-29, 2023
Agenda Item #:	7
Category	Risk
Issue:	<i>For Decision</i> Enterprise Risk Management Policy
Submitted by:	Craig Roxborough, Registrar & CEO Zoe Robinson, VP Finance & Strategy

Issue

The Council is asked to approve an Enterprise Risk Management (ERM) policy for the College of Physiotherapists of Ontario and a change to the Finance Committee's terms of reference in alignment with the policy.

Background

Risk cannot be eliminated, nor should it be. Taking responsible risks is part of the work required to achieve the College's strategic and key operational objectives and can drive opportunity and growth. Yet, risks need to be managed. The public, registrants, system partners, government, College employees, and Council must have confidence that actions taken by the College will support its mission to protect and serve the public interest through effective regulation.

Managing risk is not just reporting risk; it also includes incorporating risk into decision-making, anticipating, and mitigating risks. Risks may be negative or positive. Negative risks are considered threats to the CPO whereas positive risks are considered opportunities. Both types of risks need to be managed.

Risk management occurs at all levels of the organization and is integrated into the College's daily work culture. Enterprise Risk Management (ERM) needs to ensure risk is being managed at the appropriate level of the organization and individuals directly or indirectly impacted by the risk should be consulted when deciding how to anticipate and mitigate the risks prior to final decisions being made.

A risk strategy takes into consideration the College's level of risk appetite and tolerance, assessing the level of appropriate risk and the boundaries for this identified risk.

Enterprise risk management is not to be confused with risk-based regulation. Whereas enterprise risk management is about managing risk events that impact the College's strategy or operations, risk-based regulation involves moving from a general commitment to the "public interest" to specific and relevant risks of harm that the regulator would focus on at a particular point of time.

Analysis and Need

Risk management is essential to effective oversight since internal and external risks may impact the ability of the Council to fulfill its mandate. The Ministry of Health's College Performance Management Framework (CPMF) requires the College to have and regularly review a formal approach to identify, assess, and manage internal and external risks. This approach must be reflected in the College's strategic plan as well.

Policy

The Enterprise Risk Management (ERM) policy, as provided in Appendix 1, outlines the purpose of the policy. The Policy provides a framework to execute a uniform process for identifying, measuring, mitigating, and report on key organizational risk.

The Policy defines in broad terms the College's risk culture whereby risk is inherent to the College's work and needs to be managed efficiently and effectively to acceptable levels.

The Policy outlines the roles, key responsibilities, and accountabilities for the various ERM stakeholders – Council, management, staff. It provides a framework for the types of risk generally reviewed by each ERM stakeholder.

The Policy outlines the College's approach to risk management which provides guidance to the Registrar and CEO to direct the ERM policy and program.

Last, the Policy requires management to develop appropriate tools to manage enterprise risk, to report this risk to the required governance committees and the Council.

Changes required to implement the Policy

The ERM policy suggests a change in the terms of reference for the Finance Committee and the revised term of reference is attached as Appendix 2. The review of enterprise risk management policies and the responsibility to receive and review enterprise risk management reports need to be added to the Committee's terms of reference.

Governance of risk is the responsibility and accountability of the Council and the Council delegates this authority to a standing committee to provide oversight and report to the Council. A common governance structure is for the finance and audit committees to take on the responsibility of risk oversight.

It is proposed that the Finance Committee is renamed as the **Risk, Audit, and Finance Committee ("RAFC")** and the terms of reference for this committee be updated to assign oversight responsibilities for risk to RAFC. This is a common governance approach used by RHPA colleges, such as the colleges of Audiologist and Speech Language, Kinesiology, and Respiratory Therapy.

The change in the Finance Committee's name and terms of reference requires a change to the by-laws, but does not require a 60-day review consultation period with membership and can be approved by the Council.

Public Interest in this Decision

The following public interest considerations are particularly important in this decision and all assessment of risk will likely touch on at least one of these categories.

Decision Sought

1. That the Council approves the Enterprise Risk Management Policy.
2. That the Council approves the revised terms of reference for the Finance Committee, now referred to as the "Risk, Audit, and Finance Committee," and that all references to this Committee in the By-Laws and Governance Policies should be updated accordingly.

Appendices

1. Enterprise Risk Management Policy – draft
2. Risk, Audit, and Finance Committee terms of reference – draft

Section:

Policy #

Title: Enterprise Risk Management

Applicable to: Council, Committees and staff

Date approved: TBD

Date revised:

Introduction

The College of Physiotherapists of Ontario (the “College”) uses an enterprise-wide approach to managing regulatory and business risks. The Enterprise Risk Management (ERM) approach supports the utilization of a uniform approach for identifying, measuring, mitigating, and reporting on risk.

This approach enables Council to effectively fulfill its mandate, discharge its governance responsibilities, and provide direction to the Registrar & CEO and College Leadership as they exercise their due diligence. It also recognizes that all members of the organization have a role to play in risk management and demonstrates our collective commitment to risk management both internally and externally.

Purpose

The ERM policy provides the framework needed to support a uniform process for identifying, measuring, mitigating, and reporting on key organizational risks. This includes, but is not limited to, strategic, public interest, and operational risks.

The policy achieves this objective by:

- Promoting an environment where risk management is an integral part of the College’s organizational culture;
- Establishing a commitment to risk assessment as part of all College decision-making;
- Outlining clear responsibilities and accountabilities throughout the College;
- Requiring an articulation of the College’s risk appetite and tolerance and monitoring risk management processes through the development of a risk registry; and
- Supporting College-wide communication and monitoring regarding risk management.

Risk Culture

The College recognizes that taking reasonable risks is inherent to its work and that risk cannot, nor should it, be eliminated. However, risk needs to be managed efficiently and effectively to acceptable levels.

As part of this, the College is committed to managing risk in a manner that is transparent and builds confidence both internally and externally that the College will take the action needed to fulfill its mandate to serve the public interest.

The College recognizes that risk management requires both an organization-wide and departmental approach that balances risk with anticipated benefits in all decision-making. This process engages all individuals throughout the organization to consider risk as part of normal day to day activities.

Roles, Responsibilities, and Accountability

While recognizing that all individuals throughout the organization have a role to play in risk management, key roles within the organization possess specific responsibilities and accountabilities in relation to specific types of risk.

- service.

Role	Responsibility and Accountability	Type of Risk
Council	Responsible for approval of CPO's strategic plan, annual operational budget, governance policies, including the ERM policy, and by-laws. This includes the development of the College's risk appetite and tolerance and monitoring the College's risk management processes through review of regular risk reports.	Strategic, public interest, regulatory, and key operational (material) risks
Committee Members	To consider risk within their scope of responsibility as defined by statute, College by-laws, and policies when making decisions within their statutory role.	Committee decisions related to statutory role.
Executive Committee	Act on behalf of Council to discharge Council's risk responsibilities as required between meetings of the Council.	Strategic, public interest, regulatory, and key operational (material) risks
Risk, Audit and Finance Committee	Responsible for reviewing enterprise risk management policies and enterprise risk management reports prior to their presentation to Council, providing more regular oversight of the College's enterprise risk management processes through regular updates from the Registrar & CEO or their designate. This Committee will support Council in its review of the ERM policy and provide recommendations when appropriate.	Strategic, public interest, regulatory, and key operational (material) risks, with a focus on financial and audit related risks.
Registrar & CEO	Responsible for managing organizational risks, developing and implementing the College's ERM program, ensuring the ERM program is actively utilized, and reporting to Council in support of its oversight responsibilities. These responsibilities may be delegated as necessary, but overall accountability rests with the Registrar & CEO.	Strategic, operational, and regulatory risks.
Risk Officer	Identified by the Registrar & CEO as a member(s) of the CPO's Leadership Team, the Risk Officer has primary responsibility for leadership and daily	Strategic, operational, and regulatory risks.

management of the ERM processes and risk register. The Risk Officer provides support across the organization to support the implementation of risk management processes and supports reporting processes to both the Risk, Audit, and Finance Committee and Council.

Leadership Team	Responsible for identifying, assessing, managing, and reporting risks within their scope of authority and accountability. They provide direction on the implementation and evolution of these processes and priority areas of focus.	Strategic, operational (particularly departmental and project), and regulatory risks.
Project Leads	Responsible for identifying and assessing risks within the scope of projects, programs, or services that they lead. They will engage leadership in these processes as needed and support risk-based decision-making regarding the project, program, or service.	Operational project risks.

Policy

Approach and Commitment

The College's approach to risk management:

- Is guided by the Strategic Plan, annual operational budget, governance policies, College by-laws, and relevant legislation. It is through these foundational resources and frameworks that key risks will be identified and managed.
- Is informed by an understanding that risk is inherent to fulfilling our regulatory obligations and implementing innovative approaches to fulfilling our strategic objectives.
- Recognizes there are a diversity of risks that the organization might face, including but not limited to, regulatory, strategic, operational, and financial.
- Requires an organization-wide approach to identifying, assessing, mitigating and managing, and reporting on risks in relation to all decision-making processes.
- Necessitates that all individuals captured by this policy be aware of and apply risk management processes in line with their level of responsibility and role within the organization.
- Recognizes that risk management processes must continuously evolve to respond to changing environments.
- Requires employees and Council members to learn about the principles of enterprise risk management and be regularly trained to fulfill their respective responsibilities.

Risk Appetite and Tolerance

Council will establish the College's level of risk appetite and tolerance.

All risks will be assessed and managed in accordance with Council's risk appetite and tolerance assessment.

Procedure

Risk management within the College is a deliberate process of identifying, analyzing, monitoring, and consciously accepting or mitigating risk within approved risk tolerances.

College staff need to implement risk management practices in accordance with their organizational responsibility, being aware of the limitations on their ability to respond to an identified risk and reporting up through the organization, including to the Registrar & CEO, where appropriate.

The Risk, Audit, and Finance Committee and Council will be kept apprised of any significant or material risks that have been identified in a timely manner, urgently if necessary, having regard to the nature and scope of the risk.

Monitoring and Reporting

Risk register(s) will be developed reflecting the risk appetite and tolerance articulated by Council and to support risk assessments throughout the organization. Risk registers will identify the risk, the likelihood and impact of the risk, and controls in place to mitigate the risk.

The Registrar & CEO or their designate will routinely report on the College's key risks to the Risk, Audit, and Finance Committee and Council to support their oversight responsibilities.

Responding to Changing Needs

This policy and the risk appetite and tolerance set by Council will be reviewed annually to ensure currency.

The Risk, Audit, and Finance Committee will provide recommendations to Council regarding any changes that may be needed to the policy.

Allocation of Resources

The College's annual budgeting and long-term planning will include the allocation of financial and human resources for the management of the College's risks.

Section: Terms of Reference
Title: Risk, Audit, and Finance Committee
Date approved: December 2010
Date revised: September 2011, October 2012, February 2013, September 2013, June 2021

Policy #2.8

Style Definition: Numbering: Indent: Left: 0.5", Space After: 0 pt, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"

Type

Non-Statutory

Legislative/By-law References

By-laws 7.3(1)

Role

The role of the Risk, Audit, and Finance Committee is to monitor financial planning, management and reporting matters, and enterprise risk management matters of the College, to make recommendations and deliver reports to Council, and to serve as the College's audit committee.

Accountability

Council

Duties

1. To make recommendations for Council approval and/or deliver reports to Council in the following areas:
 - a. Annual operating and capital budget;
 - b. Annual audited financial statements;
 - c. Appointment of auditors; and
 - d. Policies related to financial management.
 - e. To report to Council at each Council meeting on:
 - f. Financial planning, management and reporting issues;
 - g. Interim financial reports;
 - h. Reports from auditors and administration on internal control issues; and
 - i. Other matters.
 - j. To monitor environmental trends that are relevant to the mandate of the committee and inform Council of issues that are relevant.
 - k. Receive and review enterprise risk management reports.
 - l. Review policies related to enterprise risk management.
 - m. To serve as the Audit Committee:

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- t.n. To review the audited annual financial statements, in conjunction with the report of the external auditors, and obtain an explanation from management of:
 - m.o. all variances between comparative reporting periods;
 - p.p. a response to any identified weakness; and
 - o.g. observations related to the financial efficiency and future viability of the organization.
- p.r. To enquire into the financial risks faced by the organization, and the appropriateness of related controls to minimize their potential impact.
- q.s. To discuss with the auditor any recommended changes to the existing accounting policies and practices.
- t. To meet privately with the external auditors (without the presence of management) and with senior management (without the external auditors) to obtain full disclosure about any concerns with the audit process prior to the Council meeting at which the audited statements are received.
- s.u. To recommend, when appropriate, approval of the audited financial statements to the Council.
- v. To annually evaluate the performance of the external auditors and recommend to the Council the appointment or changes to the appointment of a firm of chartered accountants as the organization's external auditors.
- w. To oversee the tendering for an audit firm, when directed by Council.
- x. When needed, to develop finance policies and recommend them to the Executive Committee and Council for consideration and approval.

Composition

Composition of the Risk, Audit, and Finance Committee is defined by subsection 7.1(1) of the College's By-laws.

Term of Office

Appointment to the Risk, Audit, and Finance Committee is one year and renewable annually to a maximum of nine consecutive times.

Meeting Date:	September 28-29, 2023
Agenda Item #:	8
Category:	Finance
Issue:	<i>For Information</i> Q1 Financial Report
Submitted by:	Zoe Robinson, VP Finance & Strategy

Issue

This briefing note provides a summary of the College's financial performance and health for period April 1, 2023, to June 30, 2023, Q1 of Fiscal Year 2024.

Public Interest in this Decision

The following public interest considerations are particularly important in this decision and responsible financial planning will ensure the programs and services provided the College are properly financially supported to protect and serve the public interest in each of the identified areas.

Background

The College's fiscal year end is March 31st each year. The quarterly financial statements are prepared in accordance with the Accounting Standards for Non-Profit Organizations and include estimates provided by management. The financial statements are unaudited.

Dashboard

The top row of the dashboard represents the College's financial performance based on the statement of Operations. The middle row represents the College's financial health based on the statement of financial position. The bottom row represents comparisons of the statement of operations to the previous year and the annual operating budget.



Statement of Operations (i.e., financial performance)

The College realized a \$170,813 surplus during FY 2024 Q1. This is 42% higher than anticipated, reflected in the fiscal year 2023-2024 annual operating budget.

The improved financial performance was due to a 4% increase in total revenue, while total expenses were 1.5% lower than the operating budget for the period. Total revenue and expenses were within the 5% variance established by the Council.

Increased revenue was primarily driven by 29 more candidates sitting the Ontario Clinical Exam in June 2023 than initially planned. Income from interest earned was also higher than budgeted to higher interest rates on the College's RBC bank accounts.

Overall expenses were on track in Q1 and 1.5% lower than planned in the operating budget. This total expense variance is within the 5% variance allowance the College uses.

Expenses were slightly higher in Information management and lower in professional conduct due to timing reasons. Expenses in both categories are expected to increase in Q2 and reach the planned budget by the end of this year. Legal fees for professional conduct also include a credit entry for the complaints and discipline accrued expenses that decrease the overall legal fees. Council and committee meeting allowances and expenses were lower than expected due to fewer and joint Committee meetings. The Chair's education session was also postponed to Q2. Policy development expenses were lower than expected because planned projects have been deferred to Q2 or Q3.¹

Expenses for the Ontario Clinical Exam were higher than expected due to the higher number of candidates sitting the exam in June 2023. As a result, technology costs increased.¹

Expenses for the Ontario Clinical Exam were higher than expected due to the higher number of candidates sitting the exam in June 2023.

Statement of Financial Position (i.e., financial health)

The College's assets (i.e., what the College owns) as of June 30, 2023, decreased from March 31, 2023, due to cash to support normal operations.

The College's liabilities (i.e., what the College owes) as of June 30, 2023, decreased in Q1 as registration deferred revenue is recognized on the Statement of Operations. Accrued liabilities related to complaints and discipline accruals decreased by approximately \$86,000 as cases accrued as of March 31, 2023, are closed, including 2 cases at the discipline committee and 6 cases at ICRC, and legal bills are paid for ongoing accrued cases.

The College's current ratio (e.g., current assets divided by current liabilities) is 1.06². This is due to high levels of deferred revenue. The College is financially stable, with over \$4.8 million of cash invested in long-term investments, which are not included in the current ratio calculation.

The College's operating reserve (i.e., unrestricted net assets) as of June 30, 2023, is slightly lower than reported on March 31, 2023, and is reported as covering 5.3 months of the annual operating budget. While Unrestricted Net Assets increased, the size of the

Ontario Clinical Exam (OCE)

2 days of administering the Ontario Clinical Exam (OCE) took place during Q1. A total of 149 candidates participated in the June 2023 exam, with 29 more candidates than planned. The number of candidates increased the revenue received and the expenses paid, particularly for OCE examiners and virtual proctors. The improved financial results from the June 2023 OCE and the anticipated increase in the number of OCE candidates sitting the exam in October 2023, January 2024, and March 2024 will contribute to an overall improvement in the overall financial results for the College. The table below provides a summary of the forecast for the OCE to the end of March 2024.

¹¹ GL a/c 5505 – deferred projects to Q2 and Q3 include legal fees for standards and by-law work, EDI working group activities, CAG consultation standards, and Collaborative policy initiatives.

² The Current Ratio should be greater than 1.0 which indicates the College has sufficient assets to cover its liabilities (what the College owes) within the next 12 months.

Forecast Summary - OCE FY 2024

	Actual Q1	Projection Q2	Projection Q3	Projection Q4	Projection Total FY 2024
Revenue	\$ 295,765	\$ -	\$ 516,100	\$ 1,087,780	\$ 1,899,645
Expenses	\$ 229,349	\$ 149,486	\$ 383,060	\$ 683,733	\$ 1,445,628
Surplus (Deficit)	\$ 66,416	\$ (149,486)	\$ 133,040	\$ 404,047	\$ 454,017

The positive financial results of the OCE in FY 2024 contribute to a more positive outlook on the long term forecast for the OCE up to FY 2028 as presented in the table below.

OCE Forecast to FY 2028

Fiscal Year	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Total
# Candidates	470	957	540	540	540	540	
Revenue	\$ 923,740	\$ 1,899,645	\$ 1,071,900	\$ 1,071,900	\$ 1,071,900	\$ 1,071,900	7,110,985
Expenses	\$ 1,195,437	\$ 1,445,629	\$ 1,101,615	\$ 1,134,663	\$ 1,168,703	\$ 1,203,764	7,249,811
Annual Surplus (Deficit)	\$ (271,697)	\$ 454,016	\$ (29,715)	\$ (62,763)	\$ (96,803)	\$ (131,864)	(138,826)
Accumulative Surplus (Deficit)	\$ (271,697)	\$ 182,319	\$ 152,604	\$ 89,841	\$ (6,962)	\$ (138,826)	

The OCE is cost-neutral up to the end of FY 2027 in this model, and the loss in FY 2028 contributes to an overall deficit for the OCE for the period FY 2023 to FY 2028. The forecast only considers direct costs to the OCE.

The council directed that “in-kind” contributions (or the opportunity costs) associated with non-exam staff support of the exam be captured and measured going forward. This work is underway to provide Council with a more comprehensive picture of how the exam is being managed and to support future decision-making regarding exam fees. This will require monitoring and tracking over multiple iterations of the exam to understand the true costs across the organization. Updates to this effect will be provided once this information has been captured and monetized.

An analysis is underway to help determine whether the increase in candidates for 2024 will continue moving forward. If the number of candidates continues to increase above historical norms, the OCE could continue to generate a surplus relative to direct costs. Updates to this effect will be provided once this information is available.

Looking Forward

The College anticipates the number of candidates writing the Ontario Clinical Exam will be higher than planned for the remainder of the fiscal year. The higher number of candidates will result in higher revenue and expenses, but the overall result will be a reduction in the College’s budgeted deficit.

The College's management team continues to seek a sublease to take on the College's office space. At the time of writing, the College is having discussions with potential partners to develop a space-sharing model to recoup some of our current lease costs.

Strategic Importance

The College's financial plans support the ability of the College to deliver its regulatory obligations and strategic initiatives. Council's fiduciary responsibility to provide financial oversight is achieved by receiving regular financial reports.

Decision Sought

1. Provided for information.

Appendices

1. Statement of Operations FY 2024 Q1 – Budget and Actual Comparisons
2. Statement of Operations FY 2024 Q1 – Prior Year Comparison
3. Statement of Financial Position FY 2024 as of June 30, 2023
4. Statement of Cash Flows as of June 30, 2023

College of Physiotherapists of Ontario
Statement of Operations

Budget vs. Actual

April through June 2023

	<u>Apr - Jun 23</u>	<u>Budget</u>
Ordinary Income/Expense		
Income		
Total 4001 - Registration Fees	1,714,618.19	1,755,821.18
4002 - Interest Income	91,922.40	37,388.50
4010 - Miscellaneous Income	2,150.00	
Total 4008 - Admin Fees	53,528.00	57,049.07
4030 - ETP Assessment Fees		
4033 - Reg Com - OCE Fee (\$1,985)	295,765.00	238,200.00
4032 - Reg Com Screening Interview Fee	1,800.00	0.00
4031 - Reg Com Exemption Fees (\$800)	104,600.00	85,600.00
Total 4030 - ETP Assessment Fees	<u>402,165.00</u>	<u>323,800.00</u>
Total Income	<u>2,264,383.59</u>	<u>2,174,058.75</u>
Gross Profit	2,264,383.59	2,174,058.75
Expense		
Total 5000 - Committee Per Diem	31,600.75	62,478.09
Total 5050 - Committee Reimbursed Expenses	10,731.80	33,846.50
Total 5100 - Information Management	124,046.25	103,652.66
5200 - Insurance	3,491.91	5,984.71
5300 - Networking	604.32	100.00
Total 5400 - Office and General	234,867.30	218,221.27
Total 5500 - Regulatory Effectiveness	6,885.68	25,973.75
Total 5600 - Communications	24,825.54	24,423.75
Total 5700 - Professional fees	40,639.47	51,097.84
5800 - Programs		
Total 5830 - Entry to Practice - Projects	229,349.68	147,269.01
Total 5810 - Quality Program	7,478.00	52,064.00
5802 - Jurisprudence	0.00	12,465.57
Total 5880 - Remediation	4,738.56	240.00
4022 - Recovery of Therapy Costs	-1,111.12	0.00
5890 - Therapy and Counselling Fund	6,327.05	15,231.84
Total 5800 - Programs	<u>246,782.17</u>	<u>227,270.42</u>
Total 5900 - Staffing	1,337,096.48	1,305,933.49
6001 - Amortization	32,629.32	44,746.38
Total Expense	<u>2,094,200.99</u>	<u>2,103,728.86</u>
Net Ordinary Income	<u>170,182.60</u>	<u>70,329.89</u>
Net Income	<u><u>170,182.60</u></u>	<u><u>70,329.89</u></u>

College of Physiotherapists of Ontario
Statement of Operations
Prior Year Comparison

April through June 2023

	<u>Apr - Jun 23</u>	<u>Apr - Jun 22</u>
Ordinary Income/Expense		
Income		
Total 4001 - Registration Fees	1,714,618.19	1,461,457.98
4002 - Interest Income	91,922.40	29,654.44
4010 - Miscellaneous Income	2,150.00	0.00
Total 4008 - Admin Fees	53,528.00	50,575.00
4030 - ETP Assessment Fees		
4033 - Reg Com - OCE Fee (\$1,985)	295,765.00	0.00
4032 - Reg Com Screening Interview Fee	1,800.00	0.00
4031 - Reg Com Exemption Fees (\$800)	104,600.00	108,100.00
Total 4030 - ETP Assessment Fees	<u>402,165.00</u>	<u>108,100.00</u>
Total Income	<u>2,264,383.59</u>	<u>1,649,787.42</u>
Gross Profit	2,264,383.59	1,649,787.42
Total 5000 - Committee Per Diem	31,600.75	42,501.62
Total 5050 - Committee Reimbursed Expenses	10,731.80	13,486.53
Total 5100 - Information Management	124,046.25	75,271.40
5200 - Insurance	3,491.91	4,801.95
5300 - Networking	604.32	4.00
5400 - Office and General		
Total 5400 - Office and General	234,867.30	205,667.44
Total 5500 - Regulatory Effectiveness	6,885.68	46,906.74
Total 5600 - Communications	24,825.54	31,726.08
Total 5700 - Professional fees	40,639.47	43,046.45
5800 - Programs		
Total 5830 - Entry to Practice - Projects	229,349.68	63,269.11
Total 5810 - Quality Program	7,478.00	28,439.00
Total 5880 - Remediation	4,738.56	4,737.74
4022 - Recovery of Therapy Costs	-1,111.12	-3,833.34
5890 - Therapy and Counselling Fund	6,327.05	6,861.30
Total 5800 - Programs	<u>246,782.17</u>	<u>99,473.81</u>
Total 5900 - Staffing	1,337,096.48	1,059,852.39
6001 - Amortization	32,629.32	43,267.08
Total Expense	<u>2,094,200.99</u>	<u>1,666,005.49</u>
Net Ordinary Income	<u>170,182.60</u>	<u>-16,218.07</u>
Net Income	<u><u>170,182.60</u></u>	<u><u>-16,218.07</u></u>

College of Physiotherapists of Ontario
Statement of Financial Position
PY and March 31, 2023 Comparison

As of June 30, 2023

	Jun 30, 23	Mar 31, 2023	Jun 30, 22
ASSETS			
Current Assets			
Chequing/Savings			
1000 - Cash on Hand			
1001 - Petty Cash	0.00	0.00	250.00
1003 - CC Clearing - RBC - 100-999-2	12,545.79	234,936.51	4,423.20
1005 - Operating - RBC - 102-953-7	113,800.07	71,536.03	46,922.52
1103 - Savings - RBC - 100-663-4	6,311,715.04	7,765,046.64	5,210,919.13
Total 1000 - Cash on Hand	<u>6,438,060.90</u>	<u>8,071,519.18</u>	<u>5,262,514.85</u>
1100 - Investments			
1105 - RBC Investments - cash balance	122,713.51	278,843.64	0.00
1102 - Investments - Short Term	674,629.40	310,477.24	1,145,886.83
1104 - Investments - Long Term	4,591,111.25	4,761,884.28	4,116,200.28
Total 1100 - Investments	<u>5,388,454.16</u>	<u>5,351,205.16</u>	<u>5,262,087.11</u>
Total Chequing/Savings	11,826,515.06	13,422,724.34	10,524,601.96
Accounts Receivable			
1200 - Accounts Receivable	82,087.11	79,345.30	43,942.32
Total Accounts Receivable	<u>82,087.11</u>	<u>79,345.30</u>	<u>43,942.32</u>
Other Current Assets			
1206 - Accrued Receivable	57,600.00	64,729.39	0.00
1201 - Allowance for Doubtful Accounts	-71,992.60	-71,992.60	-38,090.42
1400 - Prepaid Expenses			
1412 - Prepaid OCE	25,390.88	56,829.60	0.00
1401 - Prepaid Software	6,689.34	8,602.15	15,398.93
1403 - Prepaid IT services	31,540.93	21,608.96	51,779.16
1405 - Prepaid Insurance	7,987.68	7,511.67	7,295.40
1406 - Prepaid Membership	124,386.57	192,656.75	124,621.23
1409 - Prepaid Salary - COLA	123,610.40	0.00	0.00
1410 - Prepaid meetings	796.50	0.00	0.00
1411 - Prepaid Rent	0.00	0.00	43,111.00
Total 1400 - Prepaid Expenses	<u>320,402.30</u>	<u>287,209.13</u>	<u>242,205.72</u>
Total Other Current Assets	<u>306,009.70</u>	<u>279,945.92</u>	<u>204,115.30</u>
Total Current Assets	<u>12,214,611.87</u>	<u>13,782,015.56</u>	<u>10,772,659.58</u>
Fixed Assets			
1301 - Computer equipment	151,237.55	151,237.55	143,536.52
1302 - Computer Software	110,740.00	110,740.00	110,740.00
1305 - Computer equipment - Acc dep	-118,655.79	-110,947.00	-82,500.31
1306 - Computer Software - Acc Dep	-113,816.11	-110,740.00	-83,054.98
1310 - Furniture and Equipment	378,189.00	378,189.00	377,049.09
1312 - Furniture & Equipment -Acc Dep	-365,228.67	-363,455.13	-358,087.13
1320 - Leasehold Improvements	793,263.20	793,263.20	793,263.20
1322 - Leasehold Improvments -Acc dep	-486,516.17	-466,445.29	-406,232.65
Total Fixed Assets	<u>349,213.01</u>	<u>381,842.33</u>	<u>494,713.74</u>
TOTAL ASSETS	<u><u>12,563,824.88</u></u>	<u><u>14,163,857.89</u></u>	<u><u>11,267,373.32</u></u>

College of Physiotherapists of Ontario
Statement of Financial Position
PY and March 31, 2023 Comparison

As of June 30, 2023

	<u>Jun 30, 23</u>	<u>Mar 31, 2023</u>	<u>Jun 30, 22</u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Accounts Payable			
2000 - Accounts Payable	145,983.48	236,715.40	80,801.06
Total Accounts Payable	<u>145,983.48</u>	<u>236,715.40</u>	<u>80,801.06</u>
Other Current Liabilities			
24000 - Payroll Liabilities	3,602.94	0.00	0.00
2011 - Vacation Accrual	251,024.07	224,147.74	224,088.63
2010 - Accrued Liabilities	577,478.13	814,352.57	483,994.31
2100 - Deferred Revenue			
2101 - Deferred Registration Fees			
2108 - Deferred Revenue - OCE Fee	880,547.50	893,250.00	0.00
2102 - Deferred Full Fee Revenue	4,872,946.70	6,490,970.00	4,157,720.45
2103 - Deferred Pro-Rated Fee Revenue	211,465.18	0.00	77,198.60
2107 - Deferred Reg Com Exemption Fee	<u>65,000.00</u>	<u>116,000.00</u>	<u>29,600.00</u>
Total 2101 - Deferred Registration Fees	6,029,959.38	7,500,220.00	4,264,519.05
2110 - Banked refunds	<u>38,147.51</u>	<u>31,698.58</u>	<u>45,917.23</u>
Total 2100 - Deferred Revenue	6,068,106.89	7,531,918.58	4,310,436.28
2150 - Other Payables			
2152 - Due to Manulife (RRSP)	<u>0.00</u>	<u>2,500.00</u>	<u>0.00</u>
Total 2150 - Other Payables	0.00	2,500.00	0.00
Total Other Current Liabilities	<u>6,900,212.03</u>	<u>8,572,918.89</u>	<u>5,018,519.22</u>
Total Current Liabilities	<u>7,046,195.51</u>	<u>8,809,634.29</u>	<u>5,099,320.28</u>
Long Term Liabilities			
2125 - Deferred Rent - Tenant Incentiv	<u>103,911.59</u>	<u>110,688.42</u>	<u>131,018.91</u>
Total Long Term Liabilities	<u>103,911.59</u>	<u>110,688.42</u>	<u>131,018.91</u>
Total Liabilities	<u>7,150,107.10</u>	<u>8,920,322.71</u>	<u>5,230,339.19</u>
Equity			
3000 - Unrestricted Net Assets	3,782,633.71	3,782,633.71	4,417,053.73
3001 - Invested in Capital Assets	360,901.47	360,901.47	536,198.47
3010 - Restricted Reserves			
3011 - Contingency Reserve / C&D	1,000,000.00	1,000,000.00	1,000,000.00
3012 - Fee Stab / Sex Abuse Therapy	<u>100,000.00</u>	<u>100,000.00</u>	<u>100,000.00</u>
Total 3010 - Restricted Reserves	1,100,000.00	1,100,000.00	1,100,000.00
3900 - Retained Earnings	0.00	809,717.02	0.00
Net Income	<u>170,182.60</u>	<u>-809,717.02</u>	<u>-16,218.07</u>
Total Equity	<u>5,413,717.78</u>	<u>5,243,535.18</u>	<u>6,037,034.13</u>
TOTAL LIABILITIES & EQUITY	<u><u>12,563,824.88</u></u>	<u><u>14,163,857.89</u></u>	<u><u>11,267,373.32</u></u>

College of Physiotherapists of Ontario
Statement of Cash Flows
April - June, 2023

	Total
OPERATING ACTIVITIES	
Net Income	170,182.60
Adjustments to reconcile Net Income to Net Cash provided by operations:	
1200 Accounts Receivable	-2,741.81
1206 Accrued Receivable	7,129.39
1401 Prepaid Expenses:Prepaid Software	1,912.81
1403 Prepaid Expenses:Prepaid IT services	-9,931.97
1405 Prepaid Expenses:Prepaid Insurance	-476.01
1406 Prepaid Expenses:Prepaid Membership	68,270.18
1409 Prepaid Expenses:Prepaid Salary - COLA	-123,610.40
1410 Prepaid Expenses:Prepaid meetings	-796.50
1412 Prepaid Expenses:Prepaid OCE	31,438.72
2000 Accounts Payable	-90,731.92
2010 Accrued Liabilities	-236,874.44
2011 Vacation Accrual	26,876.33
2102 Deferred Revenue:Deferred Registration Fees:Deferred Full Fee Revenue	-1,618,023.30
2103 Deferred Revenue:Deferred Registration Fees:Deferred Pro-Rated Fee Revenue	211,465.18
2107 Deferred Revenue:Deferred Registration Fees:Deferred Reg Com Exemption Fee	-51,000.00
2108 Deferred Revenue:Deferred Registration Fees:Deferred Revenue - OCE Fee	-12,702.50
2110 Deferred Revenue:Banked refunds	6,448.93
2151 Other Payables:Due to Canada Life	0.00
2152 Other Payables:Due to Manulife (RRSP)	-2,500.00
2153 Other Payables:Due to Allstate (CI)	0.00
24000 Payroll Liabilities	3,602.94
Total Adjustments to reconcile Net Income to Net Cash provided by operations:	-\$ 1,792,244.37
Net cash provided by operating activities	-\$ 1,622,061.77
INVESTING ACTIVITIES	
1305 Computer equipment - Acc dep	7,708.79
1306 Computer Software - Acc Dep	3,076.11
1312 Furniture & Equipment -Acc Dep	1,773.54
1322 Leasehold Improvements -Acc dep	20,070.88
Net cash provided by investing activities	\$ 32,629.32
FINANCING ACTIVITIES	
2125 Deferred Rent - Tenant Incentiv	-6,776.83
Net cash provided by financing activities	-\$ 6,776.83
Net cash increase for period	-\$ 1,596,209.28
Cash at beginning of period	13,422,724.34
Cash at end of period	\$ 11,826,515.06



Motion No.: 9.0

**Council Meeting
September 28-29, 2023**

Agenda #9.0: Financial Sustainability

It is moved by

and seconded by

that:

Council approves, in principle, a 4% increase of the registration and administrative fees and to authorize the circulation of the necessary By-law amendments of s. 8.4-8.6 for feedback.

Meeting Date:	September 28-29, 2023
Agenda Item #:	9
Category:	Strategy
Issue:	<i>For Decision</i> Financial Sustainability
Submitted by:	Craig Roxborough, Registrar & CEO Zoe Robinson, VP Finance & Reporting

Issue

To support the long-term financial sustainability of the College, Council is asked to approve a recommendation from the Finance Committee to increase to the registration and administrative fees for the Fiscal Year 2025.

Public Interest Assessment:

The financial stability of the College is essential to discharging our regulatory obligations and serving the public interest.

Background

In June 2023, Council was provided with a comprehensive overview of the financial drivers impacting the College's financial sustainability (please view [June 2023 Council materials](#) for more information). As Council will recall, the majority of the College's revenue is generated from the annual fees associated with maintaining an Independent Practice Certificate (IPC) and that over the past six years, structural deficits have been adopted for four years. This approach cannot be pursued indefinitely as the College's operational reserve is being depleted over time and will eventually be exhausted or fall below the amount prescribed by policy.

To support the development of a long-term financial strategy, Council was engaged in a priority setting and balancing discussion with respect to a number of considerations that a financial plan can address. While the discussion included a diversity of perspectives on these issues, some themes emerged in relation to each issue explored:

- Approach to fees: In general Council supported approaches to setting fees that minimized the impact on registrants. This included a general preference for adopting gradual and incremental increases over time (e.g., indexing to inflation) rather than implementing significant increases. Feedback also noted the imperative to increase fees *only as necessary*.

- Approach to managing the College's deficit: Council generally noted that the current approach is not sustainable and that efforts should be made to ensuring budgets are balanced in the long-term.
- Approach to the Operational Reserve: Broadly Council identified that the existing policy of having an operational reserve of 3-6 months may no longer be sufficient and that reasonable efforts should be made to increasing *over time* the reserve in line with the auditor's comments that many non-profits are shifting to holding 6-12 months of operating reserves.
- Approach to resourcing strategic initiatives: There was broad recognition that *at minimum* the College requires the resources needed to fulfill its regulatory obligations. Beyond that, the focus should be on fulfilling requirements set out in the College Performance Measurement Framework (CPMF) with strategic initiatives being resourced as a tertiary focus after that.
- Approach to operational resourcing: Feedback emphasized Council's commitment (as articulated in the Strategic Plan) to ensuring the College infrastructure is modernized and fit for purpose and ensuring that we remain competitive and supportive from an employee compensation perspective.

Current Status

In response to Council feedback, staff have continued to explore the drivers of the College's financial position and to explore potential approaches to supporting the long-term financial sustainability of the College for consideration.

A brief overview of the relevant context is provided prior to outlining the proposal being recommended by the Finance Committee.

A. Financial Context

Historical Approach to Budgeting

Beginning in 2016, Council sought to purposefully reduce the College's operational reserve through planned deficits. This approach was supported by advice from the auditor at the time which raised concern about the size of the operational reserve relative to the College's operating budget.

The College sought to bring the operational reserve in line with the 3-6 month recommendation that existed at that time. As part of this strategy, fees were reduced twice (in 2017 and 2021).

Given the size of the operational reserve at the time and the need to bring it in line with the 3-6 month recommendation, the College has been able to maintain or reduce fees while continuing to meet organizational and/or strategic priorities.

Regulatory Obligations

The College's registrant base has consistently grown over the past few years (a total of 20% since 2016). Inevitably this has led to an increased regulatory burden on all College activity. This has a direct impact on routine processes such as registration, renewal and other regulatory responsibilities such as quality assurance where efforts are made to connect with every registrant over time. There have also been significant increases observed in other areas of the College including:

- Professional Conduct:
 - 20% increase in the number of investigations conducted annually since 2016.
 - A 75% increase in the number of concerns received in Q1 of 2023, versus the same period of 2022.
 - Internal analysis suggests that case complexity is increasing and when combined with increasing number of appeals, these factors are driving increased legal expenses as well.
- Practice Advice:
 - A doubling of inquiries to Practice Advice since 2016 reaching over 6000 per year in 2022.
- Compliance Monitoring:
 - File management has grown significantly since 2016 and is now up over 60 per year.

Staffing and Operational Resourcing

Since 2017¹, the addition of 10 new staff have been approved (for an increase of 30%). This excludes the Exam Team, which was built for the purpose of administering the Ontario Clinical Exam and for which exam fees are meant to cover directly.

These increases were all supported on the basis that they addressed one or more of the following needs:

- increased regulatory burden (e.g., Professional Conduct, Practice Advice);
- move previously out-sourced work in-house (e.g., Communications, Professional Conduct);
- support enhanced cross-departmental functionality (e.g., Practice Advice); and/or
- to build and maintain organizational infrastructure (e.g., Information Technology).

Over the course of this time period, the size of the College relative to the registrant base has remained relatively stable. Additionally, the College is similarly resourced comparable to other similar health regulatory colleges (e.g., among colleges regulating allied health professions).

¹ While other reference points in this briefing note date back to 2016, from a human resources perspective the data available prior to 2017 is less reliable.

Fees of Other Regulatory Colleges

The current annual fee for Independent Practice Certificates was set to \$635 for the 2023 renewal cycle.

When compared to other health regulatory colleges, this College's fees are among the lowest in the sector. Looking just within the allied health regulatory space fees range from:

- \$650 for Kinesiologists
- \$743 for Occupational Therapists
- \$780 for Audiologists and Speech-Language Pathologists
- \$897 for Massage Therapists

A scan of other regulatory colleges also suggests that many are either implementing or considering a fee increase within the next year (or years). Notably, a small number of other regulators have indexed their fees to automatically adjust in line with inflation or another predefined percentage increase.

Building Lease

Significant and ongoing effort has been made to sub-lease the College's office space. Unfortunately, it is well [documented](#) that vacancy rates in Toronto office space are at historical highs and securing leasing or sub-leasing in this market is very difficult due to low demand and high supply.

College staff are exploring several opportunities to offset a portion of the leasing costs to end of the College lease in February 2027. While the chance of securing a full sub-lease of the College office space is highly unlikely, discussions with organizations who may be open to sharing office space are ongoing. The extent of lease relief is unknown and, as a result, the full cost of the College's lease commitment to February 2027 is included in the financial projections. Any lease relief will only improve the College's bottom line.

Ontario Clinical Exam

The Ontario Clinical Exam fee is currently \$1,985. Council has directed that the exam be cost neutral (in relation to direct costs) by March 2028.

Currently exam utilization is exceeding what was projected. In 2024 it is anticipated that over 900 individuals will write the exam, well above the projection of 540 based on historical trends.

When combining the forecast for the current year with projections based on historical trends, the exam is anticipated to run a small cumulative deficit over the period of FY2023-2028. The full forecast is outlined in Table 1.

Table 1 – Ontario Clinical Exam Forecasts

OCE Forecast to FY 2028

Fiscal Year	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Total
# Candidates	470	957	540	540	540 \$	540	
Revenue	\$ 923,740	\$ 1,899,645	\$ 1,071,900	\$ 1,071,900	\$ 1,071,900	\$ 1,071,900	7,110,985
Expenses	\$ 1,195,437	\$ 1,445,629	\$ 1,101,615	\$ 1,134,663	\$ 1,168,703	\$ 1,203,764	7,249,811
Annual Surplus (Deficit)	\$ (271,697)	\$ 454,016	\$ (29,715)	\$ (62,763)	\$ (96,803)	\$ (131,864)	(138,826)
Accumulative Surplus (Deficit)	\$ (271,697)	\$ 182,319	\$ 152,604	\$ 89,841	\$ (6,962)	\$ (138,826)	

To achieve cost-neutrality in relation to direct costs *each year*, either increases in the number of candidates will need to materialize or potential increases in fees will be needed. For example, an increase of up to over 700 candidates per year by FY2028 will be needed to maintain cost neutrality each year. Alternatively, if the number of candidates follows historical trends the fee may need to be increased up to as much as \$2200 by FY2028 to achieve neutrality year over year.

Council also recently directed that “in-kind” contributions (or opportunity costs) associated with non-program resource utilization be captured and measured going forward. This work is underway but will need to occur over multiple exam cycles to provide a consistent and reliable estimate. More information will be provided on these findings once it is available.

Fiscal Year 2024 Financial Forecast

Council approved a budget deficit of approximately \$212,000 for FY2024 and additional expenditures have also been approved to implement a financial, planning, and analysis software and provide additional training and educational opportunities to the President.

Notwithstanding these additional expenses, savings in other areas of the College and an increase in the number of candidates writing the Ontario Clinical Exam is contributing to a projected surplus at the end of the current fiscal year. More information is provided in the Q1 Financial Report included in the meeting package. While the forecast projects a positive year-end outcome at this point, the forecast is just an estimate and there remains uncertainty regarding how the remaining fiscal year quarters will play out.

B. Direction for Financial Sustainability

Finance Committee considered the contextual information outlined above and various financial models forecasting over multiple years to understand the long-term impact of potential options.

Model Assumptions

While financial modeling of this nature is imperfect, the aim is to provide a projection of possible futures to support long-term thinking. Underlying the model are the following assumptions:

- Registration and Administrative Fees: Any increase that is proposed below applies to *all* registration and administrative fees. For illustrative purposes, the impact on the annual IPC fee is highlighted.

- Ontario Clinical Exam Fee: Recognizing that the exam fee presents a barrier to registration, the model assumes that cost neutrality can be achieved at the current fee of \$1,985 up to the end of FY 2027 and does not contemplate an increase. Council can revisit this decision, but for the purposes of modeling no change is proposed at this time given current projections.
- Inflation: The rate of inflation built into the models seeks to track the Consumer Price Index as defined by the Bank of Canada.² Current projections suggest increases of 2-4% per year.
- Registrant Base: A modest 2.5% per year increase in the number of registrants is assumed based on historical trends.
- Operational Costs: Inflationary increases are assumed for all operational costs.
- Staffing: While no increases in staff complement are contemplated in the model, *both* inflationary and merit-based increases are contemplated (totalling approximately 5% per year).
- Office Lease: The models contemplate bearing the full costs of the lease until 2027, being replaced with an alternative approach costing approximately \$150,000 per year going forward based on potential needs.³

Current State

Were fees to remain stable moving forward, current modeling projects that the College would see year over year deficits increase and reach up to \$1 million by 2028. Table 2a outlines the revenue anticipated from registration fees and Table 2b illustrates the projected deficits based on the model assumptions (Graph 1 provides an alternate way of illustrating this trend).

If the projection materializes, the College's operational reserve will be depleted to 0.5 months at the end of FY 2028 as illustrated in Graph 2.

Table 2a: Registration Revenue Projections

Base:	2024	2025	2026	2027	2028
Registration Fee (IPC)	\$ 635.00	\$ 635.00	\$ 635.00	\$ 635.00	\$ 635.00
# Members	10,464.00	10,725.00	10,993.00	11,267.00	11,548.00
Total IPC Renewal Fees	\$ 6,644,640.00	\$ 6,810,375.00	\$ 6,980,555.00	\$ 7,154,545.00	\$ 7,332,980.00
Other Registration Fees	378,645.00	378,645.00	378,645.00	378,645.00	378,645.00
Total Registration Fees	\$ 7,023,285.00	\$ 7,189,020.00	\$ 7,359,200.00	\$ 7,533,190.00	\$ 7,711,625.00
YoY Increase		2.4%	2.4%	2.4%	2.4%

² The College has historically used the national Consumer Price Index rather than focusing on regional approaches to measuring inflation. While there may be regional variability, the national statistic is what is reported on and broadly understood as a point of reference externally.

³ A full assessment of the College's long-term needs regarding space has not been undertaken. The amount assumed in the model permits flexibility regarding what this long-term strategy could include and allows for adjustments based on available remote or shared space options and organizational needs. A full assessment will need to be conducted to anticipate future costs.

Table 2b: Proforma Statement of Operations FY 2024 to FY 2028

Fiscal Year	2024	2025	2026	2027	2028	Totals
Income						
Total Income	9,484,450	8,663,150	8,833,330	9,007,320	9,185,755	45,174,005
Expense						
Sub Total Statutory Programs	5,163,844	4,977,326	5,188,109	5,394,608	5,610,407	26,334,294
Sub Total Non-Statutory Programs	4,145,425	4,342,675	4,531,513	4,710,616	4,547,994	22,278,223
Total Expenses	9,309,269	9,320,000	9,719,623	10,105,223	10,158,401	48,612,517
Surplus (Deficit)	175,181	(656,850)	(886,293)	(1,097,903)	(972,646)	(3,438,512)

If a balanced budget approach is sought under this approach, significant reductions in spending will be necessary to address the budget shortfall. While these restrictions in spending could be explored they may compromise the College's ability to discharge its regulatory responsibilities or compromise the College's ability to deliver on other Council priorities.

The College continues to implement process improvements that seek to improve efficiency (e.g., introduction of and continued migration to the Atlas CRM, migration to SharePoint, introduction of early resolution strategies in Professional Conduct, stratification of quality assurance processes through screening interviews and audits, etc.) while at the same time increasing the quality and level of service provided to, for example, registrants and system partners. It is not clear how further efficiencies alone will address the shortfall that arises from the model while continuing to provide higher quality service offerings.

Recommendation from the Finance Committee

To achieve Council's objective of returning to a balanced budget over time and supporting the long-term financial stability of the College, Finance Committee is recommending a fee increase of 4% for registration and administrative fees for the membership period of April 1, 2024 to March 31, 2025. This would, for example, raise the annual IPC fee to \$661 (i.e., an increase of \$26).

Finance Committee made this recommendation in the context of considering the long-term trajectory of the College's financial position. More specifically, looking at both the immediate impact for FY2025 along with the subsequent trajectory of the College's financial position should additional increases in line with inflation be implemented annually until FY2028.

Taking the proposed increase into account, based on the model assumptions outlined above, it is projected that the FY2025 budget will have a deficit of \$378,000.

However, when considered in the long-term with future increases, the College will return to a near balanced position in FY2028. Table 3b outlines the impact of the fee increase on FY2025 and the impact of future potential inflationary increases.

This approach will support short-term stability, with consideration to future changes that are needed to address long-term challenges to the organization. It also recognizes there is

significant uncertainty ahead regarding the building lease and the cost and utilization of the Ontario Clinical Exam or other opportunities to find expense savings or revenue growth.

Table 3a: Registration Revenue Projections Assuming Continued Increases Beyond FY2025

Base:	2024	2025	2026	2027	2028
Registration Fee (IPC)	\$ 635.00	\$ 661.00	\$ 681.00	\$ 695.00	\$ 709.00
# Members	10,464.00	10,725.00	10,993.00	11,267.00	11,548.00
Total IPC Renewal Fees	\$ 6,644,640.00	\$ 7,089,225.00	\$ 7,486,233.00	\$ 7,830,565.00	\$ 8,187,532.00
Other Registration Fees	378,645.00	378,645.00	378,645.00	378,645.00	378,645.00
Total Registration Fees	\$ 7,023,285.00	\$ 7,467,870.00	\$ 7,864,878.00	\$ 8,209,210.00	\$ 8,566,177.00
YoY Increase		6.3%	5.3%	4.4%	4.3%

Table 3b: Proforma Statement of Operations FY 2024 to FY 2028

Fiscal Year	2024	2025	2026	2027	2028	Totals
Income						
Total Income	9,484,450	8,942,000	9,339,008	9,683,340	10,040,307	47,489,105
Expense						
Sub Total Statutory Programs	5,163,844	4,977,326	5,188,109	5,394,608	5,610,407	26,334,294
Sub Total Non-Statutory Programs	4,145,425	4,342,675	4,531,513	4,710,616	4,547,994	22,278,223
Total Expenses	9,309,269	9,320,000	9,719,623	10,105,223	10,158,401	48,612,517
Surplus (Deficit)	175,181	(378,000)	(380,615)	(421,883)	(118,094)	(1,123,412)

Finance Committee also recommended that the Ontario Clinical Exam fee be re-evaluated going forward to ensure that both the true cost of the exam is being captured and that consideration be given to raising the fee to reflect these full costs and achieve financial neutrality.

Analysis

The recommended approach contemplates making an additional step towards stability, by minimizing the potential deficit for FY2025 while considering the long-term needs of the organization.

The recommended approach does not contemplate significant increases in resourcing (e.g., increased staff headcount, IT infrastructure, etc.) nor significant increases to the operational reserve. More significant increases in revenue would be necessary to achieve these objectives in the years to come.

A direct comparison of the recommended option and the status quo is offered below both in terms of the resulting budget deficit and the impact each option has on the operational reserve.

Graph 1: Net Income

Graph 2: Operational Reserve



Considerations

It is worth noting that the FY2025 Budget Cycle has not yet begun. As a result, the models include projections regarding expenditures based on the FY2024 forecast and relevant assumptions regarding potential increases in costs.

It is possible that the 2025 Budget Cycle will identify potential opportunities for further cost reduction to support a faster return to a balanced budget or identify additional expenditures for Council's consideration.

As outlined above, the timing of the annual renewal process combined with the need to circulate by-law changes with respect to fees, requires that Council consider these options prior to approving the budget for the following year.

The People and Culture pillar of the College's [Strategic Plan](#) includes a commitment to ensuring that staff and Council have the resources needed to do their best work and that the College develop and maintain an organizational infrastructure which supports our statutory obligations and strategic priorities.

Decision Sought:

Council is being asked, in principle, to approve a 4% increase of the registration and administrative fees and to authorize the circulation of the necessary By-law amendments of s. 8.4-8.6 for feedback.

Next Steps:

Pending Council's direction, the by-law changes will be circulated for 60 days and return to Council for final approval in December 2023.

Meeting Date:	September 28-29, 2023
Agenda Item #:	10
Category	Education – <i>Presentation only (no materials)</i>
Topic:	Lessons Learned from Previous Governance Reviews
Presented by:	The Regulators Practice

Presenters Biography:

Harry Cayton is a senior advisor with The Regulator’s Practice. Harry Cayton is an internationally recognized advisor on professional regulation and governance. He developed the principles of ‘Right-touch regulation’ which have been adopted by professional regulators around the world. Between 2007 and 2018 he was chief executive of the Professional Standards Authority in the UK. Harry Cayton has led many reviews and inquiries and advised regulators and governments in the UK, Canada, Australia, Ireland, New Zealand, and Hong Kong. The report of his inquiry into the Health Professions Act in British Columbia was published by the Minister of Health in April 2019 and has led to dramatic modernization of BC’s health regulatory framework.

Deanna Williams is an experienced regulatory governance consultant collaborating with The Regulator’s Practice team for this review. Since retiring as the Ontario College of Pharmacists’ Registrar/CEO Deanna has provided consulting services relating to professional and occupational regulation in Canada, the US and abroad, with particular interest and expertise in governance education and training and conducting external reviews of regulatory performance and governance. In 2012, Deanna served as the Minister-appointed Supervisor to the College of Denturists of Ontario, (CDO) a post she held for just under two years when CDO’s self-regulatory privileges were restored. Deanna was recognized by the international regulatory community with the CLEAR International Award for Regulatory Excellence in 2010, and CLEAR’s Service Award for Lifetime Achievement in 2019.

Meeting Date:	September 28-29, 2023
Agenda Item #:	11
Category	Strategy
Issue:	<i>For Information</i> Q1 Dashboard
Submitted by:	Craig Roxborough, Registrar & CEO Joyce Huang, Manager, Strategy

Issue:

Council is provided with an overview of the new CPO Dashboard.

Public Interest Assessment:

Regular reports to Council on the College’s performance supports Council’s oversight to ensure the College is fulfilling its public interest mandate.

Background:

Following an organization wide engagement process and with feedback from Council, a new CPO Dashboard has been developed. The metrics identified report on key regulatory, strategic, and operational activities of the College to support ongoing monitoring of the College’s performance.

The “Backgrounder” (Appendix A) provides an overview of the purpose and function of the dashboard along with the rationale for the measures being reported. The Q1 Dashboard is included as Appendix B.

Going forward the dashboard will be included as part of the Registrar’s Report as the regulatory, strategic, and operational activities of the College are explored in relation to the Strategic Plan.

Additionally, and in the spirit of continuous improvement, changes to the dashboard may be made on an ongoing basis to ensure it is reporting the most relevant indicators, in the right way, and in a manner that meaningfully supports Council’s oversight of the College’s performance. Any changes made will be in conjunction with the roll-out of an organization wide data strategy.

Decision Sought:

This item is for information.

Attachments:

- Appendix A – 2023-2024 College Dashboard – Backgrounder

- Appendix B – Q1 Dashboard

Appendix A:

2023-2024 College Dashboard – Backgrounder

What is a dashboard?

The College dashboard is a key tool to help us know, and to demonstrate to stakeholders, how well the organization is performing.

- It focuses on key objectives and contributors to success.
- Helps Council fulfill their oversight role.

In general, dashboards focus only on key objectives and key contributors to an organization's success, so the intent is not to show all performance indicators for all areas of the College.

What are key Performance Indicators?

Key performance indicators (KPIs) are measures used to evaluate the success of the organization in meeting objectives for key areas.

- KPIs can be quantitative or qualitative.
- Helps us identify problems early.

The goal is for the dashboard indicators to show impact and help us make informed decisions.

What the dashboard includes

Content	Format
<ul style="list-style-type: none"> • Statutory programs • Supporting functions • Project statuses • Financial health 	<ul style="list-style-type: none"> • A visualization of the KPIs and their values • Comparison to previous quarters or yearly trend

When is the dashboard presented?

Quarterly, with data from the most recent financial quarter. Going forward the dashboard will be presented as part of the Registrar's Report.

List of key performance indicators in the current dashboard

Indicator	Rationale
Statutory Programs	
Registration: Number of applications received	Monitor operational volume and track growth in the registrant base.
Registration: Ability to meet statutory timelines for processing and approving applications	Monitoring organizational compliance with external measures to support identification of barriers and resource challenges.
Quality Assurance: Number of screening interviews completed compared to target	Monitor reach of the quality assurance program and track progress towards yearly target.
Quality Assurance: Whether screening interviews and assessments are being completed within prescribed timelines	Monitor performance against timeline benchmarks to support identification of barriers and resource challenges.
Professional Conduct: Number of concerns received.	Monitor operational volume with year over year comparison.
Professional Conduct: Ability to meet statutory timelines for resolving complaints	Monitoring organizational compliance with external measures to support identification of barriers and resource challenges.
Discipline: Number of matters and hearing days	Monitor operational volume.
Discipline: Ability to meet internal timelines for decision release	Monitor performance against timeline benchmarks to support identification of barriers and resource challenges.
Practice Advice: Number of inquiries received by the team	Monitor operational volume and engagement with registrants (and others).
Practice Advice: Top 5 themes in Practice Advice Inquiries	Monitor registrant needs to support future knowledge translation resource development.
Organizational Effectiveness	
Communications: Number of people who clicked through to our website as a result of Google ads we placed	Monitor impact of advertising strategies to improve public awareness of the College and make decisions regarding future advertising decisions.
People & Culture: Staff turnover as a percentage of total workforce	Staff turnover can serve as a proxy for the health of the College's workforce and employment culture.
Finance & Strategy	
Strategic & Operational Projects: Completion status of planned strategic and	Track completion of agreed upon projects that support the achievement of our mandate and

Indicator	Rationale
operational projects	strategic goals.
CPMF Improvements: Report on progress of improvement action items for CPMF measures where the College did not fully meet the requirements	Monitor progress towards full compliance with this accountability framework.
Finance: Overall financial health indicator	Monitor the College's financial health on a quarterly basis.

Appendix B – Q1 Dashboard

Statutory Programs

Registration

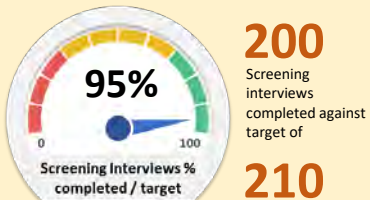
229 IPC applications received YTD

117 PPC applications received YTD

100% Applications acknowledged within 15 days **No change** from last quarter

100% Applications approved / referred within 30 days **No change** from last quarter

Quality Assurance



95% Screening interviews done within timeline **↓ 3%** from last quarter

100% Assessments done within timeline **No change** from last quarter

Practice Advice

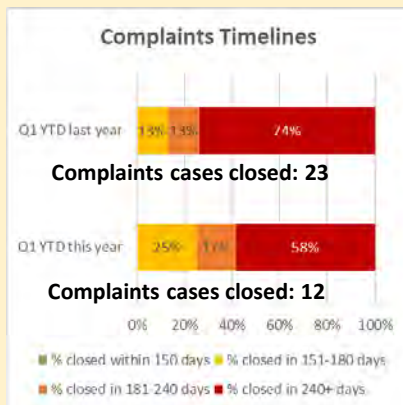
2165 # of inquiries received YTD **↑ 16%** from last year

This Quarter	Last Quarter
1 Business Practices	Scope of Practice
2 Working with PTAs	Supervision (Residents, PTAs)
3 Starting a Practice	Business Practices
4 How to Become a PT (IEPTs)	Professional Boundaries
5 Ethical Dilemmas	Privacy

Professional Conduct

117 # of concerns received YTD **↑ 75%** from last year

0% Complaints closed within 150 days YTD **No change** from last year



Discipline

5 Hearings YTD **↑ 67%** from last year

8 Days YTD **↑ 60%** from last year

100% Uncontested decision released within timeline **↑ 33%** from last year

n/a Contested decision released within timeline

Organizational Effectiveness

10,000 Google ad click throughs **↓ 29%** from last quarter

0% Staff Turnover **↓ 2.7%** from last quarter

Finance & Strategy

Projects

	Strategic	Operational
Completed	0	8
In Progress	4	19
Not Started	3	3
Deferred	0	5
	7	35

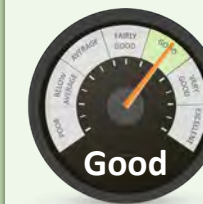
CPMF

22 CPMF items not fully met in 2022

5 Improvement items completed

9 Improvement items in progress

Financial Health





COLLEGE OF
PHYSIOTHERAPISTS
of ONTARIO

ORDRE DES
PHYSIOTHÉRAPEUTES
de l'ONTARIO

Motion No.: 12.0

**Council Meeting
September 28-29, 2023**

Agenda #12.0: Committee Slate Amendment

It is moved by

and seconded by

that:

Council approves the following amendments to the committee slate:

- Appoint Frank Massey to the Registration Committee and the Discipline and Fitness to Practise Committees.
- Appoint Mark Heller to the Inquiries, Complaints and Reports Committee and the Discipline and Fitness to Practise Committees.
- Remove Laina Smith from the Registration Committee.

Meeting Date:	September 28-29, 2023
Agenda Item #:	12
Category	<i>Governance</i>
Issue:	<i>For Approval</i> Committee Slate Amendment
Submitted by:	Elicia Persaud, Governance Analyst

Issue:

Council has received two new public appointees and as such is being asked to amend the committee slate.

Public Interest Assessment:

To effectively engage in statutory work of the College, committees must be constituted to protect the public and ensure that physiotherapists are meeting standards.

Background:

The College has received two new public appointees, Frank Massey, and Mark Heller.

Frank Massey has been appointed for a one-year term effective August 17, 2023.

Mark Heller has been appointed for a one-year term effective September 7, 2023.

Staff conducted an analysis to determine which committees were most in need of public members. The Registration and Inquiries, Complaints and Reports Committees were identified. In keeping with our current practice, all Council members (excluding the President) are appointed to the Discipline and Fitness to Practice Committees.

The Executive Committee met on August 31, 2023, and is recommending that Frank Massey be appointed to the Registration Committee and the Discipline and Fitness to Practise Committees.

Frank Massey has confirmed his availability to participate on these committees.

Due to timing, the Executive Committee recommended through written resolution that Mark Heller be appointed to the Inquiries, Complaints and Reports Committee and the Discipline and Fitness to Practise Committees.

Mark Heller has confirmed his availability to participate on these committees.

The appointments would be effective from September 2023 to June 2024.

Public Appointee Profile:

<p>Frank Massey</p>	<ul style="list-style-type: none"> • Mr. Massey is a Risk Management and Digital Transformation Executive. • He holds a Master of Business Administration, with a focus on Finance and Strategic Management from the University of Toronto. • He has completed the Directors Education Program at the Institute of Corporate Directors and blends a computer science background with an MBA in finance to help organizations with innovation, digital transformation, and leveraging risk for profit. • Mr. Massey has served on corporate, industry, and not-for-profit boards. • He is currently the Vice President, Enterprise Risk Management and Business Transformation at Acquired Insights Inc. Additionally he has worked for American Express, CIBC, Citigroup, and Riyad Bank where he has held a variety of positions in risk management, policy, regulatory compliance, and governance. • Mr. Massey was a member of the Credit Scoring and Risk Strategy Association and is currently the Treasurer of the Phoenix Executive Network.
<p>Mark Heller</p>	<ul style="list-style-type: none"> • Mr. Heller is a Healthcare Executive and B2B Solutions Enabler. • He holds a Master of Business Administration, with a focus in Marketing, from Queen’s University. • He is currently the President of Hygiene Performance Solutions Inc. Additionally, he has worked as a Director, Business Development - Healthcare for Aramark, and has run his own consulting business. • Mr. Heller has experience as a Public Member on Council – he was appointed to the Council of the College of Homeopaths of Ontario in 2016 and was elected as President in 2019, a position he held for two years. • In addition to his Council experience, Mr. Heller has most recently been a member of the Discipline Committee, the Inquiries, Complaints, and Reports Committee and the Patient Relations Committee of the College of Homeopaths. • Among others, Mr. Heller has also been a member of the Technical Advisory Committee of the Canadian Standards Association and the Chair of the Environmental Hygiene Interest Group of Infection Prevention and Control (IPAC) – Canada. • Mr. Heller is currently a member of various Associations, including the Albany Club and the Ontario Long Term Care Association

Decision Sought:

Council is being asked to amend the committee slate as follows:

- Appoint Frank Massey to the Registration Committee and the Discipline and Fitness to Practise Committees.
- Appoint Mark Heller to the Inquiries, Complaints and Reports Committee and the Discipline and Fitness to Practise Committees.
- Remove Laina Smith from the Registration Committee.

Attachments:

- Revised Committee Slate (September 2023)



2023-2024 Committee Slate (September 2023)

COMMITTEE	REQUIRED COMMITTEE COMPOSITION	PROPOSED MEMBERSHIP	BRIEF DESCRIPTION OF STATUTORY COMMITTEE'S RESPONSIBILITIES	Staff Support
EXECUTIVE	5 people: <ul style="list-style-type: none"> At least 3 Professional Members of Council At least 1 but not more than 2 Public Appointees Must include President and Vice President 	Nitin Madhvani (President) Theresa Stevens (VP) Carole Baxter Katie Schulz Janet Law	The Executive Committee provides leadership to Council, promotes governance excellence at all levels, facilitates effective functioning of the College, in certain circumstances, to act on behalf of Council between meetings and when required, to reconstitute itself as the College privacy committee to deal with appeals regarding the manner in which personal information is managed by the College. The Committee has all powers of the Council with respect to any matter that requires immediate attention, other than the power to make, amend or revoke a regulation or by-law.	Craig Roxborough Mara Berger Elicia Persaud
INQUIRIES, COMPLAINTS AND REPORTS (ICRC)	At least 5 people, at least: <ul style="list-style-type: none"> 2 Professional Members of Council 2 Public Appointees 1 Non-Council 	Gary Rehan, Chair Katie Schulz, Vice Chair Theresa Stevens Carole Baxter Laina Smith Mark Heller Tammy Morrissey Greg Heikoop	ICRC investigates complaints and considers reports as per section 79 of the Code related to the conduct or action, competencies or capacity of registrants as it relates to their practicing the profession.	Allan Mak
DISCIPLINE & FITNESS TO PRACTISE	At least 10 people, at least: <ul style="list-style-type: none"> 2 Professional Members of Council 	Janet Law Paul Parikh Andy Wang Maureen Vanwart Anna Grunin Katie Schulz Sinead Dufour Gary Rehan Dennis Ng Theresa Stevens	A panel of at least 3-5 persons convenes to hear allegations of conduct or incompetence as referred by the ICRC. A panel of at least 3-5 persons convenes to hear allegations of incapacity as referred by the health inquiry panel of the ICRC. Hearings are in a judicial setting and can last from one to several days. Decisions and Reasons are documented in detail.	Olivia Kisil

COMMITTEE	REQUIRED COMMITTEE COMPOSITION	PROPOSED MEMBERSHIP	BRIEF DESCRIPTION OF STATUTORY COMMITTEE'S RESPONSIBILITIES	Staff Support
	<ul style="list-style-type: none"> • 3 Public Appointees • 1 Non-Council 	<p>Jesse Finn Laina Smith Carole Baxter Richard O'Brien Frank Massey Mark Heller</p> <p>James Wernham, Chair Daniel Negro Sue Grebe Angelo Karalekas, Vice Chair Nicole Graham Richa Rehan Felix Umana Theresa Kay</p>		
QUALITY ASSURANCE (QA)	<p>At least 5 people, at least:</p> <ul style="list-style-type: none"> • 2 Professional Members of Council • 2 Public Appointees • 1 Non-Council 	<p>Dennis Ng Maureen Vanwart</p> <p>Laina Smith Richard O'Brien</p> <p>Antoinette Megens, Chair Venkadesan Rajendran</p>	<p>The Quality Assurance Committee is to administer the College's Quality Assurance program as defined in section 80.1 of the Code that is intended to assure the quality and safety of professional practice and promote continuing competence among the registrants.</p>	<p>Shelley Martin Victoria Lo</p>
REGISTRATION	<p>At least 5 people, at least:</p> <ul style="list-style-type: none"> • 1 Professional Member of Council • 1 Academic Member • 2 Public Appointees • 1 Non-Council 	<p>Katie Schulz, Chair</p> <p>Paul Parikh Sinead Dufour</p> <p>Jesse Finn Laina Smith Frank Massey</p> <p>Einat Mei-Dan Juliana De Castro</p>	<p>The Registration Committee makes decisions on registration applications that do not meet the criteria for issuance of a certificate of registration by the Registrar and to ensure that processes related to entry are fair, transparent and objective.</p>	<p>Melissa Collimore</p>

COMMITTEE	REQUIRED COMMITTEE COMPOSITION	PROPOSED MEMBERSHIP	BRIEF DESCRIPTION OF STATUTORY COMMITTEE'S RESPONSIBILITIES	Staff Support
PATIENT RELATIONS	At least 4 people, at least: <ul style="list-style-type: none"> • 2 Professional Members of Council • 1 Public Appointee • 1 Non-Council 	Anna Grunin, Chair Andy Wang, Vice Chair Richard O'Brien Einat Mei-Dan	The Patient Relations Committee is to advise Council with respect to the patient relations program and to administer the program to provide funding for therapy and counselling.	Olivia Kisil
FINANCE (non-statutory)	At least 5 people, at least: <ul style="list-style-type: none"> • President • Vice President • 3 Councillors at least 1 or 2 Public Appointees 	Nitin Madhvani, President Theresa Stevens, VP Janet Law, Chair Gary Rehan, Vice Chair Jesse Finn Anna Grunin	The Finance Committee is to monitor significant financial planning, management and reporting matters of the College, to make recommendations and deliver reports to Council, and to serve as the College's audit committee.	Zoe Robinson
EXAMINATIONS (non-statutory)	<ul style="list-style-type: none"> • At least 1 Canadian-educated recent registrant • At least 1 Internationally Educated recent registrant • At least 2 Physiotherapy Supervisors • 1 Member of the public (Testing/assessment) • 1 Public Member of Council 	Alireza Mazaheri, Vice Chair Hari Gopalakrishnan Nair, Chair Sameera Merchant Enoch Ho Lea Damata Greg Pope Vacant.	The Examinations Committee's role is to provide oversight of the development, administration, and implementation of the Ontario Clinical Exam.	Amanda Sandhu



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de l'ONTARIO

Motion No.: 13.0

**Council Meeting
September 28-29, 2023**

Agenda #13.0: Appointment of the Auditor

It is moved by

and seconded by

that:

Council appoints Hilborn LLP as the Auditor for the College of Physiotherapists of Ontario for the fiscal year 2024.

Meeting Date:	September 28-29, 2023
Agenda Item #:	13
Category	Finance
Issue:	<i>For Approval</i> Appointment of the Auditor
Submitted by:	Zoe Robinson, VP Finance and Reporting

Issue:

The Council is being asked to approve the appointment of the external financial auditor for the Fiscal Year 2024.

Background

The College by-laws, section 2.7 (“Audit”), requires the College to conduct an annual external audit of its financial statements completed by an external auditor (“Auditor”) appointed by the Council. The Auditor is required to be licensed under the *Public Accounting Act, 2004* and is appointed annually.

The College conducted an open tender for an Auditor in FY 2021 to conduct the College’s annual audit for a 5-year period beginning in Fiscal Year 2022. The successful bid was provided by Hilborn LLP, who completed the audits of the College’s annual financial statements for the years ending March 31, 2022 and March 31, 2022.

Fiscal Year 2024, ending March 31, 2024, would be Hilborn’s third (3rd) year of the current agreement and their 8th year conducting the audit.

Assessment of the Fiscal Year 2023 Audit

Management completed a debrief of the audit process and prepared a report that is appended to this briefing note and presented the findings in a briefing note to the Finance Committee.

The review of the financial audit for Fiscal Year 2023 reported:

- The audit was completed virtually and did not require an on-site visit by the Auditors.
- Communication with between Hilborn and College staff was timely made smooth through the use of an on-line portal provided by Hilborn, password protected, to share documents back and forth.
- The Auditor is very familiar with the nature of the College’s working and financial reporting requirements because they provide external financial audit services to many RHPA colleges.

- The Auditor was responsive to enquiries made by members of the senior leadership team and assisted members of the senior leadership team as requested.
- Issues raised during the audit were professionally and respectfully resolved following discussion between the College's management and the audit team, including the audit firm's managing partner.
- The Auditor presented a complete audit plan to the Finance Committee prior to the execution of the audit field work. This plan was thorough and improved from plans provided in the previous year. The information provided was easier to understand and the details of the plan were clear.
- Adjustments were made to the draft audited financial statements between the Finance Committee meeting and the presentation to Council. The changes were required following the auditor's identification of an error in information provided by the CPO management.
- In summary, the audit was more complex than in previous years due to new requirements to audit the exam and the exam exemption process, therefore, placing increased time pressure to prepare materials and provide reports to the Finance Committee and Council under the current timelines.

Review by the Finance Committee

The Finance Committee reviewed management's debrief report on the audit and discussed the audit process. Following the discussion, the Finance Committee passed the following motion:

"The Finance Committee recommends that the Council appoint Hilborn LLP as the Auditor for the College of Physiotherapists of Ontario for the fiscal year 2024."

Decision by the Council

The Council approves the following motion:

"That Council appoints Hilborn LLP as the Auditor for the College of Physiotherapists of Ontario for the fiscal year 2024."

Strategic Importance

Council has a fiduciary responsibility provide financial oversight and the external financial audit is a requirement to have independent accountants review the College's financial statements to verify the College's financial statements are free from material mistakes due to fraud or misstatements.

Appendix

- None

Meeting Date:	September 28-29, 2023
Agenda Item #:	14
Category	Education – <i>Presentation only (no materials)</i>
Topic:	Equity, Diversity, and Inclusion Primer
Presented by:	Craig Roxborough, Registrar & CEO

Council will be provided with an update on work that has been completed and work that is being planned in support of the College's commitment to Equity, Diversity, and Inclusion.



COLLEGE OF
PHYSIOTHERAPISTS
of ONTARIO

ORDRE DES
PHYSIOTHÉRAPEUTES
de l'ONTARIO

Motion No.: 15.0

**Council Meeting
September 28-29, 2023**

Agenda #15.0: Proposed Updates to the By-laws and Governance Policies

It is moved by

and seconded by

that:

Council approves the proposed housekeeping updates to the College's By-laws and Governance Policies as well as the addition of a competency requirement.

Meeting Date:	September 28-29, 2023
Agenda Item #:	15
Category	Governance
Issue:	<i>For Decision</i> Proposed Updates to the By-laws and Governance Policies
Submitted by:	Mara Berger, Director, Policy, Governance & General Counsel Evguenia Ermakova, Policy Analyst

Issue:

Council is being asked to approve housekeeping updates to the College's By-laws and Governance Policies. The proposed revisions focus primarily on addressing unnecessary duplications, outdated references and inconsistencies.

In addition to the housekeeping updates, Council is also being asked to consider two additions to the By-laws:

- The establishment of a competency requirement for members standing for Council election or for selection as an Academic Councillor, as well as individuals seeking appointment to one of the College's committees as a non-Council Committee member.
- By-law provisions that would allow the College to collect (1) practice information and/or (2) demographical information from our registrants as deemed necessary by the Registrar. These additions would need to be circulated for 60 days in accordance with s. 94(2) of the Health Professions Procedural Code.

Public Interest Assessment:

The By-laws and Governance Policies require regular maintenance to ensure that they are up-to-date, clear and without contradictions. Concise and accurate By-laws and Governance Policies are in the best interest of the public to ensure that members of the public can obtain relevant information regarding the College's governance practices and expectations.

Background:

The College recently started the process to conduct a comprehensive review of its By-laws and Governance Policies. As a first step in the process, the College has noted several housekeeping items that should be addressed. More substantial By-law and Governance Policy updates will be proposed at future meetings and will include recommendations that may result from the current Governance Review being conducted by the Regulator's Practice.

A. Housekeeping Changes:

The housekeeping updates that are currently being proposed are as follows:

Unnecessary Duplications

- Unnecessary duplications between the Health Professions Procedural Code¹, the By-laws and the Governance Policies were removed.
- While in limited circumstances duplications can be useful to increase awareness, generally provisions that are already provided for in the Code do not need to be repeated in the By-laws, and other requirements should live either in the By-laws or Governance Policies, depending on the nature of the requirement.

Outdated References

- References to incorrect By-law sections or to Governance Policies that have either been renumbered or no longer exist have been updated.
- Additionally, references to having an Annual General Meeting, which is not a legal requirement and as such is not necessary, have been removed.

Terminology

- Inconsistent use of terminology in the By-laws and Governance Policies has been addressed.
- This includes the fact that the By-laws refer to 'Member' throughout while the Governance Policies instead use the term 'Registrant' and the use of 'Chairperson' in a single Policy, while otherwise the term 'Chair' is consistently being used.

Contradictory Requirements

- Any contradictions between different requirements have been resolved by revising the contradictory provisions to align.
- This includes references that would seemingly permit a President or Vice-President to serve in these roles for six years during a consecutive term on Council, despite other provisions that clearly establish a two-year maximum.

Public Members

- Governance Policy 7.4 has been revised to provide for more flexibility with respect to Public Member participation on Committee panels where a Public Member suddenly becomes unavailable for a scheduled Committee meeting due to unforeseen personal circumstances.
- Under the revised Policy, the Committee Chair could determine that the panel can proceed without a Public Member present in the interest of procedural fairness if doing so would not be contrary to the Health Professions Procedural Code.

¹ The Code is Schedule 2 of the *Regulated Health Professions Act, 1991*.

Grammar, Spelling and Formatting

- Grammatical, spelling, and formatting errors throughout both the By-laws and the Governance Policies have been corrected.

B. Substantive Changes:

In addition to housekeeping items, there are two additions to the By-laws that are being proposed to comply with commitments previously made by the College.

Competency Framework

- The College is looking to establish a competency requirement as one of the eligibility criteria to serve on Council or a committee as a Professional member or non-Council Committee member.
- In accordance with the College Performance Measurement Framework, all health Colleges are expected to have a competency requirement that prospective Councillors and Committee members would need to meet to stand for election, be selected as an Academic Councillor or be appointed as a non-Council Committee member to one of the College's committees. This has also emerged as a governance best practice.
- The College is proposing adding a requirement to meet established competencies to the eligibility criteria for all prospective Councillors and Committee members.
- The proposed By-law addition is to establish the requirement itself; a proposed competency profile would be set out in policy and will be presented separately for Council's consideration.

Data Collection

- The College is looking to add provisions allowing the College to collect additional (1) practice information and/or (2) demographic information as deemed necessary by the Registrar.
- Any data collected under these provisions would serve the purpose of allowing the College to better understand the composition of the profession and to support any future strategic objectives, including any objectives related to any EDI initiatives the College may decide to pursue.
- Additionally, as part of the College's data sharing agreement with the Canadian Institute for Health Information (CIHI)², the College may determine that additional practice and

² CIHI is a not-for-profit organization that 'provides comparable and actionable data and information that are used to accelerate improvements in health care, health system performance and population health across Canada'.

demographic information should be collected. CIHI has recently amended some of the data points it collects, and the College is currently reviewing the amendments.

- For additional demographic information, examples of what may be collected based on the amended CIHI data points include:
 - The member's sex assigned at birth.
 - Demographic information regarding the member's indigenous or racial identity.
- For additional practice information, examples of what may be collected based on the amended CIHI data points include:
 - Information regarding the member's practice, including whether the member practices through an Agency Health Care Provider, provides virtual care and the different modes of service delivery they employ.
- The College has previously collected certain demographic information and practice information on a voluntary basis during renewal. By adding provisions to the By-laws that allow for the collection of demographic and practice information as deemed necessary by the Registrar, the College can make the collection mandatory.
- Whether and how to collect either practice and/or demographic information is still a work in progress, but if any additional information is deemed necessary for collection, the collection will be done sensitively and with clear communication regarding the purpose of collecting this information and how it will be used.
- Since the proposed By-law provisions would allow for the collection of information from registrants about themselves and/or their practice, they would require circulation for 60 days in accordance with s. 94(2) of the Health Professions Procedural Code.

Decision Sought from Council:

Council is being asked to approve the proposed housekeeping updates to the College's By-laws and Governance Policies as well as the addition of a competency requirement.

Council is also being asked to approve the proposed By-law provisions to allow for the collection of additional practice and demographical information as considered necessary by the Registrar for circulation.

Attachments:

- Appendix A – Table of Concordance
- Appendix B – By-laws – redlined
- Appendix C – Governance Policies - redlined

Proposed By-law and Governance Policies Changes

September 2023

By-law Section	Proposed Change	Current Version	New Version	Rationale
1.1(o) Definitions	Use Registrant in lieu of Member	“Member” means a member of the College as set out in section 13 of the Code;	“ Registrant ” means a member of the College as set out in section 13 of the Code;	An increasing number of Regulators are adopting registrant in lieu of member as the preferred terminology. There is also currently a contradiction between the College’s By-laws and Governance Policies. The Governance Policies have used the term registrant for more than 10 years, even though the term isn’t defined anywhere and the By-laws still refer to member. By updating the terminology in the By-laws, that contradiction would be resolved.
2.5(5) Contract and Expenditures	Remove details already covered in Governance Policy #4.2	Signing officers may approve purchases or leasing of goods and acquisition of services in accordance with the following:	Signing officers may approve purchases or leasing of goods and acquisition of services in accordance with the	The duplication isn’t needed and the details are more appropriately covered by policy.

By-law Section	Proposed Change	Current Version	New Version	Rationale
		<p>i. the Registrar/Deputy Registrar may authorize expenses not exceeding \$50,000 if the expenditure has previously been approved as an item in the College budget;</p> <p>ii. the Registrar/Deputy Registrar and one Council signing officer (President or Vice President) may authorize expenses in excess of \$50,000 if the expenditure has previously been approved as an item in the College budget;</p> <p>iii. the Registrar/Deputy Registrar may authorize expenses not exceeding \$10,000 if the expenditure has not previously been approved as an item in the College budget if the Registrar/Deputy Registrar believes that the expenditure is</p>	<p>College's policies as approved by Council.</p>	

By-law Section	Proposed Change	Current Version	New Version	Rationale
		<p>necessary for the operations of the College; and</p> <p>iv. the Executive Committee shall review any proposed expense exceeding \$10,000 if the item is not an expenditure in the College budget and make recommendations to Council for approval. If immediate action is required, the Executive Committee may approve the expenditure.</p>		
2.7(4) Audit	Remove this section	The Auditor may be re-appointed provided that the Auditor does not serve for more than five consecutive one-year terms.	removed	This section contradicts section 2.7(5) and there is no accounting or legal principle that requires a 5-year maximum term for the auditor.
2.8(2) By-laws	Remove this section	Proposed by-laws made under the authority of clauses (l.2), (l.3), (s), (t), (v), (w) or (y) of subsection 94 (1) of the Code shall be circulated	removed	This requirement is set out in the Code and doesn't need to be duplicated in the By-laws.

By-law Section	Proposed Change	Current Version	New Version	Rationale
		to every Member at least 60 days before they are approved by Council.		
2.8(5) By-laws	Remove this section	The College shall make the By-laws available to the Minister and each Member and make them available to the public during normal business hours as set out in section 94 of the Code.	removed	This requirement is set out in the Code and doesn't need to be duplicated in the By-laws.
3.1(9) Eligibility for Election	Add requirements that competencies have been met	n/a	A Member is eligible for election to Council for an electoral district if: (o) the Member meets the competency requirements as set out in the applicable College policy approved by the Council.	The CPMF requires a competency framework and this is also an emerging governance best practice. It should be noted that non-Council Committee members have to meet the same eligibility criteria as members standing for election, as set out in s.7.5(2). This means that this new requirement would apply to both members standing for election and

By-law Section	Proposed Change	Current Version	New Version	Rationale
				members applying to sit on a committee as a non-Council Committee member.
3.1(11)(b) Nomination Procedure	Revise section to clarify that the two business days relate to removing one's name off the ballot	A candidate in an election may withdraw their candidacy by notifying the Registrar of the withdrawal in writing no later than two business days before voting starts.	A candidate in an election may remove their name from the ballot by notifying the Registrar of the withdrawal in writing no later than two business days before voting starts.	Revised for greater clarity – as outlined in s.3.1.(14)(d), a candidate can still withdraw when voting has begun, but because their name can no longer be removed, voters will need to be provided with the option to recast their votes.
3.2(2) Academic Councillors	Add requirements that competencies have been met	n/a	A Member is eligible to serve on Council as an Academic Councillor if: (o) the Member meets the competency requirements as set out in the applicable College policy approved by the Council.	The CPMF requires a competency framework and this is also an emerging governance best practice.
3.2(4) Academic Councillors	Change selection timeline	An Academic Councillor shall be selected by Council in accordance with the above schedule at the first regular Council meeting	An Academic Councillor shall be selected by Council in accordance with the above schedule at the last regular Council meeting prior to	Academic appointment should be confirmed prior to the start of their term so the Academic Councillor can be onboarded and fully

By-law Section	Proposed Change	Current Version	New Version	Rationale
		<p>following an election of Council and the Academic Councillor shall serve for a three-year term of office.</p>	<p>the start of their term following an election of Council and the Academic Councillor shall serve for a three-year term of office.</p>	<p>participate in the first Council meeting following their appointment – there is no need to wait until after the Council election since this is an entirely separate process.</p>
<p>4.4(4) Notice of Meetings</p>	<p>Revise this section to differentiate between regular and special meetings</p>	<p>The College shall post the date of every Council meeting on its website at least 7 days before the meeting as well as the meeting materials.</p>	<p>(4)The College shall post the date and the meeting materials of every regular Council meeting on its website at least 7 days before the meeting (5) The College will make every reasonable effort to post the date and the meeting materials of every special Council meeting on its website at least 5 days before the meeting.</p>	<p>S.4.4(2) requires that Council receives notice of any special meeting at least 5 days prior to the meeting, which conflicts with s.4.4(4) as currently written since it requires meeting materials to be posted 7 days in advance. Differentiating between regular and special meetings resolves the conflict. A qualifier of reasonable efforts should also be added for the posting of the date and materials for special meetings, since depending on the nature of the meeting 5</p>

By-law Section	Proposed Change	Current Version	New Version	Rationale
				days may not always be feasible.
5.3(1) Councillor Orientation and Training	Remove provision	All Councillors and Non-Council Committee Members shall participate in the required orientation and training, including sexual abuse prevention training, as set out in the College's governance policies approved by Council.	removed	Removed for duplication – this is covered in Governance Policy #7.9
7.2 Executive Delegation	Remove this section	Between the meetings of the Council, the Executive Committee has all the powers of the Council with respect to any matter that, in the Committee's opinion, requires immediate attention, other than the power to make, amend or revoke a regulation or by-law.	removed	S.12(1) sets out the powers of the Executive Committee – duplicating this section in the By-laws is not required

By-law Section	Proposed Change	Current Version	New Version	Rationale
7.3 & 7.4 The Finance Committee	Switch the order of 7.3 & 7.4	n/a	n/a	7.4 establishes the Council's ability to establish non-statutory committee. This section should precede the section for the Finance Committee, which is a non-statutory committee established by Council.
7.5 The Examinations Committee	Add the Examinations Committee	n/a	The Examinations Committee shall be composed in accordance with the requirements set out in the Examinations Committee's Terms of Reference as approved by the Board of Directors.	While the Terms of Reference for the Examinations Committee exists in the Governance Policies, the Examinations Committee should also be listed in the By-laws.
7.5(3) Appointment of Non-Council Committee Members	Add requirements that competencies have been met	n/a	A person who is not a Member is eligible for appointment to a Committee under this section if, on the date of the appointment: (m) the person meets the competency requirements as set out	The CPMF requires a competency framework and this is also an emerging governance best practice. This section of the By-laws specifically addresses the eligibility

By-law Section	Proposed Change	Current Version	New Version	Rationale
			<p>in the applicable College policy approved by the Council.</p>	<p>criteria for individuals who are neither Councillors or Members of the profession, but who may be appointed as a non-Council Committee Member to one of the College's committees.</p> <p>The College currently has only one public member on the Exam Committee who is not publicly appointed, but in case the College wants to recruit additional public members for committees in the future who are not appointed by the Lieutenant Governor, the same competency requirement as for professional members should apply.</p>

By-law Section	Proposed Change	Current Version	New Version	Rationale
7.7(6) Statutory and Non-Statutory Committee Procedures	Remove this section for duplication	Every appointment to a Committee shall be made in accordance with the College's governance policies as approved by Council.	removed	The requirement for appointments to committees to be made in accordance with the Governance Policies is already established in s.7.6(1) & 7.6(2)
8.2(1)(t) Information to be provided by Members	Add provision to allow for the collection of additional practice information	n/a	A Member shall provide the following to the College when requested to do so by the Registrar: (t) practice information considered necessary by the Registrar; and	To better understand the composition of the profession and current practice setting, or based upon a request from CIHI to collect additional data points, the Registrar may decide from time to time that collecting additional practice information is needed (e.g. whether a PT provides virtual care, different modes of service delivery). This provision would allow the College the flexibility to collect that information without requiring a 60-day

By-law Section	Proposed Change	Current Version	New Version	Rationale
				circulation of a By-law change whenever we need to collect new data points.
8.2(1)(u) Information to be provided by Members	Add provision to allow for the collection of demographic information	n/a	A Member shall provide the following to the College when requested to do so by the Registrar: (u) demographic information considered necessary by the Registrar.	To better understand the composition of the profession and to inform potential future EDI initiatives, or based upon a request from CIHI to collect additional data points, the Registrar may decide from time to time that collecting additional practice information is needed (e.g. information regarding a registrant's Indigenous or racial identity). This provision would allow the College the flexibility to collect that information without requiring a 60-day circulation of a By-law change whenever we need to collect new data points. Any data collection would be

By-law Section	Proposed Change	Current Version	New Version	Rationale
				conducted in accordance with best practice and with a clearly defined purpose regarding the collection, use, and disclosure of the information.

Governance Policy	Proposed Change	Current Version	New Version	Rationale
#1.2 Role of a Council Member	Remove reference to 'statutory'	Serve on Council and at least one statutory committee to which they are appointed.	Serve on Council and at least one statutory committee to which they are appointed.	The College has both statutory and non-statutory committees and Councillors may be asked to serve on either or both.
#1.2 Role of a Council Member	#1.2 Role of a Council Member	Acquire and apply a working knowledge of the Statutory requirements and policies related to their specific Statutory Committee(s).	Acquire and apply a working knowledge of the s Statutory requirements and policies related to their specific Statutory C Committee(s).	The College has both statutory and non-statutory committees and Councillors may be asked to serve on either or both.
#1.2 Role of a Council Member	#1.2 Role of a Council Member	Appointment to a statutory committee is one year and renewable annually.	Appointment to a statutory -committee is one year and renewable annually.	The College has both statutory and non-statutory committees and Councillors may be asked to serve on either or both.

Governance Policy	Proposed Change	Current Version	New Version	Rationale
#1.3 Role of a Committee Chairperson	Replace Committee Chairperson with Committee Chair	Committee Chairperson	Committee Chair	Committee Chair is the term used throughout the By-laws and the Governance Policies – the only place where Committee Chairperson is used instead is in this policy.
#1.3 Role of a Committee Chairperson	Remove reference to Annual General Meeting	Committee Chairs are nominated by the Executive Committee and appointed annually by Council members at the annual general meeting.	Committee Chairs are nominated by the Executive Committee and appointed annually by Council members at the annual general meeting.	By hosting four public Council meetings a year, the College, CPO is meeting its legal obligations – there is no need to designate part of a Council meeting as an Annual General Meeting, which is a more common feature of Associations.
#1.3 Role of a Committee Chairperson	Add reference to Non-Council Committee Members	The number of times a Council member can be appointed as a Chair to any particular Committee is nine times.	The number of times a Council member or a Non-Council Committee member can be appointed as a Chair to any particular Committee is nine times.	Committees are chaired by both Council members and Non-Council Committee members, so both should be represented here.
#1.4 Responsibility of a Non-Council Committee Member /	Remove reference to 'Council statutory' committees	Committee members and members of a task force or an advisory	Committee members and members of a task force or an advisory	The College has both statutory and non-statutory committees,

Governance Policy	Proposed Change	Current Version	New Version	Rationale
Member of a Task Force and Advisory Groups		group are working participants of Council statutory committees, task forces and advisory groups and facilitate the achievement of desired outcomes as approved by the Council.	group are working participants of Council statutory committees, task forces and advisory groups and facilitate the achievement of desired outcomes as approved by the Council.	so that reference is inaccurate.
#1.5 Role of President	Remove reference to Annual General Meeting	The President serves a one-year term and is elected annually in March and takes office at the Annual General Meeting.	The President serves a one-year term and is elected annually in March and takes office at the first regular Council meeting following an election.	By hosting four public Council meetings a year, the College, CPO is meetings its legal obligations – there is no need to designate part of a Council meeting as an Annual General Meeting, which is a more common feature of Associations.
#1.5 Role of President	Remove reference to a six-year maximum for a President’s appointment	These appointments may be consecutive for a maximum of 6 years given the 9-year limit for serving on Council.	removed	The maximum a Council member can be appointed as President is 2 years – this is confirmed both in this Policy and Policy #7.2 – Succession Planning. The reference to a six-year maximum contradicts the established 2-year

Governance Policy	Proposed Change	Current Version	New Version	Rationale
				maximum and should be removed.
#1.5 Role of President	Remove reference to Annual Meeting.	In coordination with the Registrar, to identify issues, develop objectives and establish priorities to be deliberated by the Council and oversee the planning, chairing and evaluation of all Council meetings including the annual meeting.	In coordination with the Registrar, to identify issues, develop objectives and establish priorities to be deliberated by the Council and oversee the planning, chairing and evaluation of all Council meetings including the annual meeting.	By hosting four public Council meetings a year, the College, CPO is meetings its legal obligations – there is no need to designate part of a Council meeting as an Annual General Meeting, which is a more common feature of Associations.
#1.6 Role of Vice President	Remove reference to Annual General Meeting	The Vice President serves a one-year term and is elected annually in March and takes office at the Annual General Meeting.	The Vice President serves a one-year term and is elected annually in March and takes office at the first regular Council meeting following an election.	By hosting four public Council meetings a year, the College, CPO is meetings its legal obligations – there is no need to designate part of a Council meeting as an Annual General Meeting, which is a more common feature of Associations.
#1.6 Role of Vice President	Remove reference to a six-year maximum for a Vice President's appointment	These appointments may be consecutive for a maximum of 6 years given the 9-year limit for serving on Council.	removed	The maximum a Council member can be appointed as Vice President is 2 years – this is confirmed both in this Policy and Policy

Governance Policy	Proposed Change	Current Version	New Version	Rationale
				#7.2 – Succession Planning. The reference to a six-year maximum contradicts the established 2-year maximum and should be removed.
#1.7 Role of the Registrar	Remove reference to stakeholders	Maintains and develops organizational culture, values and reputation (always consistent with the direction of the Executive Committee and Council) with the public, government, staff, registrants, stakeholders, partners and regulatory peers.	Maintains and develops organizational culture, values and reputation (always consistent with the direction of the Executive Committee and Council) with the public, government, staff, registrants, stakeholders , partners and regulatory peers.	Stakeholders has been recently identified as a problematic term with colonial connotations. The College is slowly replacing its use. In this case, the reference to stakeholders is not needed and can simply be removed since the provision already lists the various groups and partners we interact with.
#2.2 Discipline Committee	Combine Panel and Composition section	Panel The Chair of the Discipline Committee shall select a panel from among the members of the Committee to hold a hearing of any matter	Panel The Chair of the Discipline Committee shall select a panel from among the members of the Committee to hold a hearing of any matter referred to the	All requirements related to the selection and composition of Discipline Committee panels are outlined in s.38 of the Code and do not need to be repeated in the Policy.

Governance Policy	Proposed Change	Current Version	New Version	Rationale
		<p>referred to the Committee.</p> <p>Composition As provided by subsection 38(1) of the Health Professions Procedural Code, the Chair shall select a panel of at least three members and no more than five as follows: at least two of the members shall be persons appointed to the Council by the Lieutenant Governor in Council and at least one member shall be a professional member on the College Council.</p>	<p>Committee in accordance with subsection 38 of the Health Professions Procedural Code.</p>	
#2.3 Executive Committee	Remove reference regarding reporting to Council	To report to Council as soon as possible following all decisions in which the Committee exercised the Council's authority.	removed	This requirement is set out in the Code and does not need to be repeated here.
#2.4 Fitness to Practice Committee	Combine Panel and Composition section	Panel	Panel	All requirements related to the selection and

Governance Policy	Proposed Change	Current Version	New Version	Rationale
		<p>The Chair of the Fitness to Practise Committee shall select a panel from among the members of the Committee to hold a hearing of any matter referred to the Committee by the Inquiries, Complaints and Reports Committee.</p> <p>Composition As provided by subsection 64(2) of the Health Professions Procedural Code a panel shall be composed of at least three persons, at least one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.</p>	<p>The Chair of the Fitness to Practice Committee shall select a panel from among the members of the Committee to hold a hearing of any matter referred to the Committee in accordance with subsection 64(2) of the Health Professions Procedural Code.</p>	<p>composition of Discipline Committee panels are outlined in s.64 of the Code and do not need to be repeated in the Policy.</p>

Governance Policy	Proposed Change	Current Version	New Version	Rationale
#4.1 Allowances and Expenses	Replacing the term stakeholders	The Rate Schedule is not considered part of this policy and will be reviewed and updated each year by staff based on reference benchmarks and communicated broadly to affected stakeholders.	The Rate Schedule is not considered part of this policy and will be reviewed and updated each year by staff based on reference benchmarks and communicated broadly to affected parties.	Stakeholders has been recently identified as a problematic term with colonial connotations. The College is slowly replacing its use and here using parties would be appropriate.
#4.1 Allowances and Expenses	Replace the term stakeholder	The amount of any adjustment would be determined by the College each fiscal year. Any changes to the rates will be communicated broadly to affected stakeholders.	The amount of any adjustment would be determined by the College each fiscal year. Any changes to the rates will be communicated broadly to affected parties.	Stakeholders has been recently identified as a problematic term with colonial connotations. The College is slowly replacing its use and here using parties would be appropriate.
#4.1 Allowances and Expenses	Replace the term stakeholder	Any changes to the rates will be communicated broadly to affected stakeholders.	Any changes to the rates will be communicated broadly to affected parties.	Stakeholders has been recently identified as a problematic term with colonial connotations. The College is slowly replacing its use and here using parties would be appropriate.

Governance Policy	Proposed Change	Current Version	New Version	Rationale
#4.3 Investments and Investment Strategy	Add reference that not only the registrar but also other staff members can provide financial updates	The Registrar will present the status of College investments as part of the finance statements at every Council meeting.	The Registrar or another staff member will present the status of College investments as part of the finance statements at every Council meeting.	Provides for greater flexibility and aligns with current practice of having the VP, Finance & Reporting provide the quarterly financial updates to Council.
#5.1 College Policy Review Schedule	Remove reference to Policy 6.3 – Approval of Official Documents	If, as a result of the reviews of College governance policies, by-laws or official documents, changes are proposed, these will be considered by Council using the policy 6.3 - Approval of Official Documents.	If, as a result of the reviews of College governance policies, by-laws or official documents, changes are proposed, these will be considered by Council using the policy 6.3 - Approval of Official Documents.	Policy 6.3 – Approval of Official Documents was previously removed from the Governance Policies and as such the reference is no longer applicable or needed.
#5.3 Elected Officers	Remove policy for duplication	Policy In keeping with its duty defined in the By-laws to elect officers, the Council shall annually elect a President, Vice-President and members of its Executive Committee at the last	removed	This policy is not required since all the same information is set out in the By-laws.

Governance Policy	Proposed Change	Current Version	New Version	Rationale
		<p>regular meeting of Council prior to an election of Council members. The officers elected at this meeting shall take office at the first regular meeting of Council following an election of Council members.</p> <p>Procedure</p> <ol style="list-style-type: none"> 1. The election shall be carried out in a manner consistent with the College's By-laws. 2. If an officer who is elected fails to be re-elected or appointed to Council and is therefore unable to serve as an officer of the College, their position will be declared vacant and be filled at the first successive meeting of the Council in a manner 		

Governance Policy	Proposed Change	Current Version	New Version	Rationale
Section 6.0 Stakeholders	Rename the section from Stakeholders to Intellectual Property	consistent with the College By-laws. Section 6.0 Stakeholders	Section 6.0 Intellectual Property	Stakeholders has been recently identified as a problematic term with colonial connotations. The College is slowly replacing its use, but we currently have a section in the Governance called Section 6.0 Stakeholders. The only policy covered in this section is Policy #6.1 – Intellectual Property and Related Uses, so we are proposing relabelling this section ‘Intellectual Property’.
#7.4 Public Member Attendance at Committee Meetings	Remove limitation that in exceptional circumstances statutory decisions affecting registrants cannot be discussed by a committee without a public member present	If at least one publicly appointed member is not able to attend the meeting of a statutory committee, the meeting should be postponed until such time as the publicly appointed member is able to	If at least one publicly appointed Member is not able to attend the meeting of a statutory committee, the meeting should be postponed until such time as the publicly appointed Member is able to	While having public members participate in all statutory decision making is preferable, in exceptional circumstances a committee should have the flexibility to proceed even if a public member unexpectedly becomes unavailable as

Governance Policy	Proposed Change	Current Version	New Version	Rationale
		<p>attend. In exceptional circumstances, a meeting may proceed when the planned attendance of the publicly appointed member is interrupted by unforeseen immediate personal circumstances. In that case, decisions on registrants that are statutory in nature cannot be discussed without the presence of a publicly appointed member.</p>	<p>attend. In exceptional circumstances, a meeting may proceed when the planned attendance of the publicly appointed Member is interrupted by unforeseen immediate personal circumstances, provided that proceeding would not contravene the Code. The determination whether to proceed shall be made by the Committee Chair. In making that determination, the Committee Chair will consider whether the interests of the affected parties outweighs the desirability to have a Public Member present. In that case, decisions on registrants that are</p>	<p>long as all legal obligations with respect to Panel composition and quorum under the Code are still being met. Not having that flexibility could negatively impact the registrants by delaying any decision making by the Committee until such time as the public member can be present. Allowing for some flexibility is also in the public's interest, both from a procedural fairness perspective and where members of the public could be impacted by the outcome of a regulatory proceeding, for example where a member of the public is a party to an ICRC proceeding.</p>

Governance Policy	Proposed Change	Current Version	New Version	Rationale
			statutory in nature cannot be discussed without the presence of a publicly appointed member.	
#7.5 Selection of Individuals to Committees, Task Forces and Advisory Groups	Remove reference to Annual General Meeting	The Executive Committee, after considering expressions of interest, will recommend individuals to serve on statutory and non-statutory committees at the College's Annual General Meeting and from time to time as required.	The Executive Committee, after considering expressions of interest, will recommend individuals to serve on statutory and non-statutory committees to Council at the first opportunity following an election, and from time to time as required.	There is no legal requirement for the College to hold an Annual General Meeting. Furthermore, requiring the Executive Committee to present the Committee Slate at the first opportunity provides greater flexibility as it would allow for the presentation at either a special or a regular meeting of Council depending on the circumstances.
#7.9 Council and Committee Education/Orientation	Remove reference to sexual abuse prevention training	All Councillors and Committee members are required to participate in annual orientation programming, including	All Councillors and Committee members are required to participate in annual orientation programming, including	This level of specificity is not required in the Governance Policy – this should instead be part of the Executive Committee's annual identification of the

Governance Policy	Proposed Change	Current Version	New Version	Rationale
		the College’s mandate, their role and responsibilities, and sexual abuse prevention training, prior to attending any meeting of a committee to which they have been appointed.	the College’s mandate, their role and responsibilities, and sexual abuse prevention training, prior to attending any meeting of a committee to which they have been appointed.	education needs of Council and committees.
#7.9 Council and Committee Education/Orientation	Add reference to Committee members	The current Councillors and staff act as mentors in supporting new member integration and understanding.	The current Councillors and Committee members and staff act as mentors in supporting new member integration and understanding.	Similar to Councillors, Committee members can also play an important role in assisting new members and should be included in this provision. The reference to staff should be removed though – while staff provide support, they do not act as mentors.
#7.9 Council and Committee Education/Orientation	Clarify that the College will cover expenses for public members that are attending educational events external to the College	Registration fees for such events are covered by the College for both professional and public members. Per diems and expenses for professional members	Registration fees, per diems and expenses for such events are covered by the College for both professional and public members. For public members, the	Currently, the HBS Remuneration Framework establishes that the College is meant to cover registration fees and expenses for external education activities for

Governance Policy	Proposed Change	Current Version	New Version	Rationale
		<p>are also covered by the College. Public members' per diems and expenses are paid by the Ministry and require pre-approval by the Ministry prior to attendance at any external education session. Pre-approval is coordinated by the Registrar and Governance Analyst.</p>	<p>provisions as set out in the Renumeration Framework of the Health Board Secretariat will apply. Per diems and expenses for professional members are also covered by the College. Public members' per diems and expenses are paid by the Ministry and require pre-approval by the Ministry prior to attendance at any external education session. Pre-approval is coordinated by the Registrar and Governance Analyst.</p>	<p>public members – HBS will cover the per diem only if prior approval has been obtained. Those provisions could change in the future, so to ensure continuous compliance with the Renumeration Framework, the policy should simply refer back to it.</p>
<p>#7.9 Council and Committee Education/Orientation</p>	<p>Remove provision</p>	<p>All Councillors and Non-Council Committee Members must participate in sexual</p>	<p>removed</p>	<p>This level of specificity is not required in the Governance Policy – this should instead be part of the Executive Committee's annual</p>

Governance Policy	Proposed Change	Current Version	New Version	Rationale
		abuse prevention training.		identification of the education needs of Council and committees.



COLLEGE OF
PHYSIOTHERAPISTS
of ONTARIO
Regulating Physiotherapists

2017

**Official By-Laws of
The College of Physiotherapists of Ontario/
L'Ordre des Physiothérapeutes de l'Ontario**

Official By-Laws of The College of Physiotherapists of Ontario/ L'Ordre des Physiothérapeutes de l'Ontario

Approved by Council March 22, 2017, Revised December 14, 2017,
Revised March 20, 2018, Revised June 23, 2021,
Revised December 12, 2022, Revised June 26, 2023.

Made pursuant to section 94 of the *Health Professions Procedural Code*
(being Schedule 2 of the *Regulated Health Professions Act, 1991*)

Contents

Official By-Laws of the College of Physiotherapists of Ontario

PART 1 — DEFINITIONS	6
DEFINITIONS	6
PART 2 — COLLEGE ADMINISTRATION	8
SEAL	8
BANKING	8
BORROWING	8
INVESTMENT	9
CONTRACTS AND EXPENDITURES	9
OTHER DOCUMENTS	10
AUDIT	10
BY-LAWS	11
THE REGISTRAR	11
MANAGEMENT OF COLLEGE PROPERTY	11
PART 3 — ELECTION OR APPOINTMENT OF COUNCILLORS	12
ELECTIONS	12
ACADEMIC COUNCILLORS	2120
DECLARATION OF OFFICE	2322
REMUNERATION OF COUNCILLORS AND COMMITTEE MEMBERS	2322
INDEMNIFICATION	2423
PART 4 — MEETINGS OF COUNCIL AND COMMITTEES	2524
COMPOSITION AND DUTIES OF COUNCIL	2524
REGULAR MEETINGS	2524
SPECIAL MEETINGS	2524
NOTICE OF MEETINGS	2524
MEETINGS HELD BY TECHNOLOGICAL MEANS	2625
WRITTEN RESOLUTIONS	2625
MINUTES	2625
RULES OF ORDER	2625
PART 5 — CONDUCT OF COUNCILLORS AND COMMITTEE MEMBERS	2726
CONFLICT OF INTEREST — COUNCIL AND COMMITTEE MEMBERS	2726
CODE OF CONDUCT FOR COUNCILLORS AND NON-COUNCIL COMMITTEE MEMBERS	2827
COUNCILLOR ORIENTATION AND TRAINING	2827
PART 6 — ELECTION OF EXECUTIVE COMMITTEE	2928
ELECTION OF PRESIDENT AND VICE-PRESIDENT	2928
ELECTION OF REMAINING EXECUTIVE COMMITTEE MEMBERS	3029
DUTIES AND POWERS OF PRESIDENT AND VICE-PRESIDENT	3029

PART 7—STATUTORY AND NON-STATUTORY COMMITTEES	<u>3231</u>
STATUTORY COMMITTEES	<u>3231</u>
EXECUTIVE DELEGATION	<u>3332</u>
NON-STATUTORY COMMITTEES	<u>3433</u>
APPOINTMENT OF NON-COUNCIL COMMITTEE MEMBERS	<u>3433</u>
SELECTION OF STATUTORY AND NON-STATUTORY COMMITTEES AND COMMITTEE CHAIRS	<u>3634</u>
STATUTORY AND NON-STATUTORY COMMITTEE PROCEDURES	<u>3635</u>
PART 8 — MEMBERS’ OBLIGATIONS	<u>3736</u>
THE REGISTER	<u>3736</u>
PROFESSIONAL LIABILITY INSURANCE	<u>4241</u>
FEES – REGISTRATION	<u>4341</u>
FEES – REINSTATEMENT	<u>4543</u>
FEES — GENERAL	<u>4543</u>
FEES — ONTARIO CLINICAL EXAM	<u>4644</u>
PART 9 — PROFESSIONAL CORPORATIONS	<u>4745</u>
THE REGISTER	<u>4745</u>
FEES — PROFESSIONAL CORPORATION	<u>4745</u>
PART 10 — COUNCIL APPROVAL	<u>4846</u>
COUNCIL APPROVAL	<u>4846</u>
APPENDIX A	<u>4947</u>
DECLARATION OF OFFICE FOR COUNCILLORS	<u>4947</u>
SCHEDULE 1 TO THE DECLARATION OF OFFICE FOR COUNCILLORS – OBJECTS OF THE COLLEGE	<u>5048</u>
APPENDIX B	<u>5149</u>
REGISTRATION FEES DISCRETION	<u>5149</u>
APPENDIX C	<u>5250</u>
CODE OF CONDUCT	<u>5250</u>

Official By-Laws of the College of Physiotherapists of Ontario

Revised March 22, 2017, Revised December 14, 2017, Revised March 20, 2018,
Revised June 23, 2021, Revised December 12, 2022. Revised June 26, 2023.

All previous by-laws relating to the administration of the affairs of the College
are hereby repealed and replaced with this by-law.

Part 1 — Definitions

DEFINITIONS

1.1. In these by-laws, unless otherwise defined or required by the context:

- (a) “Academic Councillor” means a Councillor who is selected from a faculty of physiotherapy or physical therapy of a university in Ontario in accordance with section 3.2 of these By-laws and section 6(1)(c) of the Act;
- (b) “Act” means the *Physiotherapy Act, 1991*;
- (c) “Deputy Registrar” means a senior employee of the College with signing authority as set out in the By-laws and policies of the College;
- (d) “Auditor” means the person or firm appointed under subsection 2.7 (1) of the By-laws;
- (e) “By-laws” means the By-laws of the College;
- (f) “Chair” means the person designated to preside over meetings of cCommittees or panels of cCommittees of the College;
- (g) “Code” means the Health Professions Procedural Code, being Schedule 2 to the RHPA;
- (h) “College” means the College of Physiotherapists of Ontario (l’Ordre des Physiothérapeutes de l’Ontario);
- (i) “Committee” means a committee mentioned in Part 7 of these By-laws and includes those committees set out in section 10 of the Code;
- (j) “Council” means the Council of the College established by section 6 of the Act;
- (k) “Councillor” means a member of Council and includes an Elected Councillor, an Academic Councillor and a Publicly-Appointed Councillor;
- (l) “Elected Councillor” means a Councillor who is a Member and who is elected or appointed in accordance with section 3.1 of these By-laws;
- (m) “Fiscal Year” means April 1 to March 31;
- (n) “Mail” means regular postal mail, courier mail, facsimile, or email;
- (o) “~~Member~~Registrant” means a member of the College as set out in section 13 of the Code;
- (p) “Minister” means the Minister of Health;
- (q) “Non-Council Committee Member” means a person who is not a Councillor and who is appointed to serve on a cCommittee in accordance with section 7.5 of these By-laws;
- (r) “Place of Practice” means any location where the Member practises physiotherapy;
- (s) “President” means the President of Council and Chair of the Executive Committee;
- (t) “Publicly-Appointed Councillor” means a Councillor who is appointed by the Lieutenant Governor in Council in accordance with section 6(1)(b) of the Act;



- (u) “Registrar” means the Registrar of the College as required by the Code and as further described in section 2.~~10-9~~ of these By-laws;
- (v) “Regulations” mean the regulations under the RHPA and the Act;
- (w) “RHPA” means the *Regulated Health Professions Act, 1991*, and includes the Code;
- (x) “Signing Officer” means the Registrar, Deputy Registrar(s), President and Vice-President; and
- (y) “Vice-President” means the Vice-President of Council.

Part 2 — College Administration

SEAL



2.1. The seal depicted on the right is the seal of the College.

BANKING

- 2.2. (1) Council shall appoint one or more Canadian banks chartered under the *Bank Act (Canada)* for the use of the College.
- (2) All money belonging to the College shall be deposited in the name of the College, at such banks without deduction for any purpose whatsoever.
- (3) A staff member designated by a Signing Officer of the College may endorse a negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank.

BORROWING

- 2.3. (1) When authorized by resolution of Council, the President, together with the Registrar and such other officer or person, may:
- (a) borrow money on the credit of the College;
 - (b) limit or increase the amount or amounts that may be borrowed;
 - (c) issue, sell or pledge debt obligations of the College, including without limitation bonds, debentures, notes or similar obligations of the College, whether secured or unsecured; and
 - (d) charge, mortgage, hypothecate or pledge all or any currently owned or subsequently acquired real or personal, moveable or immovable property of the College, including book debts, rights, powers, franchises and undertakings, to secure any such debt obligations or any money borrowed or other debt or liability of the College.

INVESTMENT

- 2.4 The Registrar may invest or reinvest funds of the College in keeping with the financial policies of the College.

CONTRACTS AND EXPENDITURES

- 2.5. (1) Council shall approve annually,
- (a) an operating budget for the College for each Fiscal Year; and
 - (b) a capital budget for the College for each Fiscal Year.
- (2) One or more Signing Officers may obtain services for the benefit of the College as set out in the financial policies of the College.
- (3) One or more Signing Officers may authorize the purchase or lease of capital goods for the benefit of the College as set out in the financial policies of the College.
- (4) One or more Signing Officers may sign or authorize a cheque, electronic funds transfer or other document with financial implications for the College as set out in the College's financial policies as approved by Council.

~~(5) Signing officers may approve purchases or leasing of goods and acquisition of services in accordance with the following:~~

- ~~i. the Registrar/Deputy Registrar may authorize expenses not exceeding \$50,000 if the expenditure has previously been approved as an item in the College budget;~~
- ~~ii. the Registrar/Deputy Registrar and one Council signing officer (President or Vice-President) may authorize expenses in excess of \$50,000 if the expenditure has previously been approved as an item in the College budget;~~
- ~~iii. the Registrar/Deputy Registrar may authorize expenses not exceeding \$10,000 if the expenditure has not previously been approved as an item in the College budget if the Registrar/Deputy Registrar believes that the expenditure is necessary for the operations of the College; and~~
- ~~iv. the Executive Committee shall review any proposed expense exceeding \$10,000 if the item is not an expenditure in the College budget and make recommendations to Council for approval. If immediate action is required, the Executive Committee may approve the expenditure.~~

~~(6)~~(5) A Signing Officer of the College must conduct their duties as set out in the College's financial policies as approved by Council.

OTHER DOCUMENTS

- 2.6. (1) A Signing Officer may impress the seal of the College upon a document if the seal is required.
- (2) The Registrar, or the Deputy Registrar when designated by the Registrar, may sign notices and other documents on behalf of any ~~c~~Committee of the College, except where otherwise provided by law.
- (3) No person shall sign or seal a document affecting the College unless authorized by the Act, the Regulations or these By-laws.

AUDIT

- 2.7. (1) Council shall appoint annually one or more Auditors who are licensed under the *Public Accounting Act, 2004* to audit the College's financial statements.
- (2) Financial statements for the College shall be prepared at the close of each Fiscal Year and audited financial statements, together with the Auditor's report, shall be presented annually to Council.
- (3) The Auditor shall serve for a term of one year, but if an appointment is not made the Auditor shall continue to serve until a successor is appointed.
- ~~(4) The Auditor may be re-appointed provided that the Auditor does not serve for more than five consecutive one-year terms.~~
- ~~(5)~~(4) If the Auditor is unable to continue their duties or in the event Council is dissatisfied with the Auditor, Council may appoint a new Auditor. At a minimum, the College will issue tenders for audit services every five years, which does not preclude the current audit firm from submitting a proposal.
- ~~(6)~~(5) Council shall cause the performance of the Auditor to be evaluated on an annual basis and shall take such evaluation into account when considering the re-appointment of the Auditor.
- ~~(7)~~(6) Council shall confirm the appointment and remuneration of the Auditor in writing.
- ~~(8)~~(7) The Auditor has a right of access at all reasonable times to all records, documents, books, accounts and vouchers of the College and is entitled to require from the Councillors, officers and employees and relevant payees of the College such information as in their opinion is necessary to enable them to report as required by law or under this section.
- ~~(9)~~(8) The Auditor is entitled to attend any meeting of Council and to be heard at any such meeting that they attend on any part of the business of the meeting that concerns them as Auditor. The Registrar shall provide reasonable notice of every Council meeting to the Auditor for this purpose.

BY-LAWS

- 2.8. (1) The making, amending or revoking of a by-law shall be determined by a majority vote of the Councillors present and voting. Advance notice is required for all motions or resolutions applying to the making, amending or revoking of a by-law.
- ~~(2) Proposed by laws made under the authority of clauses (l.2), (l.3), (s), (t), (v), (w) or (y) of subsection 94 (1) of the Code shall be circulated to every Member at least 60 days before they are approved by Council.~~
- (2) Every by-law shall be signed by the President and by the Registrar.
- (3) Every by-law, including every amendment and revocation, shall be maintained in the College's records.
- ~~(4) The College shall make the By laws available to the Minister and each Member and make them available to the public during normal business hours as set out in section 94 of the Code.~~

THE REGISTRAR

- 2.9. (1) The Registrar is the ~~chief~~Chief executive~~Executive officer~~Officer of the College.
- (2) The Registrar is subject to the direction of Council and between meetings, the direction of the Executive Committee.
- (3) If the office of the Registrar becomes vacant, Council or the Executive Committee shall immediately appoint an employee of the College to act as ~~i~~interim Registrar.
- (4) In circumstances where Council or the Executive Committee is not able to meet promptly to make the appointment referred to in subsection (3) the President may appoint an employee of the College to act as ~~interim~~Interim Registrar. This appointment is subject to the ratification of Council or the Executive Committee.
- (5) The Registrar has the authority and responsibility to perform the duties set out in the RHPA, the Act, the Regulations and the By-laws and the policies approved by Council.
- (6) An ~~i~~interim Registrar has all of the authority and responsibilities and shall perform all of the duties of the Registrar.

MANAGEMENT OF COLLEGE PROPERTY

- 2.10. The Registrar shall maintain responsibility for the management and maintenance of all College property.

Part 3 — Election or Appointment of Councillors

ELECTIONS

Electoral Districts

- 3.1.** (1) The following electoral districts are established for the purpose of the election of members to Council:
- (a) Electoral district 1 (the south western electoral district): composed of the counties of Bruce, Elgin, Essex, Grey, Huron, Lambton, Middlesex, Oxford and Perth, and the municipality of Chatham-Kent.
 - (b) Electoral district 2 (the central western electoral district): composed of the counties of Dufferin and Wellington, the regional municipalities of Niagara and Waterloo, and the municipalities of the City of Hamilton, Haldimand County, Norfolk County, the County of Brant, and the City of Brantford.
 - (c) Electoral district 3 (the central eastern electoral district): composed of the counties of Haliburton, Northumberland and Peterborough, the regional municipalities of Durham and York, and the municipality of the City of Kawartha Lakes.
 - (d) Electoral district 4 (the eastern electoral district): composed of the counties of Frontenac, Hastings, Lanark, Lennox and Addington, Renfrew, Leeds and Grenville, Prescott and Russell and Stormont, Dundas and Glengarry, and the municipalities of the City of Ottawa and Prince Edward County.
 - (e) Electoral district 5 (the northern electoral district): composed of the city of Greater Sudbury, the districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming and the District Municipality of Muskoka.
 - (f) Electoral district 6 (the Toronto west electoral district): composed of the City of Toronto to the west of the centre of Yonge Street.
 - (g) Electoral district 7 (the Toronto east electoral district): composed of the City of Toronto to the east of the centre of Yonge Street.
 - (h) Electoral district 8 (the central electoral district): composed of the county of Simcoe and the regional municipalities of Halton and Peel.
- (2) If it is unclear to which electoral district a Member should be assigned, the Registrar may assign the Member to one of the electoral districts.
- (3) The counties, regional municipalities, districts, district municipalities, and single-tier municipalities described in this section are those that existed as of August 13, 2020, and the geographical territory of each electoral district shall be interpreted to ensure that all parts of Ontario fall into one of the above counties, united counties, regional municipalities, district municipalities, cities and districts. For greater certainty, separated municipalities found within the geographical territory of counties will fall within the electoral district of the county.

Entitlement to Vote

- (4) A Member is entitled to vote in an election if, 90 days before the election:
- (a) the Member is registered with the College;
 - (b) the Member practises or resides in Ontario; and
 - (c) the Member's home address registered with the College is in the electoral district for which an election is being held or, if the Member resides outside Ontario, the Member's primary business address is in the electoral district for which an election is being held.

Number of Members Elected

- (5) One Member shall be elected to Council for each electoral district.

Term of Office

- (6) The term of office of an Elected Councillor is approximately three years, commencing with the first regular Council meeting after the election and expiring when their successor takes office at the first regular Council meeting after the next election in their electoral district, unless the Councillor resigns, dies, is disqualified as set out in subsection (2526) or is removed from office in accordance with the Code of Conduct in Appendix C.
- (7) An Elected Councillor shall not serve more than nine consecutive years on Council. And, following the completion of nine consecutive years on Council, they shall not commence another term on Council until they have completed a one-year waiting period.

Election Date

- (8) (a) There shall be an election,
- (i) for central, eastern and northern electoral districts, in 2020 and every third year thereafter, ~~and~~.
 - (ii) for central eastern and Toronto east and west electoral districts, in 2021 and every third year thereafter.
 - (iii) for south western and central western electoral districts, in 2022 and every third year thereafter.
- (b) An election shall be held on the third Wednesday in April.
- (c) If there is an interruption in access to the electronic voting system during a nomination or election, the Registrar shall extend the holding of nominations and the election for such minimum period of time as the Registrar considers necessary to compensate for the interruption.

Eligibility for Election

- (9) A Member is eligible for election to Council for an electoral district if:
- (a) the Member is entitled to vote in an election in accordance with subsection (4);

- (b) at all times between the ~~90th~~-ninetieth day before the election and the date of the election:
 - (i) the Member continues to be registered with the College;
 - (ii) the Member continues to practise or reside in Ontario;
 - (iii) the Member's home address registered with the College continues to be in the electoral district for which the election is being held or, if the Member resides outside Ontario, the Member's primary business address is in the electoral district for which an election is being held;
 - (iv) the Member is not in default of any obligation to the College under the Regulations or the By-laws; and
 - (v) the Member is not the subject of Discipline or Fitness to Practise proceedings;
- (c) the Member has not been found guilty of professional misconduct, to be incompetent, or to be incapacitated in the six years before the election;
- (d) the Member has not been found to be mentally incompetent under the *Substitute Decisions Act, 1992*, or the *Mental Health Act*;
- (e) the Member's certificate of registration has not been subject to a term, condition or limitation other than a term, condition or limitation prescribed by the Regulations in the six years before the election;
- (f) the Member has not been found guilty of an offence under the *Criminal Code* or the *Health Insurance Act* that is relevant to the Member's suitability to serve as a Councillor, unless a pardon or record suspension has been granted with respect to the finding;
- (g) the Member has not been disqualified or removed from Council in the three years before the election;
- (h) the Member is not and has not been in the ~~12~~-twelve months before the election, a director, officer, ~~C~~committee member, employee, or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;
- (i) the Member does not hold and has not held in the ~~12~~-twelve months before the election, a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College;
- (j) the Member is not a participant (other than on behalf of the College) in a legal action or application against the College;
- (k) the Member does not have a current notation on the register of an interim order, caution, undertaking or specified continuing education or remediation program directed by the Inquiries, Complaints ~~or~~-and Reports Committee;
- (l) the Member is not and has not been in the ~~12~~-twelve months before the election an employee of the College;
- (m) the Member discloses all potential conflicts of interest in writing to the Registrar within five business days of being nominated and either does not have a conflict of interest to

serve as a Councillor or has agreed to remove any such conflict of interest before taking office; ~~and~~

~~(n)~~ the Member has completed an orientation about the College's mandate, and the role and responsibilities of Councillors; ~~and~~

~~(n)(o)~~ the Member meets the competency requirements as set out in the applicable College policy approved by the Council.

~~(10)~~ ~~(9)~~ Any disputes about a person's eligibility for election shall be determined by the Executive Committee. If the Executive Committee determines that a Member is ineligible for election, the Member may appeal that decision to Council and Council's determination shall be final, without appeal.

Notice of Election and Nominations

~~(10)(11)~~ At least ~~90~~ ninety days before the date of an election, the Registrar shall send electronically ~~or by Mail~~ to every Member entitled to vote in an election a notification that an election will be held to elect a Councillor and detailed instructions about the nomination procedure.

Nomination Procedure

~~(11)(12)~~ (a) A Member who is eligible for election to Council may be nominated for election in

an electoral district if the Member:

(i) is nominated by a Member who is entitled to vote in the election and if the nomination is:

(A) in the form and manner required by the Registrar; and

(B) received by the Registrar no later than two o'clock in the afternoon Eastern Time on the date set by the Registrar; and

(ii) consents to the nomination.

(b) A candidate in an election may ~~withdraw their candidacy~~ remove their name from the ballot by notifying the Registrar of the withdrawal in writing no later than two business days before voting starts.

~~(12)(13)~~ (a) At the close of the nomination period, if no candidates eligible to be nominated in an

electoral district have been nominated, the Registrar shall establish a new election schedule, including, where necessary, a new date for the election.

(b) The new election schedule may permit two additional calls for nomination, after which time the office of the Councillor will be declared vacant in accordance with subsection ~~(23)~~ 24.

Acclamation

~~(13)(14)~~ If only one eligible candidate is nominated for election in an electoral district the Registrar shall declare the candidate elected by acclamation.

Administration

- ~~(14)~~(15) (a) The Registrar shall supervise the nomination and election of Elected Councillors.
- (b) The Registrar shall appoint an independent electronic voting organization to administer the voting process and the counting of electronic ballots.
- (c) All questions arising in the counting of ballots, the recording of results or the determination of the result shall be decided by the Registrar.
- (d) When a candidate withdraws from the election during the voting period, the Registrar shall inform all voters of the withdrawal and the option to re-cast their votes.
- (e) Where the By-laws do not address an issue, the Registrar shall use their best judgment to ensure that the election is fair and democratic.

Voting

- ~~(15)~~(16) (a) Except for an election in which the Registrar has declared a candidate elected to Council by acclamation, the Registrar shall, at least ~~30-thirty~~ days before the date of an election, send by Mail to every Member entitled to vote in the election:
- (i) access to an electronic ballot listing all eligible candidates;
- (ii) instructions for voting, including information on the electronic voting process; and
- (iii) suitable biographical information about each candidate and any statement from each candidate in accordance with the College's governance policies as approved by Council.
- (b) The electronic ballot shall contain the name of each candidate in random order.
- (c) A Member entitled to vote in the election and who does not, for any reason, obtain access to an electronic ballot may ask the Registrar for replacement access to an electronic ballot and the Registrar shall provide the Member with such access provided the request is received at least ~~48-forty-eight~~ hours before the election day.
- ~~(16)~~(17) A Member may cast only one vote in an election for the electoral district in which the Member is entitled to vote.
- ~~(17)~~(18) Only electronic ballots cast by two o'clock in the afternoon Eastern Time shall be counted.

Counting Votes

- ~~(18)~~(19) (a) The electronic voting organization appointed by the Registrar shall accept electronic ballots until two o'clock in the afternoon Eastern Time on the election day and, promptly after that time, shall:
- (i) count and record the total number of votes cast and the number of votes cast for each candidate in each election;
- (ii) subject to paragraph (b), determine the candidates who received the highest number of votes in each election; and

- (iii) provide a report of the voting results to the Registrar.
- (b) If two or more candidates receive the same number of votes in an election, the Registrar shall have the votes recounted.
- (c) The counting of the electronic votes shall be secret and conducted so that no person knows for whom any Member voted.

By-election Where a Tie Occurs

- ~~(19)~~(20) (a) If following the recount in subsection (198) (b), two or more candidates have received the same number of votes in an election, the Registrar will hold a by-election in the electoral district in which the tie occurred.
- (b) The candidates in the by-election shall be only those candidates who were tied.
- (c) The by-election shall be held in accordance with the procedures for a general election, with necessary modifications as determined by the Registrar.
- (d) In the event that the by-election results in a tie, the Registrar and the President shall select by random draw one name from the names of the candidates who were tied and the Registrar shall declare that person to be elected.

Documentation and Notification of Results

- ~~(20)~~(21) (a) Promptly after receiving the report of the voting results from the electronic voting organization, the Registrar shall:
 - (i) sign a copy of the report and retain the report in the College's records;
 - (ii) declare the name of the candidate elected in each election; and
 - (iii) inform:
 - (A) The President of the results of the election;
 - (B) The elected candidate and other candidates of the results of the election and the right to seek a review of the validity of the voting and counting process in accordance with subsection (224);
 - (C) Council and the Members of the results of the election; and
 - (D) Each elected candidate of the time and place of the first regular Council meeting following the election.
- (b) The Registrar shall direct the electronic voting organization to destroy the electronic record of all electronic ballots and other material from the election as follows:
 - (i) where there is no challenge of the results of the election, ~~31~~thirty-one days after the election; and
 - (ii) where there is a challenge of the results of the election once the process in subsections (224) and (232) has been completed.

Validity of Election and Inquiries

- ~~(21)~~(22) (a) The Registrar shall provide to all candidates a report of the results of the election as reported by the electronic voting organization.
- (b) Within ~~30~~thirty days of being notified of the results of the election, a candidate may make a written request to the Registrar to review the validity of the voting and counting process.
- (c) The Registrar shall report to Council at its first meeting following any request for a review under paragraph (b), and Council shall,
- (i) if satisfied with the results, take no further action; or
 - (ii) decide to hold an inquiry under subsection ~~(23)~~.
- ~~(22)~~(23) (a) If Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election of any Councillor, Council shall hold an inquiry and decide whether the election of the Councillor is valid and, if an election is found to be invalid, Council shall direct another election to be held.
- (b) No election is invalid merely because a person has not strictly complied with a requirement of this by-law.

Vacancies

- ~~(23)~~(24) (a) If an Elected Councillor dies, resigns, is disqualified or is otherwise removed from Council, the President shall declare the office of the Councillor to be vacant.
- (b) If, during an election for Council, no candidates eligible for nomination in an electoral district have been nominated after two additional calls for nominations, the President shall declare the office of the Councillor to be vacant.

Filling Vacancies

- ~~(24)~~(25) (a) If the office of an Elected Councillor is declared to be vacant and the remainder of that Councillor's term is less than one year, Council shall:
- (i) leave the office vacant; or
 - (ii) appoint a successor from among the Members who would be eligible for election if an election were held.
- (b) If the office of an Elected Councillor is declared to be vacant as a result of lack of nominations during an election as described in subsection ~~(23)~~(24) (b), Council shall appoint a successor from among the Members who would be eligible for election if an election were held.
- (c) If the office of an Elected Councillor is declared to be vacant when an elected Councillor dies, resigns, is disqualified or is otherwise removed from Council as described in subsection ~~(23)~~(24) (a) and the remainder of the term of the Councillor whose office became vacant is more than one year, the Registrar shall hold a by-election for the electoral district.

- (d) A by-election to fill a vacancy on Council shall be held on a date set by the Registrar and the President.
- (e) A by-election shall be held in accordance with the procedures for a general election, with necessary modifications as determined by the Registrar.

Disqualifications

- ~~(25)~~(26) (a) The following are grounds for disqualification for an Elected Councillor sitting on Council:
- (i) ceases to be a Member;
 - (ii) no longer practises physiotherapy in Ontario and is no longer a resident of Ontario;
 - (iii) is in default of any obligation to the College under the Regulations or the By-laws for over ~~60~~sixty days;
 - (iv) is found guilty of professional misconduct, to be incompetent, or to be incapacitated;
 - (v) is found guilty of an offence under the *Criminal Code* or the *Health Insurance Act* that is relevant to the Elected Councillor's suitability to serve as a Councillor, unless a pardon or record suspension has been granted with respect to the finding;
 - (vi) becomes a director, officer, ~~C~~ommittee member, employee, or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;
 - (vii) is found to be mentally incompetent under the *Substitute Decisions Act, 1992* or *Mental Health Act*;
 - (viii) assumes a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College;
 - (ix) becomes a participant (other than on behalf of the College) in a legal action or application against the College;
 - (x) has a notation posted on the register of an interim order, caution, undertaking or specified continuing education or remediation program directed by the Inquiries, Complaints ~~or~~and Reports Committee;
 - (xi) fails to attend two consecutive regular meetings of Council without good reason in the opinion of Council; or
 - (xii) fails, in the opinion of Council, to discharge properly or honestly any office to which they have been elected or appointed.
- (b) An Elected Councillor does not become disqualified from sitting on Council merely because their home address registered with the College ceases to be in the electoral district for which they were elected.
- (c) Subsections ~~(26)~~(a) (i), (iv), (v), (vi), (vi), (vii) (viii), and (ix) shall result in automatic disqualification.



- (d) Subsections ~~(26)~~(a) (ii), (iii), (x), (xi), and (xii) shall result in a vote by Council regarding disqualification of the Councillor.

Suspension

~~(26)~~(27) ____ If an Elected Councillor sitting on Council becomes the subject of Discipline or Fitness to Practise proceedings, they shall be suspended from sitting on Council until the matter is resolved.

ACADEMIC COUNCILLORS

- 3.2. (1) For the purposes of paragraph 6 (1) (c) of the Act, two Members who are members of a faculty of physiotherapy or physical therapy of a university in Ontario shall be selected in accordance with this section to serve on Council as Academic Councillors.
- (2) A Member is eligible to serve on Council as an Academic Councillor if:
- (a) the Member holds a certificate of registration authorizing independent practice;
 - (b) the Member is not in default of any obligation to the College under the Regulations or the By-laws;
 - (c) the Member is not the subject of a Discipline or Fitness to Practise proceeding;
 - (d) the Member has not been found guilty of professional misconduct, to be incompetent, or to be incapacitated at any time in the six years before the date of the selection;
 - (e) the Member has not been found to be mentally incompetent under the *Substitute Decisions Act, 1992* or the *Mental Health Act*;
 - (f) in the six years before the selection, the Member's certificate of registration has not been subject to a term, condition or limitation other than one prescribed by regulation;
 - (g) the Member has not been found guilty of an offence under the *Criminal Code* or the *Health Insurance Act* that is relevant to the Member's suitability to serve as a Councillor, unless a pardon or record suspension has been granted with respect to the finding;
 - (h) the Member has not been disqualified or removed from Council in the three years before the selection;
 - (i) the Member is not and has not been in the last ~~12-twelve~~ months before the appointment a director, officer, ~~C~~committee member, employee or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;
 - (j) the Member is not a participant (other than on behalf of the College) in a legal action or application against the College;
 - (k) the Member does not have a current notation on the register of an interim order, caution, undertaking or specified continuing education or remediation program directed by the Inquiries, Complaints or Reports Committee;
 - (l) the Member does not hold and has not held in the last ~~12-twelve~~ months before the appointment a position with any organization or group whose mandate or interests conflict with the mandate of the College; ~~and~~
 - (m) the Member discloses all potential conflicts of interest in writing to the Registrar within five business days of being nominated and either does not have a conflict of interest to serve as a Councillor or has agreed to remove any such conflict of interest before taking office; ~~and;~~
 - (n) the Member has completed an orientation about the College's mandate, and their role and responsibilities prior to attending their first Council or committee meeting; ~~and-~~

~~(n)~~(o) the Member meets the competency requirements as set out in the applicable College policy approved by the Council.

- (3) One Member shall be selected from a university mentioned in Column 1 of the following Table in the corresponding years indicated in Column 2:

Column 1	Column 2
University of Toronto	2020 and thereafter every 7 and 8 years alternatively
Western University	2021 and thereafter every 8 and 7 years alternatively
McMaster University	2023 and thereafter every 7 and 8 years alternatively
Queen's University	2024 and thereafter every 8 and 7 years alternatively
University of Ottawa	2026 and thereafter every 7 and 8 years alternatively

- (4) An Academic Councillor shall be selected by Council in accordance with the above schedule at the first regular last Council meeting ~~following an election of Council~~ prior to the start of their term and the Academic Councillor shall serve for a three-year term of office.
- (5) In a selection year for a university, the physical therapy or physiotherapy faculty at that university shall submit for Council approval the name of a Member who is willing and eligible to serve as a Councillor. The candidate may be any member of the physical therapy or physiotherapy faculty. If the university does not submit a name of an eligible candidate for Council's approval in accordance with this section, Council may nevertheless select a Member that meets the above eligibility requirements from any faculty of physiotherapy or physical therapy of a university in Ontario. The College encourages universities to consider applicants who are tenured faculty, and who are a member of one of the employment equity groups (women, aboriginal peoples, persons with disabilities, and members of visible minorities).
- (6) If an Academic Councillor dies, resigns, is disqualified or otherwise removed from Council, an eligible replacement shall be selected to serve the remainder of the term of office from among the members of the faculty of physiotherapy or physical therapy from which the former Academic Councillor was selected.
- (7) The following are grounds for disqualification for an Academic Councillor sitting on Council:
- ceases to be a Member with a certificate of registration authorizing independent practice;
 - no longer is a member of the faculty of physiotherapy or physical therapy from which they were selected;
 - is in default of any obligation to the College under the Regulations or the By-laws for over ~~60~~ sixty days;
 - is found guilty of professional misconduct, to be incompetent, or to be incapacitated;
 - is found guilty of an offence under the *Criminal Code* or the *Health Insurance Act* that is relevant to the Academic Member's suitability to serve as a Councillor, unless a pardon or record suspension has been granted with respect to the finding;

- (f) becomes a director, officer, ~~C~~committee member, employee or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;
 - (g) is found to be mentally incompetent under the *Substitute Decisions Act, 1992*, or the *Mental Health Act*;
 - (h) assumes a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College;
 - (i) becomes a participant (other than on behalf of the College) in a legal action or application against the College;
 - (j) has a notation posted on the register of an interim order, caution, undertaking or specified continuing education or remediation program directed by the Inquiries, Complaints ~~or~~and Reports Committee;
 - (k) fails to attend two consecutive regular meetings of Council without good reason in the opinion of Council; or
 - (l) fails, in the opinion of Council, to discharge properly or honestly any office to which they have been selected or appointed.
- (8) Subsections (7)(a), (b), (d), (e), (f), (g), (h), and (i) shall result in automatic disqualification.
- (9) Subsections (7)(c), (j), (k), and (l) shall result in a vote by Council regarding the disqualification of the Councillor.

Suspension

- (10) If an Academic Councillor sitting on Council becomes the subject of Discipline or Fitness to Practise proceedings, they shall be suspended from sitting on Council until the matter is resolved.

DECLARATION OF OFFICE

- 3.3** (1) A person elected, appointed or selected to be a Councillor or non-Council Committee member must sign for the records of the College a declaration of office in the form attached as Appendix A.
- (2) A person cannot act as a Councillor or non-Council Committee member unless and until they sign the declaration of office.
- (3) Any suspected or actual breach by a Councillor or non-Council Committee member of the declaration of office shall be addressed in the same manner as the College addresses a breach or suspected breach of the Code of Conduct.

REMUNERATION OF COUNCILLORS AND COMMITTEE MEMBERS

- 3.4.** (1) Councillors and Committee members, other than Publicly-Appointed Councillors, may be paid for hours spent ~~for~~on preparation time, meeting time and travel time in accordance with the College's governance policies as approved by Council.

- (2) Councillors and Committee members, other than Publicly-Appointed Councillors, may be reimbursed for reasonable expenses in accordance the College's governance policies as approved by Council.

INDEMNIFICATION

- 3.5.** (1) Every Councillor, Committee member, officer, and employee and each of their heirs, executors and administrators and estate, respectively, shall at all times be indemnified and saved harmless out of the funds of the College from and against:
- (a) all costs, charges, expenses, awards and damages whatsoever that they sustain or incur in any action, suit or proceeding that is brought, commenced or prosecuted against them, for or in respect of any act, deed, omission, matter or thing whatsoever, made done or permitted by them, in the execution of the duties of their office; and
 - (b) all other reasonable costs, charges, expenses, awards and damages that they sustain or incur in or in relation to the affairs of the College, except such costs, charges, expenses, awards or damages as are occasioned by their own wilful neglect or default.
- (2) The College will purchase and maintain insurance to protect itself and its Councillors, Committee members, officers, and employees and to provide coverage for the indemnity referred to in subsection (1).

Part 4 — Meetings of Council and Committees

COMPOSITION AND DUTIES OF COUNCIL

- 4.1.** (1) Council shall be composed of the Elected Councillors elected in accordance with section 3.1, the Academic Councillors selected in accordance with section 3.2, and the Publicly-Appointed Councillors appointed by the Lieutenant Governor in Council pursuant to section 6 of the Act.
- (2) Council has the duties set out in section 2.1 of the Code and as set out in these By-laws and the policies of the College.

REGULAR MEETINGS

- 4.2.** (1) Council shall hold at least four regular meetings in each Fiscal Year.
- (2) A regular meeting of Council shall be called by the President.
- (3) At a regular meeting, Council may only consider or transact:
- (a) matters brought by the Executive Committee;
 - (b) motions or matters where notice was given by a Councillor at the preceding Council meeting or in writing to the Registrar at least ~~14~~fourteen days before the meeting;
 - (c) matters which Council agrees to consider by a majority of those in attendance and voting; and
 - (d) routine and procedural matters in accordance with the rules of order.

SPECIAL MEETINGS

- 4.3.** (1) A special meeting of Council may be called by the President or the majority of Councillors by submitting to the Registrar a direction for the meeting containing the matter or matters for decision at the meeting.
- (2) At a special meeting, Council may only consider or transact the specific matter or matters referred to in subsection (1).

NOTICE OF MEETINGS

- 4.4.** (1) The Registrar shall provide notice to all Councillors at least ~~30~~thirty days before a regular meeting of Council.
- (2) The Registrar shall provide notice to all Councillors at least five days before a special meeting of Council.
- (3) The notice of any meeting of Council shall state the date, time, and location of the meeting, and the nature of the matter or matters to be considered at the meeting. Where the meeting is held by technological means, the notice shall include details on how to access the meeting.

- (4) The College shall post the date and the meeting materials of every regular Council meeting on its website at least 7-seven days before the meeting ~~as well as the meeting materials~~.
- ~~(4)~~(5) The College will make every reasonable effort to post the date and the meeting materials of every special Council meeting on its website at least five days before the meeting.
- ~~(5)~~(6) The College shall post the date of every Discipline hearing on its website at least 7-seven days before the hearing as well as the allegations made against the member.
- ~~(6)~~(7) No Council or Committee meeting shall be made void because of an inadvertent or accidental error or omission in giving notice. In addition, any Councillor may waive notice of a meeting and ratify, approve and confirm any proceedings taken at the meeting.

MEETINGS HELD BY TECHNOLOGICAL MEANS

- 4.5. (1) Any meeting of Council or of a ~~c~~Committee or of a panel of a ~~c~~Committee may be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously. Meetings may be held wholly or partly by technological means.
- (2) Persons participating in the meeting by such means are deemed to be present at the meeting.
- (3) A vote called at a meeting under subsection (1) shall be taken in such a manner as determined by the President or Chair unless a member of Council, ~~c~~Committee or panel requests a roll call vote, in which case, a roll call vote shall be taken.

WRITTEN RESOLUTIONS

- 4.6. A resolution in writing, signed by all persons entitled to vote on that resolution at a meeting of Council or a ~~c~~Committee, is as valid as if it had been passed at a meeting. This section does not apply to hearings before a ~~c~~Committee or a panel of a ~~c~~Committee.

MINUTES

- 4.7. (1) The President shall cause the proceedings of Council meetings to be recorded. The Chair shall cause the proceedings of Committee meetings to be recorded.
- (2) The written record of the proceedings of Council or Committee meetings when approved at a subsequent Council or Committee meeting, subject to any corrections made at a subsequent meeting, is conclusive proof of the accuracy of the contents of every such record.
- (3) After its approval, the written record of every Council or Committee meeting shall be retained in keeping with College policies.

RULES OF ORDER

- 4.8. Kerr and King's Procedures for Meetings and Organizations, Third Edition, are the rules of order for meetings of Council and form part of these By-laws.

Part 5 — Conduct of Councillors and Committee Members

CONFLICT OF INTEREST — COUNCIL AND COMMITTEE MEMBERS

- 5.1.** (1) A conflict of interest exists where a reasonable person would conclude that a Councillor or Committee member’s personal or financial interest may affect their judgment or the discharge of their duties to the College. A conflict of interest may be real or perceived, actual or potential, or direct or indirect.
- (2) All Councillors and Committee members have a duty to carry out their responsibilities in a manner that serves and protects the interest of the public. As such, they must not engage in any activities or in decision-making concerning any matters where they have a conflict of interest as set out in subsection (1). All Councillors and Committee members have a duty to uphold and further the intent of the Act to regulate the practice and profession of physiotherapy in Ontario, and not to represent the views of advocacy or special interest groups.
- (3) Without limiting the generality of subsection (1), a Councillor or Committee member’s personal or financial interests include the interests of the Councillor or Committee member’s relative. For the purposes of this section, a “relative” is a person who is related to another person in one of the following ways: spouse or common-law partner, parent, child, sibling, through marriage, or through adoption. “Common-law partners” are people who have lived together as a couple for at least one year, or who have a child together, or who have entered into a cohabitation agreement.
- (4) Without limiting the generality of subsection (1), a Councillor or Committee member shall be perceived to have a conflict of interest in a matter and shall not serve on Council or its ~~C~~Committees at all if they are a director, officer, ~~C~~committee member, employee or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession.
- (5) Without limiting the generality of subsection (1), a Councillor or Committee member shall be perceived to have a conflict of interest in a matter and should refrain from participating in any discussion or voting on that matter if they are a director, officer, ~~C~~committee member, employee or holder of any position of decision-making influence of an organization where their duties may be seen by a reasonable person as influencing their judgment in the matter under consideration by Council or the Committee.
- (6) An individual who has a conflict of interest in a matter before Council or a ~~C~~Committee shall:
- (i) declare the conflict to the President, Registrar, Committee Chair or Chair of the panel at the time the individual identifies the conflict;
 - (ii) not participate in the discussion, consideration or voting on the matter;
 - (iii) withdraw from the meeting or portion of the meeting when the matter is being considered; and

- (iv) not attempt in any way to influence the voting or do anything that may be perceived as attempting to influence the decision of other Councillors or Committee members on the matter.
- (7) Every declaration of a conflict of interest shall be recorded in the minutes of the meeting.

CODE OF CONDUCT FOR COUNCILLORS AND NON-COUNCIL COMMITTEE MEMBERS

- 5.2. (1) Councillors and Non-Council Committee Members shall abide by the Code of Conduct for Councillors and Non-Council Committee Members that is attached as Appendix C and forms part of these By-laws.
- (2) Councillors and Non-Council Committee Members may be sanctioned in accordance with the procedures set out in the Code of Conduct.

COUNCILLOR ORIENTATION AND TRAINING

- 5.3. (1) ~~All Councillors and Non-Council Committee Members shall participate in the required orientation and training, including sexual abuse prevention training, as set out in the College's governance policies approved by Council.~~

Part 6 — Election of Executive Committee

ELECTION OF PRESIDENT AND VICE-PRESIDENT

- 6.1.** (1) Council shall annually elect a President, a Vice-President and the three remaining members of the Executive Committee, who shall take office at the first regular Council meeting in the Fiscal Year and hold office until their successors take office.
- (2) Only Councillors are eligible to be elected to the Executive Committee.
- (3) The Registrar shall preside over the elections to the Executive Committee.
- (4) The election of the President and Vice-President shall be conducted in the following manner:
- (a) The Registrar shall call for nominations for the position of President.
 - (b) If only one candidate is nominated for the position of President, the Registrar shall declare that candidate elected by acclamation.
 - (c) If more than one candidate is nominated for the position of President, the Registrar shall conduct an election by secret ballot, which may be done electronically, as follows:
 - (i) Councillors will vote by ranking the candidates in order of preference, i.e., by marking a 1 for their first choice, a 2 for their second choice, and progressively higher numbers for each of their subsequent choices.
 - (ii) The Registrar will ensure that the scores given to each of the candidates are tabulated.
 - (iii) The Registrar will declare the candidate with the lowest total score (i.e., the highest level of support) to be elected.
 - (iv) In the event of a tie for the lowest total score, a second vote will be conducted. The second vote shall only include the names of the candidates who tied for lowest total score. In the event of a tie following a second vote, the Registrar shall determine the election by a random draw from the names of the candidates who tied for lowest total score.
 - (d) Once the President has been elected, the process set out in paragraphs (a), (b), and (c) shall be followed for the election of the Vice-President.
- (5) If the office of the President becomes vacant, the Vice-President shall become the President for the remainder of the term of the office and the office of the Vice-President becomes vacant.
- (6) Council shall fill any vacancy in the office of Vice-President at a special meeting that the President shall call for that purpose as soon as possible after the vacancy is declared.
- (7) The office of President or Vice-President becomes vacant if the holder of the office dies, resigns, ceases to be a Councillor, or is removed from office.
- (8) If the President or Vice-President who is elected fails to be re-elected or appointed to Council and is therefore unable to serve as President or Vice-President, their position will be declared vacant and be filled at the first successive meeting of the Council in a manner consistent with the College By-laws.

ELECTION OF REMAINING EXECUTIVE COMMITTEE MEMBERS

- 6.2.** (1) Upon completing the election of the President and Vice-President, the Registrar will call for nominations for the remaining members of the Executive Committee. The election of the members of the Executive Committee shall be conducted in the following manner:
- (a) If only three candidates are nominated for the remaining positions of the Executive Committee and the candidates meet the composition requirements set out in these By-laws, the Registrar shall declare those candidates elected by acclamation.
 - (b) If the candidates do not meet the composition requirements, the Registrar shall call for additional nominations.
 - (c) If more than three candidates are nominated for the remaining positions of the Executive Committee, then the Registrar shall conduct an election by secret ballot, which may be done electronically, as follows:
 - (i) Councillors will vote by ranking the candidates in order of preference, i.e., by marking a 1 for their first choice, a 2 for their second choice, a 3 for their third choice, and progressively higher numbers for each of their subsequent choices.
 - (ii) The Registrar will ensure that the scores given to each of the candidates are tabulated.
 - (iii) The Registrar will declare the three candidates with the lowest total scores (i.e., the highest levels of support) to be elected to the remaining positions of the Executive Committee, unless the composition requirements set out in these By-laws are not met in which case the Registrar shall declare the candidate with the next lowest score who meets the composition requirements to be elected.
 - (iv) Subject to the composition requirements set out in these By-laws, in the event of a tie for one of the three lowest scores, a second vote will be conducted but the second vote will only include the names of the candidates who tied. In the event of a tie following a second vote, the Registrar shall determine the election by a random draw from the names of the candidates who tied for lowest total score.
- (2) If a member of the Executive Committee who is elected fails to be re-elected or appointed to Council and is therefore unable to serve as a member of the Executive Committee, their position will be declared vacant and be filled at the first successive meeting of the Council in a manner consistent with the College By-laws.

DUTIES AND POWERS OF PRESIDENT AND VICE-PRESIDENT

- 6.3.** (1) The duties of the President are to:
- (a) be cognisant of the affairs of the College;
 - (a) give or cause to be given notice of all meetings of Council and the Executive Committee;
 - (b) preside or ensure that a designate presides at all meetings of Council and meetings of the Executive Committee;
 - (c) ensure that the College is represented at all relevant meetings;



- (d) oversee the implementation of all orders and resolutions of the Executive Committee and Council;
 - (e) act as a liaison between the College and other professional organizations as appropriate; and
 - (f) perform other duties as outlined in the College's governance policies as approved by Council.
- (2) The duties of the Vice-President are to,
- (a) act on behalf of the President in the President's absence; and
 - (b) perform other duties as outlined in the College's governance policies as approved by Council.
- (3) The President is the most senior official and representative of the College and the Vice-President shall assist the President in the discharge of the President's duties.

Part 7—Statutory and Non-statutory Committees

STATUTORY COMMITTEES

The Executive Committee

- 7.1. (1) (a) The Executive Committee shall be composed of five persons of whom:
- (i) at least three are Councillors who are Members; and
 - (ii) at least one and not more than two are Publicly-Appointed Councillors.
- (b) In a manner consistent with subsection (1) (a), the President and Vice-President of the College shall be included in the membership of the Executive Committee.
- (c) The President of Council shall be the Chair of the Executive Committee.

The Registration Committee

- (2) (a) The Registration Committee shall be composed of at least five persons of whom:
- (i) at least one is an Elected Councillor;
 - (ii) at least one is an Academic Councillor;
 - (iii) at least two are Publicly-Appointed Councillors; and
 - (iv) at least one is a Non-Council Committee Member.
- (b) Quorum for panels of the Registration Committee is set out in subsection 17(3) of the Code.

The Inquiries, Complaints and Reports Committee

- (3) (a) The Inquiries, Complaints and Reports Committee shall be composed of at least five persons of whom:
- (i) at least two are Councillors who are Members;
 - (ii) at least two are Publicly-Appointed Councillors; and
 - (iii) at least one is a Non-Council Committee Member.
- (b) Quorum for panels of the Inquiries, Complaints and Reports Committee is set out in subsection 25 (3) of the Code.

The Discipline Committee

- (4) (a) The Discipline Committee shall be composed of at least ~~10~~ten persons of whom:
- (i) at least two are Councillors who are Members;
 - (ii) at least three are Publicly-Appointed Councillors; and

- (iii) at least one is a Non-Council Committee Member.
- (b) Quorum for panels of the Discipline Committee is indicated in set out in subsection 38 (5) of the Code.

The Fitness to Practise Committee

- (5) (a) The Fitness to Practise Committee shall be composed of at least ~~10~~ten persons of whom:
 - (i) at least two are Councillors who are Members;
 - (ii) at least three are Publicly-Appointed Councillors; and
 - (iii) at least one is a Non-Council Committee Member.
- (b) Quorum for panels of the Fitness to Practise Committee is set out in subsection 64 (3) of the Code.

The Quality Assurance Committee

- (6) The Quality Assurance Committee shall be composed of at least five persons of whom:
 - (a) at least two are Councillors who are Members;
 - (b) at least two are Publicly-Appointed Councillors; and
 - (c) at least one is a Non-Council Committee Members.

The Patient Relations Committee

- (7) The Patient Relations Committee shall be composed of at least three persons of whom:
 - (a) at least one is a Councillor who is a Member;
 - (b) at least one is a Publicly-Appointed Councillor; and
 - (c) at least one is a Non-Council Committee Member.

EXECUTIVE DELEGATION

~~7.2. Between the meetings of the Council, the Executive Committee has all the powers of the Council with respect to any matter that, in the Committee's opinion, requires immediate attention, other than the power to make, amend or revoke a regulation or by-law.~~

- 7.32.** (1) The College shall post the following information on its website regarding meetings of the Executive Committee:
- (a) the date of the meeting;
 - (b) the rationale for the meeting;
 - (c) where the Executive Committee acts as Council or discusses issues that will be brought forward to or affect Council, a report of the discussion or decisions made; and
 - (d) a statement as to whether its decision or decisions will be ratified by Council.

NON-STATUTORY COMMITTEES

The Finance Committee

- ~~7.3.~~ (1) ~~The Finance Committee shall be composed of at least five Councillors, being:~~
- ~~(a) the President and Vice-President; and~~
 - ~~(b)(a) at least three other Councillors, at least one whom shall be a Publicly Appointed Member.~~
- ~~(2) The Finance Committee shall have the duties set out in the College's governance policies as approved by Council.~~

7.43. Council may, by resolution, establish non-statutory committees, task forces and advisory groups. For each non-statutory committee, task force or advisory group, Council shall specify in the resolution the duties and responsibilities of the committee, its composition and its termination date or event.

- 7.43. (1) The Finance Committee shall be composed of at least five Councillors, being:
- (a) the President and Vice-President; and
 - (b) at least three other Councillors, at least one whom shall be a Publicly-Appointed Member.
- (2) The Finance Committee shall have the duties set out in the College's governance policies as approved by Council.

The Examinations Committee

7.5. The Examinations Committee shall be composed in accordance with the requirements set out in the Examinations Committee's Terms of Reference as approved by the Board of Directors.

APPOINTMENT OF NON-COUNCIL COMMITTEE MEMBERS

- 7.56.** (1) Council may appoint persons who are not Councillors to serve on both statutory and non-statutory ~~Committees~~committees.
- (2) A Member is eligible for appointment to a ~~Committee~~committee under this section if, on the date of the appointment, the Member meets the eligibility requirements set out in subsection 3.1.(89) of these By-laws and any other criteria set out in the governance policies as approved by Council.
- (3) A person who is not a Member is eligible for appointment to a ~~Committee~~committee under this section if, on the date of the appointment:
- (a) the person resides in Ontario;
 - (b) the person is not the subject of a discipline or fitness to practise proceeding before any regulator;
 - (c) the person has not been found guilty of professional misconduct, to be incompetent or to be incapacitated by any regulator in the preceding six years;



- (d) the person has not been found to be mentally incompetent under the *Substitute Decisions Act, 1992*, or the *Mental Health Act*;
 - (e) the person has not been found guilty of an offence under the *Criminal Code* or the *Health Insurance Act* that is relevant to the person's suitability to serve as a ~~Committee-~~committee member, unless a pardon or record suspension has been granted with respect to the finding;
 - (f) the person has not been disqualified or removed from Council or a ~~Committee-~~committee in the preceding three years;
 - (g) the person is not and has not been in the ~~12-twelve~~ months before the appointment, a director, officer, committee member, employee or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;
 - (h) the person does not hold and has not held in the ~~12-twelve~~ months before the appointment, a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College;
 - (i) the person is not an employee of the College;
 - (j) the person is not a participant (other than on behalf of the College) in a legal action or application against the College;
 - (k) the person meets any other criteria set out in the governance policies as approved by Council;
 - ~~(l)~~ (l) the person has completed an orientation about the College's mandate, and their role and responsibilities prior to attending their first committee meeting; and
 - ~~(m)~~ (m) the person meets the competency requirements as set out in the applicable College policy approved by the Council. -
- (4) A Non-Council Committee Member who is a member is disqualified from serving on a ~~Committee-~~committee based on the grounds for disqualification as set out in subsection 3.1 ~~(2526)~~.
- (5) A Non-Council Committee Member who is not a Member is disqualified from serving on a ~~Committee-~~committee if the person:
- (a) ceases to meet the requirements in paragraphs (3) (c), (d), (e), (g), (h), or (j), above, which shall result in automatic disqualification,
 - (b) ceases to meet the requirements in paragraphs (3) (a), (i), or (k) above, which shall result in a vote by Council regarding disqualification of the Non-Council Committee Member;
 - (c) fails to attend two consecutive meetings of the Committee without good reason in the opinion of Council; or
 - (d) fails, in the opinion of Council, to discharge properly or honestly any office to which they have been appointed.
- (6) If a Non-Council Committee Member who is not a Member becomes the subject of a discipline or fitness to practise proceeding before any regulator, they shall be suspended from serving on a ~~Committee-~~committee until the matter is resolved.

- (7) The determination of Council as to whether a person is eligible for appointment or becomes disqualified under this section is final and without appeal.
- (8) A Non-Council Committee Member shall not serve more than nine consecutive years on one or more committees of the College. And, following the completion of nine consecutive years of service on one or more committees, they shall not be appointed again to a committee until they have completed a one-year waiting period.
- (9) In exceptional circumstances, the Council may exempt a person from compliance with the requirements set out in subsection (8), above.

SELECTION OF STATUTORY AND NON-STATUTORY COMMITTEES AND COMMITTEE CHAIRS

- 7.67.** (1) As soon as possible after the annual election of the President, the Vice-President and the Executive Committee, Council shall appoint the Chair and members of each ~~Committee~~ committee in accordance with the College's governance policies as approved by Council.
- (2) If any vacancies occur in the Chair or membership of any ~~Committee~~ committee, Council may appoint a replacement Chair or Committee member in accordance with the College's governance policies as approved by Council.
- (3) Where the Chair of a ~~Committee~~ committee is unable to act for a matter or a period of time, they shall appoint from the Committee a person to act on their behalf. Where the Chair of a ~~Committee~~ committee is unable to act for more than two consecutive meetings, Council shall appoint a new Chair.

STATUTORY AND NON-STATUTORY COMMITTEE PROCEDURES

- 7.78.** (1) Each ~~Committee~~ committee shall meet from time to time at the direction of Council or at the call of the Chair at a place in Ontario and at a date and time set by the Chair.
- (2) Subject to subsection (3), unless otherwise provided in the RHPA, the Act or the Regulations, a majority of members of a ~~Committee~~ committee, or of a panel of a ~~Committee~~ committee, including at least one Publicly-Appointed Councillor constitutes a quorum.
- (3) Unless otherwise provided in the RHPA, the Act or the Regulations, in exceptional circumstances, the Chair of a Committee may determine that a ~~c~~Committee meeting may proceed without the presence of at least one Publicly-Appointed Councillor.
- (4) The Chair or a designate shall preside over meetings of the Committee.
- (5) Every question which comes before the Committee may be decided by a majority of the votes cast at the meeting (including the Chair's) and, if there is an equality of votes on a question, the question shall be deemed to have been decided in the negative.
- ~~(6) Every appointment to a Committee shall be made in accordance with the College's governance policies as approved by Council.~~
- ~~(7)~~(6) A Non-Council Committee Member is eligible for re-appointment to a ~~c~~Committee annually, except that a Non-Council Committee Member may not serve for more than nine consecutive years.

- ~~(8)~~(7) Where one or more vacancies occur in the membership of a ~~C~~Committee, the Committee members remaining in office constitute the Committee as long as any composition or quorum requirements in the RHPA, the Act or the Regulations are satisfied.
- ~~(9)~~(8) In addition to other provisions in these By-laws that permit the removal of a ~~C~~Committee member in specific circumstances, any Committee member may be removed from the Committee, with or without cause, by a two-thirds majority vote of the Councillors present at a Council meeting duly called for that purpose.

Part 8 — Members' Obligations

THE REGISTER

- 8.1.** (1) (a) A Member's name in the register shall be the Member's full name and shall be consistent with the documentary evidence of the Member's training.
- (b) The Registrar may direct a Member's name in the register to be different than the documentary evidence of the Member's training if the Member applies and satisfies the Registrar that the Member has validly changed their name since their training and that the use of the newer name is not for an improper purpose.
- (c) The Registrar may give a direction under paragraph (b) before or after the initial entry of the Member's name in the register.
- (2) In addition to the information referred to in subsection 23 (2) of the Code, the following information shall be kept in the register:
- (a) the Member's name and any changes in the Member's name since their training;
- (b) the last two digits of the Member's registration number;
- (c) if the Member ceases to be a Member or has died, a notation of the reason the registration terminated or a notation that the Member has died and the date of death if known;
- (d) information on a former Member that was on the register just before the registration terminated (including due to death);
- (e) the name of the school from which the Member received their degree or diploma in physiotherapy and the date the Member received the degree or diploma;
- (f) all classes of certificate of registration held by the Member and the dates that each started and terminated;



- (g) the name, business address, and business telephone number of each current and previous Place of Practice of the Member on or after April 1, 2018;
- (g.1) whether each current Place of Practice of the Member is barrier free;
- (h) a notation of which business address is the Member's primary Place of Practice;
- (i) *Rescinded March 20, 2018;*
- (j) for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Fitness to Practise Committee under section 61 of the Code and has not been finally resolved, until the matter has been resolved:
 - (i) a notation of that fact, including the date of the referral; and
 - (ii) the status of the Fitness to Practise hearing;
- (k) a notation of the fact and status of any appeal from a decision of the Discipline Committee or the Fitness to Practise Committee and the anticipated date of the hearing, if the date has been set;
- (l) any information jointly agreed to be placed on the register by the College and the Member;
- (m) where the Member's certificate is subject to an interim order under section 25.4 or section 62 of the Code, a notation of that fact, the nature of the order and date that the order took effect;
- (n) where the Member's certificate of registration is subject to a suspension for failure to pay a fee, the reason for the suspension and the date of the suspension in addition to the fact of the suspension;
- (o) *Rescinded, March 20, 2018;*
- (p) the Member's name as used in their Place(s) of Practice;
- (q) the language(s) in which the Member is able to provide physiotherapy services;
- (r) the Member's area(s) of practice and categories of patients seen;
- (s) the controlled acts (except performing the controlled act of communicating a diagnosis) and other statutorily authorized acts (such as procedures described in subsection 6 (2) of the *Healing Arts Radiation Protection Act* and procedures authorized to Members in regulations made under the *Laboratory and Specimen Collection Centre Licensing Act*) that the Member performs in the course of practising physiotherapy;
- (t) where there have been charges laid against a Member under the *Criminal Code* or the *Health Insurance Act*, made on or after July 1, 2015, or the *Controlled Drugs and Substances Act* made on or after May 1, 2018, and if the person against whom the charges were laid was a Member at the time of the charges, and if the charges are known to the College, a brief summary of:
 - (i) the charges;
 - (ii) the date the charges were laid; and
 - (iii) the status of the proceedings against the Member where known to the College;

provided that any such summary shall be removed upon the written request of the Member if the charges do not result in a finding of guilt against the Member;

- (u) a summary of any existing restriction imposed on or after July 1, 2015, on a Member by a court or other lawful authority and of which the College is aware that, in the reasonable discretion of the Registrar, may restrict or otherwise impact the Member's right or ability to practise, may prompt a regulatory action on the part of the College or is connected to an existing or ongoing regulatory action by the College. The summary shall include the name of the court or other lawful authority that imposed the restriction and the date on which it was imposed;
- (v) where there has been a finding of guilt against a Member under the *Criminal Code* or the *Health Insurance Act*, made on or after July 1, 2015, or the *Controlled Drugs and Substances Act* made on or after May 1, 2018, if the person against whom the finding was made was a Member at the time of the finding, and if the finding is known to the College, a brief summary of:
 - (i) the finding;
 - (ii) the sentence, if any;
 - (iii) where the finding is under appeal, a notation that it is under appeal until the appeal is finally disposed of; and
 - (iv) the dates of (i) – (iii), where known to the College;

provided that any such summary shall be removed upon the written request of the Member if the finding is reversed on appeal or if the Member receives a pardon or record suspension;
- (w) whether, on or after July 1, 2015, the Member uses the services of physiotherapist assistants (whether employees or independent contractors) in the course of practicing physiotherapy;
- (x) on or after July 1, 2015, information about the Member's registration with any other regulated professions inside or outside of Ontario;
- (y) on or after July 1, 2015, information about the Member's registration in any other jurisdictions as a physiotherapist or physical therapist;
- (z) where the College is aware, on or after July 1, 2015, that a finding of professional misconduct or incompetence or similar finding has been made against the Member by a body that governs a profession, inside or outside of Ontario, and that finding has not been reversed on appeal:
 - (i) information on the finding;
 - (ii) the name of the governing body that made the finding;
 - (iii) a brief summary of the facts on which the finding was based;
 - (iv) the penalty and any other orders made relative to the finding;
 - (v) the date the finding was made; and
 - (vi) information regarding any appeals of the finding;

provided that where a decision referred to in paragraph (z) is no longer available to the public in the originating jurisdiction, the information on the finding under paragraph (z) shall be removed from the register upon the written request of the Member.

- (aa) when a decision of the Inquiries, Complaints and Reports Committee, relating to a complaint or report made against the Member on or after July 1, 2015, includes or is contingent upon an undertaking to perform certain obligations given by the Member (except for an undertaking relating to the Member's capacity):

- (i) the undertaking;
- (ii) a summary of the decision; and
- (iii) where applicable, a notation that the decision has been appealed;

provided that where a decision referred to in paragraph (aa) is overturned on appeal or review, the summary under paragraph (aa) shall be removed from the register.

- (bb) when a decision of the Inquiries, Complaints and Reports Committee, relating to a complaint or report made against the Member on or after July 1, 2015, includes a caution:

- (i) a summary of the decision; and
- (ii) where applicable, a notation that the decision has been appealed;

provided that where a decision referred to in paragraph (bb) is overturned on appeal or review, the summary under paragraph (bb) shall be removed from the register.

- (cc) when a decision of the Inquiries, Complaints and Reports Committee, relating to a complaint or report made against the Member on or after July 1, 2015, includes a requirement that the Member participate in a specified continuing education or remediation program:

- (i) a summary of that decision;
- (ii) where applicable, a notation that the decision has been appealed; and
- (iii) a notation, if and when applicable, that the requirements of the specified continuing education or remediation program have been fulfilled or completed by the Member;

provided that where a decision referred to in paragraph (cc) is overturned on appeal or review, the summary under paragraph (cc) shall be removed from the register.

- (3) All the information contained in the register is designated as public for the purposes of subsection 23 (5) of the Code.
- (4)
 - (a) The Registrar may give any information contained in the register that is designated as public to any person in printed or oral form.
 - (b) The Registrar may refuse to allow a person to obtain some or all of the information contained in the register that is designated as public if the Registrar has reasonable grounds to believe that the disclosure of the information may jeopardize the Member's safety.

INFORMATION TO BE PROVIDED BY MEMBERS

- 8.2.** (1) A Member shall provide the following to the College when requested to do so by the Registrar:
- (a) information required to be contained in the register by subsection 23 (2) of the Code;
 - (b) information required to be contained in the register by section 8.1 of these By-laws;
 - (c) information that the College is required to collect for the purpose of health human resource planning by the Minister by section 36.1 of the RHPA;
 - (d) information that members are required to report under sections 85.6.1, 85.6.2, 85.6.3, and 85.6.4 of the Code;
 - (e) the Member's date of birth;
 - (f) the Member's home address;
 - (g) the Member's home telephone number, if available;
 - (h) the Member's mobile telephone number, if available;
 - (i) an email address for the Member that is distinct from the email address of any other Member;
 - (j) the mailing address, and if different, the street address of each current and previous Place of Practice of the Member (provided that no client home address is required where the Member provides home care) and if available, the business facsimile number of each current Place of Practice;
 - (k) the Member's employment information including the name and business address (including the email address) of the Member's employer, the name and business address (including the email address) of the Member's direct supervisor, the Member's job title, the Member's area and focus of practice, the Member's sector of practice, the Member's employment status (such as full or part-time status), and a description of the Member's place(s) of employment;
 - (l.1) the street address of any location or facility where records related to the Member's practice are located;
 - (l) the Member's practice hours, including the percentage of time spent in each area of practice;
 - (m) whether the Member's preferred language of communication with the College is English or French;
 - (n) the following information about any finding of professional misconduct or incapacity or similar finding that has been made against the Member by a body that governs a profession, inside or outside of Ontario, provided that the finding has not been reversed on appeal:
 - (i) information on the finding;
 - (ii) the name of the governing body that made the finding;
 - (iii) the date the finding was made;
 - (iv) a summary of any order made; and
 - (v) information regarding any appeals of the finding;

- (o) whether the Member successfully completed the examination required for registration and if so, the date;
 - (p) information about any post-secondary education (full or partial degree, certificate or program courses) the Member has completed through a college or university, together with evidence of completion;
 - (q) the following information about charges laid against the Member under the *Criminal Code* or the *Health Insurance Act*:
 - (i) the charges;
 - (ii) the date the charges were laid; and
 - (iii) the status of the proceedings against the Member;
 - (r) the following information about any restriction imposed on the Member by a court or other lawful authority:
 - (i) the name of the court or other lawful authority that imposed the restriction;
 - (ii) the date on which it was imposed;
 - (s) the following information about a finding of guilt against the Member under the *Criminal Code*, or the *Health Insurance Act*, or the *Controlled Drugs and Substances Act*:
 - (i) the finding;
 - (ii) the sentence, if any;
 - (iii) where the finding is under appeal, a notation that it is under appeal until the appeal is finally disposed of; and
 - (iv) the dates of (i) – (iii), where known to the College; ~~and~~
- (t) practice information considered necessary by the Registrar; and
- (~~u~~) demographic information considered necessary by the Registrar.
- (2) A Member shall notify the Registrar in writing of any change to any previously provided information within 30 days of the change.

PROFESSIONAL LIABILITY INSURANCE

- 8.3.**
- (1) All Members who provide patient care in the practice of physiotherapy, whether in a paid or volunteer capacity, must hold professional liability insurance in accordance with this section.
 - (2) The professional liability insurance coverage referred to in subsection (1) may be obtained by the Member directly or may be provided through the policy of an employing agency so long as it covers the Member's entire practice of physiotherapy.
 - (3) The professional liability insurance referred to in subsection (1) must have:
 - (a) a liability limit of at least \$5,000,000 for any one incident; and
 - (b) a \$5,000,000 minimum for the annual policy period for each insured individual.
 - (4) The professional liability insurance referred to in subsection (1) must not be subject to a deductible.

- (5) The professional liability insurance referred to in subsection (1) must provide coverage for incidents that occurred during the Member's physiotherapy practice and must provide coverage for claims made up to ~~10~~ten years after the Member ceases practice.
- (6) The professional liability insurance referred to in subsection (1) shall be subject only to such exclusions and conditions and terms as are consistent with standard insurance industry practices.
- (7) Within 30 days of any request by the College, a Member required to hold the professional liability insurance referred to in subsection (1) shall provide current documentary proof, acceptable to the Registrar, that their professional liability insurance coverage complies with the requirements set out in this section.

FEES – REGISTRATION

- 8.4.** (1) (a) Upon application for registration, every applicant shall pay a non-refundable application fee and a non-refundable registration fee.
- (b) The application and registration fees are as follows:

Application fee	For an initial application or re-application	\$111.00
Certificate of Registration Authorizing Independent Practice	For a certificate issued until the next March 31 (the College may in its discretion pro-rate registration fees for part year certificates or may bank registration fees for the future credit of a Member for part year certificates in accordance with Appendix B)	\$635.00
Certificate of Registration Authorizing Provisional Practice		\$ 83.00

- (2) (a) Every Member with a certificate of registration authorizing independent practice shall pay a non-refundable renewal fee as follows:

Certificate of Registration Authorizing Independent Practice	For a certificate issued until the next March 31 (the College may in its discretion pro-rate renewal fees for part year certificates or may bank renewal fees for the future credit of a Member for part year certificates in accordance with Appendix B)	\$635.00
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- (3) (a) The renewal fee is due on or before March 31 in each membership year.
 (b) If a Member holding a certificate of registration authorizing independent practice fails to pay a renewal fee on or before the day on which the fee is due, the Member shall pay a penalty in addition to the renewal fee, as follows:

Certificate of Registration Authorizing Independent Practice – Penalty	\$249.00
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- (4) If the Registrar suspends a Member’s certificate of registration for failure to pay a prescribed fee in accordance with section 24 of the Code, the Registrar shall terminate the suspension on:
- (a) completion of a new application form (in the form of an initial application form) and payment of a new initial application fee; and
- (b) payment of:
- (i) all outstanding amounts owing to the College, including the current renewal fee; and
- (ii) any applicable penalties relating to such outstanding amounts.

- (5) In addition to the amounts set out in subsections (1), (2) and (3), any outstanding fees owing to the College in respect of any decisions made by a ~~Committee~~ committee and any fees payable under these By-laws will be added to and included in the annual renewal fees.

FEES – REINSTATEMENT

- 8.5.** A person whose certificate of registration was suspended or revoked by a panel of the Discipline Committee or the Fitness to Practise Committee and who applies for reinstatement of their certificate of registration pursuant to section 72 of the Code shall pay:
- (a) if the person’s certificate of registration was suspended or revoked by a panel of the Discipline Committee, at the time the person makes the first such application, a fee of 1.5 times the fee for a certificate of registration authorizing independent practice;
 - (b) if the person’s certificate of registration was suspended or revoked by a panel of the Fitness to Practise Committee, at the time the person makes the first such application, the fee for a certificate of registration authorizing independent practice; and
 - (c) at the time the person makes the second or any subsequent application, a fee of 3 times the fee for a certificate of registration authorizing independent practice.

FEES — GENERAL

- 8.6.** (1) The Registrar may charge a fee for anything they are required or authorized to do under the RHPA, the Code, the Act, the Regulations or the By-laws.
- (a) The fees for anything the Registrar is required or authorized to do, except for the fees for those things that are set out in these By-laws, are the fees set by the Registrar.
 - (b) The fee for a copy of any College information or documents required to be provided under sections 3.1(2) or 23(12) of the Code shall be the actual costs to the College of providing the copies.
 - (c) The fee for a letter of Professional Standing is \$56.00.
 - (d) The fee for a returned cheque is \$50.00.
 - (e) The fee for an official certificate of registration with embossed gold logo (also known as a “wall certificate”) is \$28.00.
- (2) The Registrar may charge Members a fee for anything that a ~~c~~Committee is required or authorized to do under the RHPA, the Code, the Act, the Regulations or the By-laws.
- (a) The fees for the following programs or services ~~that of c~~Committees are:
 - (i) for the College Review Program – the actual cost of the program to a maximum of \$500.00;
 - (ii) for an Onsite Assessment – the actual costs of the assessment to a maximum of \$1000 (this does not apply to those Members who are selected or volunteer for the annual Quality Assurance Program Competency Assessment process, or who are at the completion of a first cycle of remediation or enhancement at the direction of the Quality Assurance Committee);

- (iii) for the first ten hours of the first cycle of any specified continuing education or remediation program that a Member volunteers for or undertakes at the direction of the Quality Assurance Committee – no charge. All successive hours are billed at the rate of \$100.00 per hour;
- (iv) for any course or program the College provides to a Member pursuant to an order of the Discipline Committee, Fitness to Practise Committee or Registration Committee – the cost associated with providing the program to the Member;
- (v) for a specified continuing education or remediation program as required by the Inquiries, Complaints and Reports Committee – the cost associated with providing the program to the Member, and
- (vi) for fees that the Member agrees to pay in relation to an Acknowledgement & Undertaking– the cost specified in the written agreement.

FEES — ONTARIO CLINICAL EXAM

- 8.7.** (1) The fees relating to the Ontario Clinical Exam are as follows:
- (a) The fee to sit the Ontario Clinical Exam is \$1985.00.
 - (b) The fee to change or rebook the date a candidate is scheduled to sit the Ontario Clinical Exam is \$200.00.
 - (c) The fee for candidates who request a Review by staff of their results on the Ontario Clinical Exam (“Exam Review”) is \$200.00.
 - (d) The ~~f~~Fee for appealing the results of an Exam Review to the Examinations Committee is \$300.00.
- (2) Any issues regarding the refundability of fees relating to the Ontario Clinical Exam (for such things as late cancellations or late arrivals) will be addressed in accordance with the College’s exam policies.

Part 9 — Professional Corporations

THE REGISTER

- 9.1. (1) In addition to the information referred to in subsection 23 (2) of the Code, the following information shall be kept in the register,
- (a) the name of the professional corporation as registered with the Ministry of ~~Government and Consumer Services~~Public and Business Service Delivery;
 - (b) any business names used by the professional corporation,
 - (c) the name, as set out in the register, and registration number of each shareholder of the professional corporation;
 - (d) the name, as set out in the register, of each officer and director of the professional corporation, and the title or office held by each officer and director;
 - (e) the primary business address, telephone number, and email address of the professional corporation, and if available, the facsimile number;
 - (f) the address and telephone number of all other locations, other than residences of clients, at which the professional services offered by the professional corporation are provided; and
 - (g) a brief description of the professional activities carried out by the professional corporation.
- (2) The information specified in subsection (1) is designated as public for the purposes of subsection 23 (5) of the Code.
- (3) Every Member of the College shall, for every professional corporation of which the Member is a shareholder, provide in writing the information required for the register in subsection (1) on the application and annual renewal forms for a certificate of authorization, upon the written request of the Registrar within ~~30~~thirty days and upon any change in the information within ~~30~~thirty days of the change.

FEES — PROFESSIONAL CORPORATION

- 9.2. (1) The application fee for a certificate of authorization, including on any reinstatement of a certificate of authorization, for a professional corporation is \$774.00.
- (2) The fee for the annual renewal of a certificate of authorization is \$277.00.
- (3) The fee for an official certificate of authorization with embossed gold logo is \$28.00.

Part 10 — Council Approval

COUNCIL APPROVAL

APPROVED BY COUNCIL ON March 22, 2017 as confirmed by the signatures of the President and Vice-President of the College.

President

Vice-President

Appendix A

DECLARATION OF OFFICE FOR COUNCILLORS

I, _____, (Name of Councillor) hereby agree that I will:

- Accept the office as a duly elected, selected or appointed Councillor or non-Council Committee member of the College of Physiotherapists of Ontario;
- Act at all times, while serving as a Councillor or non-Council Committee member, to fulfil the statutory duty of the Colleges “to work in consultation with the Minister to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated health professionals” (Section 2.1 of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*);
- Act at all times, while serving as a Councillor or non-Council Committee member, to fulfil the statutory duty of the College to serve and protect the public interest while carrying out the objects of the College (Section 3 of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*. A copy of the objects are set out in Schedule 1 to this Declaration);
- Comply with the College’s Code of Conduct, as amended by Council from time to time, including the confidentiality obligations contained therein; and
- Comply with the other policies of the College applicable to Councillors and non-Council Committee members, as amended by Council from time to time.

[Councillor Signature]

Witness Signature

Date

Name of Witness

SCHEDULE 1 TO THE DECLARATION OF OFFICE FOR COUNCILLORS – OBJECTS OF THE COLLEGE

The College has the following objects:

1. To regulate the practice of the profession and to govern the members in accordance with the Health Profession Act, this Code and the *Regulated Health Professions Act, 1991* and the regulations and by-laws.
2. To develop, establish and maintain standards of qualification for persons to be issued certificates of registration.
3. To develop, establish and maintain programs and standards of practice to assure the quality of the practice of the profession.
4. To develop, establish and maintain standards of knowledge and skill and programs to promote continuing evaluation, competence and improvement among the members.
- 4.1 To develop, in collaboration and consultation with other Colleges, standards of knowledge, skill and judgment relating to the performance of controlled acts common among health professions to enhance interprofessional collaboration, while respecting the unique character of individual health professions and their members.
5. To develop, establish and maintain standards of professional ethics for the members.
6. To develop, establish and maintain programs to assist individuals to exercise their rights under this Code and the *Regulated Health Professions Act, 1991*.
7. To administer the health profession Act, this Code and the *Regulated Health Professions Act, 1991* as it relates to the profession and to perform the other duties and exercise the other powers that are imposed or conferred on the College.
8. To promote and enhance relations between the College and its members, other health profession colleges, key stakeholders, and the public.
9. To promote inter-professional collaboration with other health profession colleges.
10. To develop, establish, and maintain standards and programs to promote the ability of members to respond to changes in practice environments, advances in technology and other emerging issues.
11. Any other objects relating to human health care that the Council considers desirable.

Appendix B

REGISTRATION FEES DISCRETION

Pro-Rated Fees

- Physiotherapists who register in the independent practice category after April 1 will only pay for the number of days remaining until the end of the renewal year (March 31), in which they register with the College.

Fee Credits — Effective April 1, 2014

- Physiotherapists who resign more than three months before the end of the registration year (that is a resignation that occurs prior to December 31st in any registration year) will be eligible to receive a fee credit if they are resigning for any of the following reasons:
 - Education leave;
 - Health-related leave;
 - Compassionate/Bereavement/Family-related leave;
 - Maternity/Parental leave
 - Individuals who retire and then re-apply within one year
 - Moving out of province.
- The fee credit is based on the number of days not used in the registration year.
- The fee credit can be applied to the following fees, up to one year from the date of resignation or 18 months in the case of a maternity or parental leave:
 - Fees for online requests (letters of professional standing and wall certificates)
 - Renewal fee
 - application fee
 - initial registration fee
 - late renewal fee.
- Physiotherapists resigning in the final three months of the registration year are not eligible for a fee credit.
- The minimum period of leave to be eligible to receive a fee credit is three months.
- Fee credits will expire one year after the date of resignation if the resignation was for any of the following reasons:
 - Education leave;
 - Health-related leave;
 - Compassionate/Bereavement/Family-related leave;
 - Individuals who retire and then re-apply within one year;
 - Moving out of province; and
 - 18 months in the case of Maternity/Parental leave.
- Fee credits are transferable into the next registration year.
- There are no fee refunds.

Appendix C

CODE OF CONDUCT

Title:	Code of Conduct
Applicable to	Members of Council and Council Committees
Date approved:	December 2003
Date revised:	June 2006, March 2008, June 2010, February 2013, June 2014, March 2017

Purpose

Councillors and Committee members make decisions in the public interest, balancing this responsibility with an understanding of the profession and the settings in which it practices. They establish the College's goals and policies within its statutory mandate.

All Councillors and members of College committees are expected to exhibit conduct that is ethical, civil and lawful, in a manner that is consistent with the nature of the responsibilities of Council and the confidence bestowed on Council by the public and its registrants. The role of a non-Council ~~committee~~ Committee member is considered comparable to that of a Councillor due to their direct participation in the committees that assist Council in fulfilling its statutory duties. Further, Councillors and members of ~~Council~~ committees are expected to aspire to excellence in their roles as governors.

This Code of Conduct serves to provide Council, and its ~~Committees~~ committees with high standard of conduct to guide and support their work in the best interests of the College, its legislative mandate, and the public. Each individual, and the group as a whole, is accountable for its conduct and performance.

Performance Expectations

In performing their role, each Councillor and Committee member will:

1. Promote the public interest in their contributions and in all discussions and decision-making.
2. Direct all activities toward fulfilling the College's objects as specified in the legislation.
3. Comply with the provisions of the *Regulated Health Professions Act*, the *Physiotherapy Act*, the ~~regulations~~ Regulations made under these ~~acts~~ Acts and the By-laws of the College.
4. Conduct themselves in a manner that respects the integrity of the College by striving to be fair, impartial and unbiased in their decision making.
5. Refrain from engaging in any discussion with other Council or committee members that takes place outside the formal Council or committee decision making process and that is intended to influence the decisions that the Council or a committee makes on matters that come before it.
6. Respect the power, authority and influence associated with their role and not misuse this for personal gain.

7. Recognize, understand and respect the roles and responsibilities of Council, committees and staff and maintain respectful working relationships with other Council members, ~~C~~committee members and staff members. This includes acknowledging the appropriate authorities of the Registrar and the President.
8. Acquire, apply and maintain knowledge of Council and ~~C~~committee policies, procedures, relevant legislation, College functions and current issues facing the College and the committees they participate in.
9. When personal circumstances may affect their ability to function objectively in their role, address the conflict situation by complying with the College ~~B~~by-laws that govern conduct in this situation by, as a minimum, declaring the conflict, abstaining from discussing or voting on the matter and removing ~~oneself themselves~~ from the meeting.
10. Maintain the confidentiality of information coming into their possession in keeping with the provisions set out in the RHPA and the confidentiality policies of the College.
11. Maintain appropriate decorum during all Council and ~~C~~committee meetings by adhering to the rules of order adopted by the Council.
12. Review and consider the information provided for Council and committee meetings and identify any information to enhance effective Council and ~~C~~committee decision-making as needed.
13. Respect the views and the expertise of other Council and Committee members and appreciate the opportunity for varied viewpoints to be brought forward, considered and resolved through robust discussion.
14. Publicly uphold and support the decisions of Council and respect the President's role as Council spokesperson.
15. Attend meetings to the best of their ability and be available to mentor and assist new members.
16. Regularly evaluate their individual performance, and that of the collective to assure continuous improvement.
17. Promote general interest in the physiotherapy community for Council and non-Council positions.

Sanctions

1. All concerns related to the conduct or performance of a Councillor or of a ~~Council-C~~committee member should be brought to the attention of the President of the College.
2. All concerns must be documented, specifically the questionable conduct or performance, in sufficient detail to enable it to be understood. The document should identify the element (s) of the Code that is of concern and include, where relevant, any supporting evidence.
3. After review of the material and dependent on the issue, the President has the discretion to either meet with the Councillor or Committee member and provide individual coaching, or to raise the matter for Council's consideration. At any time the President may seek advice from the Executive Committee and/or the Registrar. All decisions taken are to be recorded and kept in the member's corporate file.
4. When the President identifies that an alleged breach of this Code of Conduct may have occurred and raises it for Council's consideration, Council shall adopt a process to deal with the alleged breach that is consistent with the rules of order of Council and that provides the person whose conduct has been called into question with an opportunity to explain their actions.

5. When Council determines that a breach of the Code of Conduct did take place, the Council may, on the basis of a resolution that has been properly moved, seconded and assented to by two thirds of Councillors, impose a sanction that may include one or more of the following:
 - a. Requesting a change in the behaviour of the person;
 - b. Requesting that the person apologize for their behaviour;
 - c. Censuring the person for their behaviour;
 - d. Declining to appoint a person to any committee or to a specific committee;
 - e. Declining to provide confidential information to the person, in circumstances where concern over breach of confidentiality has occurred;
 - f. Requesting the person's resignation from the Council, committee or other activity in which they had been acting on behalf of the College;
 - g. Removing an Elected Councillor or Academic Councillor from the Council, committee or other activity in which they had been acting on behalf of the College in accordance with the By-laws;
 - h. Removing a Publicly-Appointed Councillor appointed by the Lieutenant Governor from the committee or other activity that they had been acting on, on behalf of the College in accordance with the By-laws; or
 - i. Requesting that the Minister remove a Publicly-Appointed Councillor from the Council.
6. If the Council removes an Elected Councillor it shall treat the circumstances as if the vacancy was a result of the resignation of the Councillor.

Procedural and Other Safeguards

1. In determining whether to impose a sanction, and which sanction to impose, Council shall be mindful of the general principle that sanctions are to be remediative not punitive.
2. Council shall not consider whether to impose a sanction without first providing the person with an opportunity to address Council personally or through legal counsel.
3. A resolution of at least two thirds of the Councillors at a meeting duly called for that purpose shall be required to sanction a member.
4. A Councillor whose conduct or performance is the subject of concern shall not attend or take part in any Council deliberation respecting their conduct or performance and if the person is the subject of a vote taken under this Code of Conduct, they shall not vote on the matter.
5. A Councillor whose conduct or performance is the subject of concern shall be temporarily suspended from Council including any committees on which they sit, pending the decision on their conduct.
6. Any deliberation or vote taken under this Code of Conduct shall be public except in circumstances where information presented during the deliberation may be detrimental to the person whose conduct or performance is the subject of concern (e.g. information on their health status is presented).
7. The College will not be responsible for any costs of the Councillor or Committee member whose conduct is being examined.



COLLEGE OF
PHYSIOTHERAPISTS
of ONTARIO
Regulating Physiotherapists

2023

Governance Manual

Governance Manual

June 2021

INDEX

STATUS¹

Section 1.0 Roles & Responsibilities

1.1	<u>Role of Council</u>	Revised, June 2021
1.2	<u>Role of a Council Member</u>	Revised, June 2021
1.3	<u>Role of a Committee Chairperson</u>	Revised, June 2021
1.4	<u>Role of a Non-Council Committee member</u>	Revised, June 2021
1.5	<u>Role of President</u>	Revised, June 2021
1.6	<u>Role of Vice President</u>	Revised, June 2021
1.7	<u>Role of Registrar</u>	Revised, June 2021

Section 2.0 Terms of Reference

2.1	<u>Inquiries, Complaints and Reports Committee – Statutory</u>	Revised, June 2021
2.2	<u>Discipline Committee – Statutory</u>	Revised, June 2021
2.3	<u>Executive Committee – Statutory</u>	Revised, June 2021
2.4	<u>Fitness to Practise Committee – Statutory</u>	Revised, June 2021
2.5	<u>Patient Relations Committee – Statutory</u>	Revised, June 2021
2.6	<u>Quality Assurance Committee – Statutory</u>	Revised, June 2021
2.7	<u>Registration Committee – Statutory</u>	Revised, June 2021
2.8	<u>Finance Committee – Non-Statutory</u>	Revised, June 2021
2.9	<u>Examinations Committee</u>	September 2022

Section 3.0 Confidentiality

3.1	<u>Confidentiality – General</u>	Revised, June 2021
3.2	<u>Privacy Procedures – Requests for Access or Corrections to Personal Information and Privacy Concerns</u>	Revised, June 2021

Section 4.0 Finance

4.1	<u>Allowances and Expenses</u>	Revised, March 2023
4.2	<u>Signing Officers</u>	Revised, June 2021
4.3	<u>Investments and Investment Strategy</u>	Revised, June 2021
4.4	<u>Insurance</u>	Revised, June 2021
4.5	<u>Capital Assets</u>	Revised, June 2021

¹ This refers to the date of the most recent approval or revision or whether it is under review.

Section 5.0 Policy

- | | | |
|-----|---------------------------------------|----------------------|
| 5.1 | <u>College Policy Review Schedule</u> | Confirmed, June 2021 |
| 5.2 | <u>Approval of Official Positions</u> | Revised, June 2021 |
| 5.3 | <u>Elected Officers</u> | Confirmed, June 2021 |

~~Section 6.0 Stakeholders~~ Section 6.0 Intellectual Property

- | | | |
|-----|---|--------------------|
| 6.1 | <u>Intellectual Property and Related Uses</u> | Revised, June 2021 |
|-----|---|--------------------|

Section 7.0 General

- | | | |
|------|--|----------------------|
| 7.1 | <u>Strategic Planning Cycle</u> | Revised, June 2021 |
| 7.2 | <u>Succession Planning</u> | Revised, June 2021 |
| 7.3 | <u>Public Member Representation on College</u> | Confirmed, June 2021 |
| 7.4 | <u>Public Member Attendance at Committee Meetings</u> | Revised, June 2021 |
| 7.5 | <u>Selection of Individuals to Committees, Task Forces and Advisory Groups</u> | Revised, June 2021 |
| 7.6 | <u>Performance Review Process for Registrar</u> | Revised, June 2021 |
| 7.7 | <u>Emergency Management Plan</u> | Revised, June 2021 |
| 7.8 | <u>Election Campaign</u> | Revised, June 2021 |
| 7.9 | <u>Council Education/Orientation</u> | Revised, June 2021 |
| 7.10 | <u>Council – Staff Relations</u> | Revised, June 2021 |
| 7.11 | <u>Appointment of a Task Force and/or an Advisory Group</u> | Revised, June 2021 |
| 7.12 | <u>Specialty Designation</u> | Confirmed, June 2021 |
| 7.13 | <u>Council In Camera Minutes – Storage and Access</u> | Approved, June 2021 |

Section 8.0 Evaluation

- | | | |
|-----|----------------------------------|--------------------|
| 8.1 | <u>Measurement and Reporting</u> | Revised, June 2021 |
|-----|----------------------------------|--------------------|

<u>Section:</u>	Roles & Responsibilities	Policy #1.1
Title:	Role of Council	
Date approved:	June 2002	
Date revised:	June 2006, June 2007, December 2009, June 2021	
Date confirmed:	December 2011	

Legislative References

- a. *Physiotherapy Act*: s.6
- b. Health Professions Procedural Code: s.2.1, s.3, s.4, s.5, s.6, s.7, s.8, s.9, s.10
- c. *Regulated Health Professions Act, 1991*: s.2, s.3, s.4, s.5, s.6

Definition

The Council of the College is its board of directors and consists of appointed and elected members as defined in the *Physiotherapy Act*.

Primary Function

Council is the College's board of directors who manages and administers its affairs.

It is the duty of the College to work in consultation with the Minister to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated health professionals.

The College's objects are defined in section 3 of the Code.

Specific Responsibilities

In carrying out its role, the College Council will:

1. Fulfill the legislated responsibilities ~~in~~under the *Regulated Health Professions Act*, the Code and the *Physiotherapy Act* and ensure that all other statutory responsibilities of the College, its committees and its employees are upheld.
2. Understand the objects of the College and ensure that it achieves them.
3. Establish rules of order for use during Council and committee meetings.
4. Review and approve College Governance Policies, Regulations, By-laws, Standards, position statements, Council policies and Committee policies.

5. Establish and promote the College's mission, vision and values.
6. Develop and approve the strategic direction of the College and monitor the work of Council and its committees to ensure achievement of goals.
7. Use the College's strategic plan to direct its activities and allocate its resources by setting budget priorities, and approve budgets based on these priorities.
8. Receive reports from all statutory committees, non-statutory committees, task forces, the President and the Registrar.
9. Consider and recommend the legislative changes necessary for the College to meet its mandate.
10. Appoint the College Registrar and receive regular reports on the Registrar's performance.
11. Appoint the College auditor.
12. Annually elect the President, Vice President, and members of the Executive Committee, and appoint the Chair and members of each College committee.
13. Establish non-statutory committees and task forces.
14. Develop, monitor and evaluate the governance, financial management and reporting frameworks of the College.
15. Monitor and evaluate on an ongoing basis whether the College is meeting its statutory mandate.
16. Make decisions respecting the appropriate sanctions for violation of the College's Code of Conduct.

<u>Section:</u>	Roles & Responsibilities	Policy #1.2
Title:	Role of a Council Member	
Date approved:	June 2002	
Date revised:	June 2006, June 2007, September 2009, February 2013, June 2021	

By-law References

- a. By-laws: s.3, s.5, Appendix A, Appendix C

Definition

Council members are either physiotherapists or members of the public. Physiotherapists are elected by their peers through district elections for the purpose of carrying out the self-regulatory function. Two academic members are selected by the academic community. Public members are appointed by the Lieutenant Governor in Council to bring the public perspective to Council discussions.

Primary Function

Council members are committed to the mandate of the College and bring individual perspectives to collective decision making in the public interest. A Council member is responsible for contributing fully to debates and decisions of Council and those committees on which they serve.

Specific Responsibilities

1. Serve on Council and at least one statutory committee to which they are appointed.
2. Serve on additional committees or task forces as required.
3. Attend required orientation(s).
4. Review all materials sent in advance for Council and Committee meetings and demonstrate a reasonably comprehensive knowledge of it.
5. Acquire and apply a working knowledge of the statutory requirements and policies related to their specific Statutory Committee(s).
6. Develop and maintain knowledge of the regulatory framework of the College and current issues facing Council.
7. Be available for meetings and attend them.
8. Be available to mentor and assist new Council members.

9. Contribute to Council and Committee discussions.
10. Raise issues in a respectful manner that encourages open discussion.
11. Demonstrate independent judgment through their willingness to voice concerns, take an independent stand or espouse an unpopular or controversial idea.
12. Understand, respect and adhere to the rules of order and the Code of Conduct as prescribed by Council.
13. Acquire a working knowledge of health system issues and financial issues relevant to the role of a Council member.
14. Raise matters arising in the broader environment for Council consideration for action.
15. Publicly support the decisions of Council providing rationale as requested.
16. Redirect matters to the President as appropriate.

Terms of Office

- A. Elected Council members are eligible to serve a maximum of three years in one term, to a maximum of nine consecutive years.
- B. The appointment of Academic Council members is determined by By-law section 3.2(4).
- C. Public appointees serve terms as approved by the Lieutenant Governor.
- D. Appointment to a ~~statutory~~ committee is one year and renewable annually.

Section:

Roles & Responsibilities

Policy #1.3

Title:

Role of a Committee Chair~~person~~

Date approved:

June 2002

Date revised:

June 2006, September 2007, September 2009, February 2013, June 2021

By-law References

- a. By-laws: s.7.6, s.7.7

Primary Function

The Committee Chair~~person~~ is a member of a statutory committee, non-statutory ~~c~~Committee or task force and is appointed by Council to serve as Chair~~person~~.

The Chair~~person~~ provides leadership and direction to the Committee or ~~T~~ask ~~F~~orce to ensure it fulfills its mandate. The Chair~~person~~ is accountable to Council through regular reporting on ~~c~~Committee activity and progress. The Chair~~person~~ collaborates with an identified senior staff person to facilitate the ongoing management of the Committee's work.

Specific Responsibilities

Committee or Task Force Chairs~~persons~~ are expected to:

1. Provide direction and guidance to the Committee in keeping with its Council approved terms of reference and any related legislative responsibilities.
2. Utilize the Council selected Rules of Order, approved ~~B~~y-Laws, ~~C~~ode of ~~C~~onduct and ~~G~~overnance ~~P~~olicies in overseeing ~~c~~Committee meetings.
3. Collaborate with appropriate staff to:
 - a. orient new Committee members;
 - b. develop the agenda;
 - c. identify policy issues for consideration by Council where appropriate;
 - d. prepare committee reports and recommendations for presentation to Council;
 - e. develop objectives and long-range plans for committee consideration; and
 - f. identify budget and business plan implications for the Registrar.
4. Encourage broad respectful debate amongst members in achieving decisions or direction on ~~c~~Committee matters.

5. Manage ~~c~~Committee function and introduce strategies to resolve conflicts when they arise. When the issues are not manageable, consult with the President.
6. Act as the principal spokesperson for the Committee in reporting to Council at all meetings.
7. Raise matters arising in the broader environment related to committee mandate for Council consideration for action.
8. Conduct regular evaluation of Committee members and processes to ensure high levels of performance.
9. Where a ~~C~~committee ~~C~~hair identifies a performance issue or concern with a ~~C~~committee member, inform the President in order to facilitate the ability of the President to manage the issue or concern appropriately.
10. Attend required orientation(s).
11. Be available to mentor and assist new Committee members.
12. To authorize a ~~C~~committee member to claim additional preparation time above what is allowed in the Honoraria-Allowances and Expenses Policy.

Terms of Office

- A. Committee Chairs are nominated by the Executive Committee and appointed annually by Council members ~~at the annual general meeting~~. The number of times a Council member or a non-Council Committee member can be appointed as a Chair to any particular ~~c~~Committee is nine times.
- B. Committee members may serve as Chair when it is in the best interest of the continuity of the ongoing work of the Committee.

<u>Section:</u>	Roles & Responsibilities	Policy #1.4
Title:	Responsibility of a Non-Council Committee Member / Member of a Task Force and Advisory Groups	
Date approved:	June 2002	
Date revised:	June 2006, June 2007, March 2010, February 2013, June 2021	

By-law References

- a. By-laws: s.7.5

Definition

Committee members and members of a ~~t~~Task ~~f~~Force or an ~~a~~Advisory ~~g~~Group are appointed in accordance with College By-laws and established selection criteria.

Primary Function

Committee members and members of a ~~t~~Task ~~f~~Force or an ~~a~~Advisory ~~g~~Group are working participants of ~~Council-statutory~~ committees, task forces and advisory groups and facilitate the achievement of desired outcomes as approved by the Council.

Specific Responsibilities

1. Serve on the Committee, Task Force or Advisory Group to which they are appointed.
2. Attend required orientation(s).
3. Review all materials sent in advance of meetings.
4. Acquire and apply a working knowledge of the statutory requirements, terms of reference, and policies related to the Committee, Task Force or Advisory Group.
5. Be available for meetings and attend them.
6. Be available to mentor and assist new Committee members.
7. Raise issues in a respectful manner that encourages open discussion.
8. Demonstrate independent judgment through their willingness to voice concerns, take an independent stand or espouse an unpopular or controversial idea.
9. Understand, respect, and adhere to the Rules of Order and the Code of Conduct.

- 10. Maintain confidentiality of matters discussed and decisions made at CCommittee that are confidential in nature.

Term of Appointment

- A. Non-Council Ccommittee members, members of task forces or advisory groups are appointed for one year and renewable annually to a maximum of nine consecutive times.

<u>Section:</u>	Roles & Responsibilities	Policy #1.5
Title:	Role of President	
Date approved:	June 2002	
Date revised:	June 2006, June 2007, December 2009, December 2011, February 2013, March 2014, June 2021	

By-law References

- a. By-laws: s.6.3(1) & (3)

Primary Function

The President is elected by Council to serve as its most senior officer in facilitating governance effectiveness and alignment with the mission and vision. For greater clarity, the President is the senior most official of the College. The President works effectively with the Registrar, acts as a key representative in public forums, and highlights Council’s stewardship role in the self-regulation of the profession.

Term

The President serves a one-year term and is elected annually in March and takes office at the first regular Council meeting following an election~~Annual General Meeting~~. An individual may hold this office twice during any period of consecutive service on Council. ~~These appointments may be consecutive for a maximum of 6 years given the 9 year limit for serving on Council.~~

Specific Responsibilities

In addition to duties outlined in subsection 6.3(1) of the By-laws the President shall:

1. Promote, in conjunction with Registrar, the establishment and evaluation of the College’s strategic plan.
2. In coordination with the Registrar, ~~to~~ identify issues, develop objectives and establish priorities to be deliberated by the Council and oversee the planning, chairing and evaluation of all Council meetings ~~including the annual meeting~~.
3. Act as a signing authority for By-laws, Regulations, contracts and cheques on behalf of the College as required.
4. Serve as the Chair of the Executive Committee and participate on other committees and task Forces as directed by Council.

5. Serve as a member of the Finance Committee.
6. In coordination with the Registrar, represent the College at public functions and official liaison opportunities to promote the development of beneficial relationships with other organizations.
7. Act as the key spokesperson of the College.
8. Represent the College on external committees or representational opportunities or appoint a member of the Council to represent the Council in keeping with the By-laws or as directed by Council.
9. Receive all matters directed to the attention of Executive Committee and Council and review and determine, with the Executive Committee as appropriate, a best course of action on such matters related to the performance of committees or Councillors.
10. To develop the Council agenda and identify matters that should be discussed in camera.
11. Maintain awareness of activities and of issues facing the Council, external and internal to the College; and act as a key spokesperson on Council matters and the College.
12. On behalf of Council and in accordance with policy, negotiate the Registrar's contract and coordinate the Registrar's annual performance review.
13. Advise Councillors or Committee members on issues relating to conflicts of interest in consultation with the Registrar and legal counsel as required.
14. Establish an ongoing Councillor and non-council Committee member performance management system which includes providing individual Council members with performance feedback on an annual basis and managing any performance issues or concerns in accordance with the College's Code of Conduct.
15. Each year where the College is a member of the Canadian Alliance of Physiotherapy Regulators (CAPR), the College President, in consultation with the members of the Executive Committee, will nominate a person to serve as a director of the CAPR board.
16. Monitor and manage all risk-related matters and periodically reports this information to Council.
17. The President's duties also include any other duties as defined in the College By-laws and these Governance Policies.
18. In fulfilling these duties, the President may contact a past President for information, advice and guidance as needed.

<u>Section:</u>	Roles & Responsibilities	Policy #1.6
Title:	Role of Vice President	
Date approved:	June 2002	
Date revised:	June 2006, June 2007, December 2011, February 2013, March 2014, June 2021	

By-law References

- a. By-laws: s.6.1(2)

Primary Function

The Vice President is elected by Council to serve as an officer of the College and to assist and collaborate with the President in their role.

Term

The Vice President serves a one-year term and is elected annually in March and takes office at the ~~Annual General Meeting~~first regular Council meeting following an election. An individual may hold this office twice during any period of consecutive service on Council. ~~These appointments may be consecutive for a maximum of 6 years given the 9-year limit for serving on Council.~~

Subject to the election process, incumbents in the Vice President's role will typically take over the role of the President when the President has completed their term(s).

Responsibilities

In addition to duties outlined in By-law section 6.3(2), the Vice-President shall:

1. In the absence of the President, perform the President's duties including:
 - a. chair Council and Executive Committee meetings;
 - b. act as a signing officer of the College;
 - c. receive and review all matters directed to the attention of the Council
 - d. act as the key spokesperson of the College;
 - e. monitor and manage all risk-related matters and periodically report this information to Council; and
 - f. represent the College at public functions and official liaison opportunities.
2. Serve as a member of the Executive Committee and participate on other committees and task forces as directed by Council.

3. Serve as a member of the Finance Committee.
4. As advised by the President, develop their personal knowledge of the role and duties of the President in order to prepare to undertake this role.
5. Chair an appeal process where the Registrar has concerns or disagrees with the performance review process or the outcome. (Policy # [8-57.6](#) — Registrar's Performance Review).
6. Assist and advise the President in performing their duties.

Section:	Roles & Responsibilities	Policy #1.7
Title:	Role of Registrar	
Date approved:	June 2002	
Date revised:	June 2006, March 2007, February 2013, June 2021	

Definition

The Registrar is the principal staff member retained by Council to act as the College’s Chief Executive Officer.

Primary Function

The Registrar is the only employee of the College to report solely and directly to the Council. They shall report to the President and to Council through and with approval of the President. If the Registrar and the President disagree about what should be reported to Council, the Registrar can consult the Vice President. The Registrar is subject to direction from Council and in between meetings, direction from the Executive Committee. The Registrar acts as a collaborative leader in the development and implementation of the College’s vision, mission, values and strategic goals. The Registrar is responsible for directing and managing the day-to-day operations of the College within financial targets as set by Council. The Registrar hires and maintains an effective staff organization which includes providing timely and relevant policy and program information and recommendations to Council and its CECommittees. The Registrar fulfills the statutory mandate of the role and assists Council in meeting its governance and legislative obligations.

Specific Responsibilities

The Registrar is accountable for the following subsets of responsibilities:

Executive Leadership/Organizational Management

1. Plans and directs the organization’s activities to achieve stated/agreed targets and standards for legislative adherence, financial performance and culture.
2. Develops and implements strategy for operational management of the organization.
3. Implements processes to ensure continuous quality improvement of the organization and its activities.
4. Meets statutory obligations as defined by the *Regulated Health Professions Act, 1991*.

Financial, Risk and Facilities Management

5. Recommends yearly budget for Council approval and prudently manages the College's resources within those budget guidelines according to current laws and regulations.
6. Provides relevant, timely and complete financial information to facilitate informed decision making by Council.
7. Sets risk assessment strategy with Council to ensure financial controls and compliance mechanisms are managed and monitored.
8. Establishes a risk analysis and mitigation framework.
9. Identifies, contains and resolves any issues where consequences could result in liability and damage to the organization.
10. In coordination with the President, monitors and manages all risk related matters and assists the President in preparing risk reports to Council.
11. Creates a safe and efficient work environment that supports the effective utilization of all resources.

Governance and Strategy

12. Facilitates the coordination and implementation of regular review of strategic objectives of the organization including its vision, mission, values and goals.
13. Assists the President in their role to enable the Council to fulfill its governance function.
14. Supports operations and administration of the Council including advising and informing Council members, interfacing between Council and staff (through the President).
15. Provides support to the President in preparing Council and Executive Committee agendas, background information and materials.
16. Collaborates with the President in identifying issues and trends relevant for Council consideration and potential action, including policy recommendations.
17. Collaborates with the President to identify the skills that the Vice President requires to improve their capacity to serve as President and assists the Vice President to gain these skills in advance of their normal appointment as President.
18. Implements a tactical plan to facilitate accomplishing defined strategic objectives and reports to Council on progress.

19. Ensures operational systems support reporting (i.e. the Dashboard or other measures) and monitoring.

Human Resource Management

20. Effectively manages the human resources of the College according to personnel policies and procedures that fully conform to current laws and regulations.
21. Develops and maintains an effective staff organization and structure which provides appropriate policy and program recommendations for consideration by the Council and its committees, and which delivers services, programs and information consistent with the legislative framework and regulations that govern the College's functions.

Public Relations

22. Supports the President in their role as the key spokesperson for the College.
23. Ensures that any public statement and College communications that references Council's position is consistent with the official position of Council.
24. Maintains and develops organizational culture, values and reputation (always consistent with the direction of the Executive Committee and Council) with the public, government, staff, registrants, ~~stakeholders~~, partners and regulatory peers.

Other

25. The Registrar must notify the President when they appoint a senior employee of the College to act as the ~~i~~nterim Registrar during absences.

Section: Terms of Reference **Policy #2.1**
Title: Inquiries, Complaints and Reports Committee
Date approved: March 2009
Date revised: June 2010, February 2013, September 2013, June 2021

Type

Statutory

Legislative / By-law References

- a. Health Professions Procedural Code: s.10, s.11, s.25, s.25.1, s.25.2, s.26, s.27, s.28, s.28.1, s.29, s.36, s.38, s.54, s.57, s.58, s.59, s.60, s.61, s.62, s.63, s.64, s.79
- b. By-laws: s.7.1(3)

Role

The role of the Inquiries, Complaints and Reports Committee (ICRC) is to investigate complaints and consider reports as per section 79 of the Code related to the conduct or action, competencies or capacity of registrants as it relates to their practicing the profession.

Accountability

Council

Duties

1. To investigate complaints, reports and inquiries filed with the Registrar regarding the conduct or actions of a registrant in accordance with the requirements of the legislation.
2. To consider investigation reports provided by the Registrar as per section 79 of the Code. Reports of this nature are generated by Registrar's inquiries, mandatory reports or referrals from the Quality ~~Management~~ Assurance Committee.
3. To make inquiries as to whether a registrant may be incapacitated as per sections 58 and 59 of the Code.
4. To dispose of complaints in accordance with the timelines prescribed in the Code.
5. To consider the need for interim orders and emergency appointments of an investigator where required.
6. To dispose of complaints and investigation reports (mandatory reports, Registrar's Inquiries) in accordance with the Committee's powers as specified in the Code.

7. To deliberate on matters returned from the Health Professions Appeal and Review Board related to decisions of the ICRC.
8. To monitor environmental trends that are relevant to the mandate of the Committee and inform Council of issues that are relevant.
9. When needed, to develop policies on matters outside of the Committee's legislative decision-making authority and recommend them to the Executive Committee and Council for consideration and approval.

Composition

A. Committee

Composition of the Committee is determined by subsection 7.1(3) of the College by-laws.

B. Panel

Quorum for panels of the Inquiries, Complaints and Reports Committee is indicated in subsection 25 (3) of the Health Professions Procedural Code.

Term of Office

Appointment to the Inquiries, Complaints and Reports Committee is one year and renewable annually to a maximum of nine consecutive times.

<u>Section:</u>	Terms of Reference	Policy #2.2
Title:	Discipline Committee	
Date approved:	May 1995	
Date revised:	December 2003, December 2008, June 2010, September 2013, June 2021	

Type

Statutory

Legislative / By-law References

- a. Health Professions Procedural Code: s.10, s.11, s.36 to s.56, s.70, s.71, s.71.1, s.71.2, s.73
- b. By-laws: 7.1(4)

Role

The role of the Discipline Committee is to, through panels, hold hearings related to specified allegations concerning a registrant’s conduct or competence and to determine whether the registrant has committed an act(s) of professional misconduct or is incompetent as defined in the legislation and/or regulation.

Accountability

Courts and Council

Duties

1. To hold hearings, by way of panels, on specified allegations of a registrant’s conduct and/or competence referred by the Investigations, Complaints and Reports Committee, in accordance with the requirements of the legislation.
2. To consider the need for interim orders where required as provided in the Health Professions Procedural Code.
3. When needed, to develop policies on matters outside of the Committee’s legislative decision-making authority and recommend them to the Executive Committee and Council for consideration and approval.

Composition

A. Committee

Composition of the Committee is determined by subsection 7.1(4) of the College By-laws.

B. Panel

The Chair of the Discipline Committee shall select a panel from among the members of the Committee to hold a hearing of any matter referred to the Committee in accordance with subsection 38 of the Health Professions Procedural Code.

~~(i) — Composition: As provided by subsection 38(1) of the Health Professions Procedural Code, the Chair shall select a panel of at least three members and no more than five as follows: at least two of the members shall be persons appointed to the Council by the Lieutenant Governor in Council and at least one member shall be a professional member on the College Council.~~

~~(ii)~~(i) Quorum: Quorum for panels of the Discipline Committee is indicated in subsection 38 (5) of the Health Professions Procedural Code.

Term of Office

Appointment to the Discipline Committee is one year renewable annually to a maximum of nine consecutive times.

<u>Section:</u>	Terms of Reference	Policy #2.3
Title:	Executive Committee	
Date approved:	February 2002	
Date revised:	June 2003, June 2006, September 2007, March 4, 2009 in effect June 2009, June 2010, September 2010, September 2011, October 2012, February 2013, September 2013, March 2014, March 2015, June 2021	

Type

Statutory

Legislative / By-law References

- a. Health Professions Procedural Code: s.10, s.11, s.12
- b. By-laws: s.7.1(1) and s.7.2(1)

Role

The role of the Executive Committee is to provide leadership to Council, to promote governance excellence at all levels, to facilitate effective functioning of the College, to act on behalf of Council between meetings with respect to matters that, in the Committee’s opinion, require immediate attention, and when required, to act as the College Privacy Committee to deal with appeals regarding the manner in which personal information is managed by the College.

Accountability

Council

Duties

Governance Excellence

1. To regularly monitor, evaluate and recommend practices that will promote and enhance overall governance excellence at both the level of Council and ~~C~~Committees.
2. To provide oversight on individual and general education of Council and Committee members.

Administrative Matters

3. Without unduly exercising Council’s authority, to exercise all the powers of Council between Council meetings with respect to matters that, in the Committee’s opinion, require

immediate attention. Exceptions include the power to make, amend or revoke regulations or by-laws, or where policy dictates limitations.

4. To provide, for publication on the College's website, the date of every meeting, the rationale for the meeting, and whether any decision made will be ratified by Council.

~~5. To report to Council as soon as possible following all decisions in which the Committee exercised the Council's authority.~~

~~6.5.~~ To provide, for publication on the College's website, where the Committee acts as Council or discusses issues that will be brought forward to or affect Council, a report of the discussion or decisions made.

~~7.6.~~ To review ~~B~~by-Laws, ~~G~~overnance ~~P~~olicies, and the College's official documents to ensure currency and the need for Council review.

~~8.7.~~ To recommend the ~~C~~ommittee, ~~T~~ask ~~F~~orce or ~~A~~dvisory ~~G~~roup slate for presentation and approval by Council.

~~9.8.~~ To provide direction and support to committees and Council as requested.

~~10.9.~~ To act as the advisory panel to the President.

Policy Development

~~11.10.~~ To maintain current awareness of issues that affect the College's mandate and strategic direction and to provide recommendations and advice to Council on such matters.

~~12.11.~~ To provide guidance and support, as requested, to policy development or operational projects at staff, task force or committee level and to make recommendations to Council with respect to policy direction, as required.

Working with the Registrar

~~13.12.~~ To provide guidance and support to the Registrar.

~~14.13.~~ To provide direction to the Registrar on matters that require immediate attention in between meetings of Council.

~~15.14.~~ To receive and adjudicate grievances of staff reporting to the Registrar.

~~16.15.~~ To ensure that the Registrar is involved in their annual performance review,

~~17.16.~~ To ensure the employment contract of the Registrar and any related amendments are confirmed by Council.

College Privacy Committee

~~18.17.~~ To act as the College Privacy Committee to deal with appeals regarding the manner in which personal information is managed by the College, including concerns regarding an individual's request for access to their personal information.

Registrar's Performance Review Panel

~~19.18.~~ To act as the Registrar's Performance Review Panel in order to gather and assemble feedback about the Registrar's performance and to provide a recommendation to Council as to the outcome of the Registrar's annual performance review.

Composition

Composition of the Committee is determined by subsection 7.1(1) of the College By-laws.

Term of Office

Appointment to the Executive Committee is one year and renewable annually to a maximum of nine consecutive times.

Section: Terms of Reference **Policy #2.4**
Title: Fitness to Practise Committee
Date approved: September 1995
Date revised: December 2003, December 4, 2008, March 4, 2009, in effect June 2009, June 2010, September 2013, June 2021

Type

Statutory

Legislative / By-law References

- a. Health Professions Procedural Code: s.10, s.11, s.61, s.62, s.64, s.65, s.66, s.67, s.68, s.69, s.70, s.71, s.72 and s.73
- b. By-laws: s. 7.1(5)

Role

The role of the Fitness to Practise Committee is, through panels, to hold hearings related to specified allegations concerning a registrant's capacity to practice the profession and to determine whether the registrant is an incapacitated member of the profession as defined in the legislation.

Accountability

Courts and Council

Duties

1. To hold hearings, by way of panels, on specified allegations concerning a registrant's capacity to practice the profession as referred by the Investigations, Complaints and Reports Committee in accordance with the requirements of the legislation.
2. To consider the need for interim orders where required as provided in the Health Professions Procedural Code.
3. When needed, to develop policies on matters outside of the Committee's legislative decision-making authority and recommend them to the Executive Committee and Council for consideration and approval.

Composition

A. Committee

Composition of the Committee is determined by subsection 7.1(5) of the College By-laws.

B. Panel

The Chair of the Fitness to Practise Committee shall select a panel from among the members of the Committee to hold a hearing of any matter referred to the Committee by the Inquiries, Complaints and Reports Committee in accordance with subsection 64(2) of the Health Professions Procedural Code.

~~(i) — Composition: As provided by subsection 64(2) of the Health Professions Procedural Code a panel shall be composed of at least three persons, at least one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.~~

~~(ii)~~(i) Quorum: Quorum for panels of the Fitness to Practise Committee is indicated in subsection 64 (3) of the Health Professions Procedural Code.

Term of Office

Appointment to the Fitness to Practise Committee is one year renewable annually to a maximum of nine consecutive times.

Section: Terms of Reference **Policy #2.5**
Title: Patient Relations Committee
Date approved: August 1994
Date revised: September 2002, December 2008, December 2010,
September 2013, June 2021

Type

Statutory

Legislative / By-law References

- a. Health Professions Procedural Code: s.10, s.11, s.84, s.85, s.85.7
- b. By-laws: s.7.1(7)

Role

The role of the Patient Relations Committee is to advise Council with respect to the patient relations program and to administer the program to provide funding for therapy and counseling.

Accountability

Council

Duties

1. To develop, implement, and evaluate measures for preventing and dealing with the sexual abuse of patients as defined in ~~the~~ subsection 84(3) of the Health Professions Procedural Code. These measures include:
 - a. educational requirements for registrants; and
 - b. guidelines for the conduct of registrants with their patients.
2. To review applications for funding for therapy and counseling from sexual abuse victims and determine eligibility.
3. To administer the Therapy and Counseling Fund.
4. To advise Council with respect to the College’s Patient Relations Program.
5. When needed, to develop policies on matters outside of the Committee’s legislative decision-making authority and recommend them to the Executive Committee and Council for consideration and approval.

Composition

Composition of the Committee is determined by section 7.1(7) of the College's By-laws.

Term of Office

Appointment to the Patient Relations Committee is one year and renewable annually to a maximum of nine consecutive times.

Section: Terms of Reference **Policy #2.6**
Title: Quality Assurance Committee
Date approved: October 1994
Date revised: January 2003, June 2006, July 2008, March 2009,
September 2013, June 2021
Date confirmed: June 2011

Type

Statutory

Legislative / By-law References

- a. Health Professions Procedural Code: s.10, s.11, s.80, s.80.1, s.80.2, s.81, s.82, s.83, s.83.1
- b. By-laws: s.7.1(6)

Role

The role of the Quality Assurance Committee is to administer the College's Quality Assurance program as defined in section 80.1 of the Health Professions Procedural Code.

Accountability

Council

Duties

1. To administer the Quality Assurance Program as defined in section 80.1 of the Health Professions Procedural Code.
2. To evaluate and recommend improvements to the Quality Assurance Program for Council consideration.
3. To appoint assessors to assess a member's practice and prepare a report for submission to the Committee.
4. To make decisions regarding registrants who participate in the Quality Assurance Program in accordance with section 80.2 of the Health Professions Procedural Code.
5. To monitor environmental trends that are relevant to the mandate of the Committee and inform Council of issues that are relevant.
6. To prepare regular reports to Council.

7. When needed, to develop policies on matters outside of the Committee's legislative decision-making authority and recommend them to the Executive Committee and Council for consideration and approval.

Composition

Composition of the Quality Assurance Committee is defined by subsection 7.1(6) of the College's By-laws.

Term of Office

Appointment to the Quality Assurance Committee is one year and renewable annually to a maximum of nine consecutive times.

<u>Section:</u>	Terms of Reference	Policy #2.7
Title:	Registration Committee	
Date approved:	April 1996	
Date revised:	June 2003, June 2006, June 2008, June 2010, September 2013, June 2021	

Type

Statutory

Legislative / By-law References

- a. Health Professions Procedural Code: s.10, s.11, s.15, s.17, s.18, s.19, s.20, s.21, s.22, s.23
- b. By-laws: s.7.1(2)

Role

The role of the Registration Committee is to make decisions on registration applications that do not meet the criteria for issuance of a certificate of registration by the Registrar and to ensure that processes related to entry are fair, transparent and objective.

Accountability

Council

Duties

1. To consider applications referred to it by the Registrar.
2. To review applications from registrants who apply for removal or modification of any term, condition or limitation imposed on their certificate.
3. To make decisions regarding applications in accordance with the Committee's powers as specified in the Health Professions Procedural Code.
4. To monitor environmental trends that are relevant to the mandate of the Committee and inform Council of issues that are relevant.
5. To monitor and advise Council with respect to the College's registration program.
6. To prepare regular reports to Council.

7. When needed, to develop policies on matters outside of the Committee's legislative decision-making authority and recommend them to the Executive Committee and Council for consideration and approval.

Composition

A. Committee:

Composition of the Registration Committee is defined by subsection 7.1(2) of the College By-laws.

B. Panel:

- (i) **Composition:** Composition of a panel of the Registration Committee is defined by subsection 17 (2) of the Health Professions Procedural Code.
- (ii) **Quorum:** Quorum for a panel of the Registration Committee is defined by subsection 17 (3) of the Health Professions Procedural Code.

Term of Office

Appointment to the Registration Committee is one year and renewable annually to a maximum of nine consecutive times.

<u>Section:</u>	Terms of Reference	Policy #2.8
Title:	Finance Committee	
Date approved:	December 2010	
Date revised:	September 2011, October 2012, February 2013, September 2013, June 2021	

Type

Non-Statutory

Legislative / By-law References

- a. By-laws: s.7.3(1)

Role

The role of the Finance Committee is to monitor financial planning, management and reporting matters of the College, to make recommendations and deliver reports to Council, and to serve as the College's Audit Committee.

Accountability

Council

Duties

1. To make recommendations for Council approval and/or deliver reports to Council in the following areas:
 - a. Annual operating and capital budget;
 - b. Annual audited financial statements;
 - c. Appointment of auditors; and
 - d. Policies related to financial management.

2. To report to Council at each Council meeting on:
 - a. Financial planning, management and reporting issues;
 - b. Interim financial reports;
 - c. Reports from auditors and administration on internal control issues; and
 - d. Other matters.

3. To monitor environmental trends that are relevant to the mandate of the Committee and inform Council of issues that are relevant.

4. To serve as the Audit Committee:
 - a. To review the audited annual financial statements, in conjunction with the report of the external auditors, and obtain an explanation from management of:
 - (i) all variances between comparative reporting periods;
 - (ii) a response to any identified weakness; and
 - (iii) observations related to the financial efficiency and future viability of the organization.
 - b. To enquire into the financial risks faced by the organization, and the appropriateness of related controls to minimize their potential impact.
 - c. To discuss with the auditor any recommended changes to the existing accounting policies and practices.
 - d. To meet privately with the external auditors (without the presence of management) and with senior management (without the external auditors) to obtain full disclosure about any concerns with the audit process prior to the Council meeting at which the audited statements are received.
 - e. To recommend, when appropriate, approval of the audited financial statements to the Council.
 - f. To annually evaluate the performance of the external auditors and recommend to the Council the appointment or changes to the appointment of a firm of chartered accountants as the organization's external auditors.
 - g. To oversee the tendering for an audit firm, when directed by Council.
5. When needed, to develop finance policies and recommend them to the Executive Committee and Council for consideration and approval.

Composition

Composition of the Finance Committee is defined by subsection 7.1(1) of the College's By-laws.

Term of Office

Appointment to the Finance Committee is one year and renewable annually to a maximum of nine consecutive times.

Section: Terms of Reference
Title: Examinations Committee
Date approved: September 23, 2022
Date revised:

Policy #2.9

Type

Non-Statutory

Legislative / By-law References

- a. By-laws: s.3.1(9), s.7.4, s.7.5 (3)-(5)

Accountability

Council

Role

The Examinations Committee is responsible for providing oversight of the development, administration and implementation of a fair, valid and reliable Ontario Clinical Exam (Exam).

Accountability

Council

Duties

1. Monitor the status of exam development, administration and implementation.
2. Provide financial oversight of the Exam program and make recommendations to Council as needed.
3. Review and approve changes to the Examination Blueprint (including exam structure and timing) with appropriate advice from psychometricians and other experts.
4. Monitor the status of item and exam form generation and the item bank.
5. Establish and review the cut score with appropriate advice from psychometricians and other experts.
6. Ensure the reliability and validity of the Exam in an ongoing way, including:

- a. Consider feedback from candidates and examiners collected through exam surveys and make recommendations where appropriate,
 - b. Review technical reports provided by consulting psychometricians and make recommendations related to information presented.
7. Review the assessment methodology used for the Ontario Clinical Exam every 5 years.
 8. Consider current literature on standards of competency assessment, examinations and testing and make recommendations if appropriate.
 9. Consider and approve Exam policies as needed.
 10. To provide regular reports to Council.
 11. To advise and/or make recommendations to Council on substantive issues relating to exam development, administration and implementation.
 12. Serve as the appeal body in cases where a candidate is dissatisfied with the outcome of the Exam Review in accordance with the Appeal Policy.
 13. Establish and review committee roles and composition and make recommendations to Council.
 14. Such other activities related to the development, administration and implementation of the Exam that are advisable.

Composition

The committee composition will include:

- A. At least one physiotherapist with an Independent Practice Certificate who graduated from a Canadian Physiotherapy Program within the last five years
- B. A least one physiotherapist with an Independent Practice Certificate who graduated from a Physiotherapy University Program outside of Canada and received their Independent Practice Certificate within the last five years
- C. At least two physiotherapists who have current experience with supervising or mentoring entry-level practitioners (for example, final year PT students, PT Residents, etc.)
- D. A member of the public with experience in the areas of assessment or testing

E. A publicly-appointed member of Council

Members of the **C**ommittee who are physiotherapists will be chosen to include a diversity of experience with different practice settings, systems, and patient populations.

The Committee is properly constituted and may act despite it not being composed as specified above.

The Committee will be supported by College staff, assessment experts, a psychometrician, legal counsel and other advisors as needed.

Recruitment and Appointment

Prospective members of the Committee will be identified through a formal recruitment process based on the criteria defined in this policy, and according to the procedure defined in Governance Policy 7.5.

Committee members, including a Chair, will be appointed by Council in consultation with the Registrar. The Registrar will assist the Executive Committee and Council in the recruitment and selection process.

Exclusion Criteria

In addition to the eligibility criteria defined in the College's **B**y-laws, members of the Committee cannot:

- Currently be or have been in the past a professional member of the Council for the College of Physiotherapists of Ontario, a voting Board member of the OPA / CPA, or a Board member of the Canadian Alliance of Physiotherapy Regulators
- Have any actual or perceived conflicts of interest
- Have Professional Conduct history with the College where the outcome was:
 - Registrar Directed Education
 - Advice and/or Recommendations
 - Caution
 - Undertaking
 - Specified Continuing Education and Remediation Program (SCERP)

- Referral to the Discipline Committee
- Referral to the Fitness to Practise Committee

- Have gone through an assessment through the quality assurance program where the outcome was a SCERP, terms limitations or restrictions imposed on their certificate or referral to the Inquiries Complaints and Reports Committee or its predecessor

- **Have been the subject of charges or findings under the:**
 - *Criminal Code of Canada*
 - *Controlled Drugs and Substances Act*
 - *Health Insurance Act*

Quorum

Quorum is confirmed when the majority of the Committee is in attendance.

Term of Office

Appointment to the Examinations Committee is one year and renewable, to a maximum of nine years total. Members may be re-appointed after each one-year term after Council has considered the results of a performance evaluation.

Termination Event

The Examinations Committee shall be dissolved when Council passes a resolution that it is no longer required to fulfill the College's mandate.

<u>Section:</u>	Confidentiality	Policy #3.1
Title:	Confidentiality — General	
Applicable to:	Councillors, members of statutory committees, non-statutory committees, task forces, advisory groups, staff, and any agents of the College acting in any capacity	
Date approved:	June 2006 (Replaced previous 4.6, Confidentiality of Council Information, Rescinded, June 2006)	
Date revised:	March 2010, February 2013, June 2021	

Policy

Councillors, members of statutory committees, non-statutory committees, task forces, advisory groups, staff, and any agents of the College acting in any capacity shall acknowledge and adhere to the confidentiality provisions set out in section 36 of the *Regulated Health Professions Act, 1991* (“RHPA”) and section 83 of the Health Professions Procedural Code.

Procedure

1. Every person to whom this policy applies will review the confidentiality provision set out in the RHPA and sign a confidentiality undertaking, provided by the College, indicating that they have read, understood and are willing to comply with the confidentiality requirements that apply to their activities on behalf of the College.
2. On an annual basis, every person to whom this policy applies will review the confidentiality provision set out in the RHPA.

Section: Confidentiality **Policy #3.2**
Title: Privacy Procedures — Requests for Access or Corrections
to Personal Information and Privacy Concerns
Date approved: September, 2010
Date revised: June 2021

Policy

This policy addresses:

- A. Requests for access to personal information held by the College
- B. Requests to correct personal information held by the College
- C. Concerns received by the College about its handling of personal information
- D. The College’s privacy breach protocol

~~The Director, Corporate Services is~~ A staff member will be designated as the Privacy Officer.

For purposes of these procedures, the following persons may make an access or correction request for or make a complaint about the handling of personal information to the College:

- The individual to whom information relates or their legal counsel;
- A substitute decision-maker for the individual to whom the information relates if the individual is incapable of making their own decisions (that incapacity having been confirmed in writing by a health care provider, capacity assessor or evaluator or a court or other legal authority); or
- If the individual to whom information relates is deceased, the individual’s estate trustee or executor named in a will or a person who has taken over administration of the individual’s estate as confirmed in writing.

A. Procedures — Access to Personal Information

General — Access to Personal Information

1. Individuals may ask for access to records of their personal information.
2. Requests for access to personal information are made in writing. Requesters are asked to fill out a “Request for Access to Personal Information” form. ~~[Pending Development]~~
The Privacy Officer will assist those who require help to prepare an access request.
3. The Privacy Officer will review requests for access to personal information and decide whether full or partial access will be granted.

4. The College will make reasonable efforts to respond to requests for access with a written decision within 30 days, unless an extension of time is required. Where an extension is necessary, the requester will be informed of the estimated timeline for response.

Privacy Officer Review of Access to Personal Information Requests

5. Upon receipt of a request from an individual for access to their personal information held by the College, the Privacy Officer will:
 - a. Provide written notice of the request to the College Registrar, and
 - b. Acknowledge receipt of the request to the requester.
6. The original of the written request for access shall be placed with the individual's file (if the College keeps a file in relation to the individual and if not, the Privacy Officer will maintain a file for access requests) and must contain the following:
 - a. A description of the information requested,
 - b. Information sufficient to show that the person making the request for access is the person to whom the personal information relates (or an authorized substitute decision-maker),
 - c. The signature of the person making the request, and
 - d. The date the written request was signed.
7. The Privacy Officer will review the request to determine whether access will be granted.
8. In certain situations, the College may choose not to provide an individual with access to all or part of their records of personal information. Examples of situations where access may be denied, or only partial information provided, include:
 - a. If it is impractical or impossible for the College to retrieve the information;
 - b. The record contains references to another individual(s) that cannot reasonably be severed;
 - c. Providing access may result in significant risk of harm to the requester or a third party;
 - d. If granting access could reasonably be expected to interfere with the administration or enforcement of the **B**by-laws or the College's objects or obligations in law, for example because:
 - (i) it would violate section 36 of the RHPA;
 - (ii) the information was collected or created in the course of an inspection, investigation, inquiry, assessment or similar procedure; or

- (iii) providing access may defeat the purposes for which the information was collected;
 - e. The information cannot be disclosed for legal, security or commercial proprietary reasons;
 - f. The information is subject to a legal privilege;
 - g. The information was generated in the course of a resolution process or proceeding (and that proceeding and any appeals have not been concluded); or
 - h. The request is frivolous, vexatious, made in bad faith or otherwise an abuse of process.
9. In cases where the personal information forms part of a record created by another organization (or person), the Privacy Officer may refer the individual to the organization (or person) that created the record (unless it is inappropriate to do so) so that the individual may obtain access to the personal information from the original source rather than the College.
10. Upon completion of the review, the Privacy Officer will provide a written decision to the requester. The written decision will include:
- a. A description of what information was requested;
 - b. A statement of whether the College has responsive records and if so, the decision to:
 - (i) permit access;
 - (ii) permit partial access (i.e. provide personal information but with redactions, for example where records also contain the personal information of another individual or there is a significant risk of harm);
 - (iii) deny access; or
 - (iv) refer the individual to the person or organization that created the record(s);
 - c. The reasons for the decision²;
 - d. If applicable, the fee imposed for a copy; and
 - e. If applicable, a copy of the records available for access.

Copies and Originals

11. In most situations, the College provides a copy of records of personal information.

² Except in circumstances where providing reasons would compromise the ability of the College to fulfill our objects or obligations in law. In some situations, we may advise an individual that the College can neither confirm nor deny the existence of a record.

12. If an individual wishes to read an original record, someone from the College must be present to ensure the records are not altered or removed. Individuals may not make notes on original records or remove originals from College files or otherwise alter records.

Fees

13. Copies of records of personal information are typically provided at no cost to the requester. However, depending on the nature of the request and the amount of information involved, the College may impose a cost recovery fee. In these circumstances, the College will inform the individual of the cost to provide the response and proceed to respond to the request upon payment by the individual of the fee.

B. Procedures — Correction of Personal Information

General — Requests for Correction of Personal Information

1. The College corrects personal information in its custody or control if it is inaccurate or incomplete for the purposes it is to be used or disclosed by the College.
2. Requests for correction are made in writing and must explain what information is to be corrected and why. Requesters are asked to fill out a “Request for Correction to Personal Information” form. ~~[Pending Development]~~The Privacy Officer will assist those who require help to prepare a correction request.
3. The Privacy Officer will review requests for correction to personal information and decide whether corrections will be made.
4. The College will make reasonable efforts to respond to requests for correction with a written decision within 30 days, unless an extension of time is required. Where an extension is necessary, the requester will be informed of the estimated timeline for response.

Privacy Officer Review of Correction to Personal Information Requests

5. Upon receipt of a request from an individual for correction to their personal information held by the College, the Privacy Officer will:
 - a. Provide written notice of the request to the College Registrar, and
 - b. Acknowledge receipt of the request to the requester.

6. The original of the written request for correction shall be placed with the individual's file (if the College keeps a file in relation to the individual and if not, the Privacy Officer will maintain a file for correction requests) and must contain the following:
 - a. A description of the information requested to be corrected,
 - b. Information sufficient to show that the person making the request for correction is the person to whom the personal information relates (or an authorized substitute decision-maker),
 - c. The signature of the person making the request, and
 - d. The date the written request was signed.
7. The Privacy Officer will review the request to determine whether the correction will be made.
8. In certain situations, the College may choose not to correct all or part of a record of personal information. Examples of situations where a correction request may be denied, or only partial information corrected, include:
 - a. Where the requester has not proven the information is inaccurate or incomplete for the purposes for which the College uses or discloses the information;
 - b. The record was not originally created by the College and the College does not have the knowledge, expertise or authority to correct the record;
 - c. The information consists of a professional observations or opinion which was made in good faith;
 - d. If the record relates to a decision of the College Council or Committee;
 - e. If making the correction could reasonably be expected to interfere with the administration or enforcement of the ~~B~~by-laws or the College's objects or obligations in law; or
 - f. The request is frivolous, vexatious, made in bad faith or otherwise an abuse of process.
9. Corrections are made in the following ways:
 - a. Striking out the incorrect information in a manner that does not obliterate the record or
 - b. If striking out is not possible:
 - (i) labelling the information as incorrect, severing it from the record, and storing it separately with a link to the record that enables us to trace the incorrect information, or
 - (ii) ensuring that there is a practical system to inform anyone who sees the record or receives a copy that the information is incorrect and directing that person to the correct information.
10. Upon completion of the review, the Privacy Officer will provide a written decision to the requester. The written decision will include:

- a. A description of what information was requested to be corrected;
- b. A statement of whether the College has responsive records and if so, the decision to:
 - (i) make the correction;
 - (ii) make partial corrections;
 - (iii) refuse the correction; or
 - (iv) refer the individual to the person or organization that created the record(s);
- c. The reasons for the decision³; and
- d. If applicable, a copy of the corrected record(s).

C. Procedures — Privacy Breach and Privacy Complaints

General — Privacy Breach and Privacy Complaints

1. All privacy complaints, incidents, and actual or potential breaches must be reported immediately to the Privacy Officer.
2. A privacy breach happens whenever personal information in the custody or control of the College is lost or stolen or is used, modified or destroyed by or disclosed to an unauthorized person. For example:
 - a. Our electronic systems are hacked and held ransom after an email with a virus is opened
 - b. An unencrypted laptop with personal information saved on the hard drive is stolen
 - c. Personal information is shared in contravention of section 36 of the RHPA
 - d. A courier package of records of personal information is not delivered to the correct address
 - e. An unencrypted USB key with an Excel spreadsheet with personal information or Word files is lost
 - f. A College employee or Council member talks about a registrant or a complainant with a personal friend or posts information on a personal social media account with enough detail that an individual would be identifiable
 - g. Records with personal information to be disposed of are recycled and not shredded
 - h. A fax with personal information is misdirected to a business where the fax number was entered incorrectly
3. Any person may ask questions or challenge the College's compliance with our Privacy Code or our privacy procedures by contacting the Privacy Officer.

³ Except in circumstances where providing reasons would compromise the ability of the College to fulfill our objects or obligations in law. In some situations, we may advise an individual that the College can neither confirm nor deny the existence of a record.

4. The Privacy Officer will review and answer all privacy-related questions and complaints on behalf of the College.
5. Complaints about the handling of personal information by College staff, appointees and members of Council, committees or working groups and others who collect, use or disclose personal information on our behalf should be made to the College in writing. The Privacy Officer will assist those who require help to write their complaint.
6. Upon receipt of a privacy complaint, the Privacy Officer will:
 - a. Provide written notice of the complaint to the College Registrar, and
 - b. Acknowledge receipt of the complaint to the complainant.
7. The College will use reasonable efforts to respond to questions and complaints within 30 days, unless an extension of time is required. Where an extension is necessary, the individual will be informed of the estimated timeline for receiving a response.

Privacy Breach Protocol

Step 1: Respond immediately by implementing the privacy breach protocol

- Ensure the Registrar and other appropriate internal ~~stakeholders~~ staff are immediately notified of the breach.
- Address the priorities of containment and notification as set out in the following steps.
- Consider engaging legal counsel or a privacy breach coach if appropriate.
- Consider when to notify the insurer (which may be a condition of coverage).

Step 2: Containment — Identify the scope of the potential breach and take steps to contain it

- Retrieve and secure any personal information that has been disclosed or inappropriately used or collected (including all electronic or hard copies). This might include attending at the scene to determine whether there are any other records in public.
- Ensure that no copies of personal information have been made or retained by the individual who was not authorized to collect, use or receive the information. Obtain the person's contact information in the event that follow-up is required.

- Determine whether the privacy breach would allow unauthorized access to any other personal information (e.g. an electronic information system) and take whatever necessary steps are appropriate (e.g. change passwords or identification numbers, temporarily shut down a system, suspend an individual or group's access to the system, implement security, institute a restriction to the file).
- Consider whether calling the police to report a theft or crime is appropriate.

Step 3: Clarify the facts

- Consider whether there is sufficient expertise to conduct an internal investigation or whether a specialist (such as a privacy or IT security specialist) is required.
- Determine the scope of the breach:
 - Details of the incident and how it was discovered
 - Number of people affected
 - Who was involved
 - Dates
 - Type of incident (such as:)
 - Unauthorized use
 - Unauthorized disclosure
 - Hacking, malware, security breach
 - Lost/stolen mobile device
 - Lost/stolen hard copies
 - Fax to wrong number
 - Refused access or correction request
 - Email to wrong recipient
- Determine how it happened and who was involved and why.

Step 4: Notification — Identify those individuals whose privacy was breached and notify them of the breach

- At the first reasonable opportunity, any affected individuals whose personal information has been affected will be notified. We give careful consideration to whether affected individuals need to know immediately (especially where despite our efforts, the breach is ongoing or where the information in question is of a highly sensitive nature or there is reason to believe that it will be used in a malicious way).

- The type of notification will be determined based on the circumstances (such as the sensitivity of the personal information, the number of people affected, and the potential effect the notification will have on the individual(s)). For example:
 - Notification may be in person or by telephone or in writing depending on the circumstances.
 - In some cases, a public notice will be the most efficient and effective method of notice.

We focus on considerations such as:

- The potential privacy impact of calling the individual's home or sending a letter
 - Whether the affected individual could be told in person
 - Whether anyone affected is in a vulnerable state of health or deceased or incapable to make informed decisions such that notice would be given to a substitute decision-maker and consider the best way to manage those sensitive issues
- Provide details of the extent of the breach and the specifics of the personal information at issue.
 - Advise affected individuals of the steps that have been or will be taken to address the breach, both immediate and long-term, including any steps taken to:
 - Reduce potentially harmful effects on the individual; and
 - Prevent a similar breach from happening.
 - Provide affected individuals with contact information for the [Director, Corporate Services Privacy Officer](#) who can provide additional information.
 - Establish a plan to address what College staff and others should do if they receive calls about the privacy breach.
 - Consider notifying legal counsel if appropriate. Consider whether it is necessary to call police.

Step 5: Investigation and Remediation

- Conduct an internal investigation into the matter. The objectives of the investigation will be to:
 - Ensure the immediate requirements of containment and notification have been addressed.

- Review the circumstances surrounding the breach.
 - Review the adequacy of existing policies and procedures in protecting personal information.
 - Address the situation on a systemic basis.
 - Identify opportunities to prevent a similar breach from happening in the future.
- Change practices as necessary.
 - Ensure all College employees, appointees and members of Council, committees and working groups are appropriately re-educated and re-trained with respect to compliance with reasonable privacy protection standards and the recommendations of how to avoid privacy breaches in the future.
 - Continue notification obligations to affected individuals as appropriate.
 - Consider notifying legal counsel as appropriate. Consider whether it is necessary to call police.
 - Consider any disciplinary consequences with employees, appointees and members of Council, committees or working groups or contract issues with independent contractors or vendors that follow from the privacy breach.

Step 6: Recordkeeping

- Keep a record of all privacy complaints, incidents and breaches including investigations, notifications and remedial action taken.

Section:	Finance	Policy #4.1
Title:	Allowances and Expenses	
Applicable to:	Councillors who are members of the profession⁴, committee members, members of task forces and working groups, and, where applicable, independent contractors⁵	
Date approved:	March, 2015	
Date revised:	December 2017, April 2018, June 2021, March 2023	

Section 1: Purpose Statement

The purpose of the policy is to establish and articulate the process of compensation for work done on behalf of the College and for expenses incurred while on College business.

Section 2: Principles⁶

1. The basis of College work is public service. Any remuneration that may be paid is not expected to be competitive with the marketplace or an individual’s usual occupational compensation. Allowances are paid to partially offset the cost of an individual’s contribution rather than to pay for services rendered or compensate for lost income or the opportunity to earn income.
2. Registrant dollars are used prudently and responsibly with a focus on accountability and transparency.
3. Expenses for travel, meals, and accommodations support the work of the College.
4. Travel is approved only after other methods of hosting the meeting or event are considered.
5. Meetings that are not full day should be conducted virtually. Full day meetings can be held virtually, hybrid, or in person.
6. Plans for travel, meals and accommodation are necessary and economical with due regard for health and safety.
7. Authorized expenses incurred during or performing College business are reimbursed.

⁴ Councillors who are appointed to Council by the Lieutenant Governor (public appointees) are paid by the government and as such the rules for their compensation and expenses are established and monitored by the Ministry of Health and Long-Term Care. Therefore, this policy does not apply to them.

⁵ Independent contractors are retained by the College for specific services according to the terms of a contract and include assessors, examiners, coaches, and other as determined by the College. Independent contractors may refer to this policy unless they are already subject to guidelines that are established outside of this policy. Independent contractors exclude consultants and firms hired for projects. In this case, expenses are negotiated as part of the agreement with the College. This policy applies when expenses are not negotiated or outlined in a contractual agreement for services provided.

⁶ Principles are benchmarked to the Remuneration Framework and Highlights of Allowable Expenses for Public Appointees to the Health Professions Regulatory Colleges from the Health Boards Secretariat (HBS).

8. Individuals who reside in the area where the College function is being held are encouraged to use available and convenient transit options without the need for overnight accommodation.

Section 3: Policy

3.1 Rules for Allowances

Application and Scope

An *allowance* is a payment for time spent on College-related business. Allowances are composed of allowances, travel time, and preparation time. Allowances are paid to Councillors who are members of the profession, non-Council Committee members, members of task forces and working groups, and independent contractors for participating in activities that are relevant to College business.

Payments are made based on the rules in this policy and the Rate Schedule. The Rate Schedule is not considered part of this policy and will be reviewed and updated each year by staff based on reference benchmarks and communicated broadly to affected [stakeholdersparties](#).

Allowance rates are reviewed on an annual basis. Allowance rates may be adjusted based on changes in cost-of-living rates. The amount of any adjustment would be determined by the College each fiscal year. Any changes to the rates will be communicated broadly to affected [stakeholdersparties](#).

Allowance General

- a) A claim for an allowance may include any or all meeting-related time, travel time, and/or preparation time in keeping with the rules in this policy and the Rate Schedule.
- b) One allowance claim may be submitted for the corresponding meeting.
- c) A full day implies seven hours of work.
- d) Teleconferences and virtual meetings are meetings and are therefore considered to be time that may be claimed.
- e) Meetings involving deliberations of a panel are considered to be scheduled meetings.

- f) Allowances will be paid to individuals⁷ who are requested by the College to attend a function for representation or education purposes.

Meeting Time

- g) Any allowance claim for meeting time may be claimed in 15-minute increments consistent with the Rate Schedule.
- h) For meetings that are three hours or less in duration, the actual number of full or partial hours up to a maximum of three hours may be claimed.
- i) For meetings that are more than three hours in duration or scheduled to be more than three hours in duration, a full day allowance may be claimed, even if the meeting concludes earlier than its scheduled duration.
- j) If a single day meeting, hearing, or function is cancelled without at least 2 business days' notice, those who were scheduled to attend may claim an allowance equal to the duration of the scheduled meeting. If a single day meeting is cancelled with more than 2 business days' notice, no allowance is paid.
- k) If a consecutive multi-day meeting, hearing, or function is cancelled without at least 2 business days' notice, those who were scheduled to attend may claim an allowance of 50% of the total meeting duration. For example, for a 5-day consecutive meeting (typically a hearing), 2.5 days may be claimed. If a multi-day meeting is cancelled 3-5 business days prior to the start of the hearing, those who were scheduled to attend may claim 25% of the total meeting duration. If a multi-day meeting is cancelled with more than 5 business days' notice, no allowance is paid.
- l) Allowances will not be paid for College activities that have been compensated by one's employer.

Additional Activities of Committee Chairs

- m) Additional activities refer to work that is required to fulfill the role of the Chair or to support the work of the Committee.

⁷ Consistent with the Application and Scope for Allowances.

- n) A Committee Chair may claim allowance for participation in additional activities outside of meeting preparation time, meeting attendance time, and travel time. These activities will be reimbursed at the Chairs' allowance rate.
- o) Reimbursement for additional activities for Committee Chairs is subject to an annual maximum amount, consistent with the Rate Schedule.
- p) Once the annual maximum amount is reached, additional activities for chairs will not be reimbursed for the remainder of the fiscal year.

Additional Activities of the President

- q) Additional activities refer to work that is required to fulfill the role of the President or to support the work of Council.
- r) The President may claim allowance for participation in additional activities outside of meeting preparation time, meeting attendance time, and travel time. These activities will be reimbursed at the President's allowance rate.
- s) Reimbursement for additional activities for the President is subject to an annual maximum amount, consistent with the Rate Schedule.
- t) Once the annual maximum amount is reached, additional activities for the President will not be reimbursed for the remainder of the fiscal year.

Additional Activities of the Vice President

- u) Additional activities refer to work that is required to fulfill the role of the Vice President.
- v) The Vice President may claim allowance for participation in additional activities outside of meeting preparation time, meeting attendance time, and travel time. These activities will be reimbursed at the President's allowance rate.
- w) Reimbursement for additional activities of the Vice President is subject to an annual maximum amount, consistent with the Rate Schedule.
- x) Once the annual maximum amount is reached, additional activities for the Vice President will not be reimbursed for the remainder of the fiscal year.

Preparation Time

- y) Preparation time is a payment for time spent getting prepared for College-related activities⁸. The goal of preparation time is to ensure that individuals are adequately prepared to participate in upcoming meetings or, where applicable, other College activities.
- z) The time billed for preparation should be less than or equal to the time billed for the meeting. For example, for meetings of up to three hours duration, the maximum preparation time is three hours. For meetings of more than three hours duration that have been billed for seven hours, the maximum preparation time is seven hours.
- aa) When a Committee member requires more time for preparation than is permitted under bb., the Committee Chair may authorize additional preparation time.
- bb) When a Committee Chair requires more time for preparation than is permitted under bb., a request for additional preparation time may be approved by the individual through which chairs submit their claims, in accordance with the Procedure section of this policy.
- cc) There are no restrictions on the number of requests for additional preparation that a Committee member or chair may make during a year.
- dd) Activities that are allowed to be claimed as preparation time are at the discretion of the approving authority.
- ee) Preparation time is paid in accordance with the Rate Schedule.

Travel Time

- ff) Travel time is a payment for time spent getting to and from College-related business. The actual time spent traveling from an individual's starting point of travel to the meeting or event destination is subject to reimbursement.

3.2 Rules for Expenses

Application and Scope

Eligible expenses are reimbursed to Councillors who are members of the profession (including academic members); non-Council Committee members; members of task forces and working groups; and independent contractors when they are incurred while conducting College business. Reimbursement is made based on the rules in this policy and the Rate Schedule.

⁸ For the purposes of this policy, preparation time will include decision writing and decision review.

Expense rates are benchmarked against Canada Revenue Agency (CRA) and National Joint Council (NJC) guidance for the current year. The Rate Schedule is reviewed and updated by staff on an annual basis to maintain consistency with the CRA and NJC rates. Any changes to the rates will be communicated broadly to affected ~~stakeholders~~parties.

Expenses – General

- a. Detailed itemized invoices or receipts are required for all expense claims (i.e., not just the credit card receipt).
- b. Invoices and/or receipts must include a description of the goods purchased or services rendered, the cost, taxes, gratuities, and, if applicable, the HST Registration Number⁹.

Expenses – Travel

- c. Travel includes:
 - Economy airfare for flights;
 - Economy class train fare for trips less than two hours;
 - Business class train fare for trips of greater than two hours;
 - Local public transportation;
 - Taxi;
 - Ride-sharing service; or
 - Use of a personal car.
- d. Only in limited circumstances is business class travel acceptable for train trips under two hours, and only with prior approval, such as:
 - Choosing a travel time that allows you to reduce expenditures on meals or accommodation (e.g., compare an economy class ticket plus a meal with the cost of a business class VIA Rail ticket, where meals are included)
 - Accommodation or accessibility requirements; and/or
 - Health and safety considerations.
- e. The cost of the most economical or practical mode of travel may be claimed unless other means are more practical, and this is evident from the explanation on the claim form¹⁰.

⁹ For internet purchases, a copy of the payment confirmation should also be included.

¹⁰ Such reasons may include: urgency, transportation delays, inconvenient train or bus schedules, more than one person travelling together by car, taxi because of baggage, automobile and parking instead of public transportation, etc.

- f. Local taxis or ride-sharing service may be used when warranted by expedience and practicality.
- g. Travel expenses incurred in traveling to/from home or place of employment, or to/from the point of business and public transportation terminal may be claimed when they are part of a larger journey.
- h. An allowance per kilometer will be paid for the use of a personal car in accordance with the Rate Schedule.

Expenses – Accommodation

- i. Hotel accommodation¹¹ will be covered for individuals if it is not practical to travel to and from the meeting or event on the day of the meeting or event, such as if an individual is required to travel out of town and overnight to attend a College function.
- j. Reimbursement will be made for hotel accommodation based on a basic/standard room, conveniently located and comfortably equipped.
- k. Where overnight stays are required, people may choose to stay at the hotel at which the College has negotiated a corporate rate, if available, or another hotel of their choosing, in accordance with the Rate Schedule. If a corporate hotel rate is available, reimbursement will be made for the lower of the two rates.
- l. Exceptions to the maximum accommodation rates in the Rate Schedule may be made where necessary and appropriate.
- m. Individuals are responsible for managing their own hotel bookings. Penalties related to cancellations or changes of hotel reservations are the claimant's responsibility and may be reimbursed only in exceptional circumstances¹².
- n. Hotel accommodation at conventions, congresses etc. should take advantage of any special group or convention rates at the conference hotel or be taken at another hotel where the rate does not exceed the conference hotel rate.

¹¹ For the purposes of this policy, hotel accommodations include private homestay rentals listed on online property sharing platforms (for example, Airbnb or similar platforms).

¹² Such circumstances include where there is no adequate notice of a meeting cancellation or re-scheduling.

- o. When private accommodations (e.g. friends or family) are used in lieu of hotel accommodation, claims for reimbursement may be submitted in accordance with the Rate Schedule.

Expenses – Meals

- p. Meal expenses incurred while travelling on College business may be claimed when it is not practical to travel to and from the meeting or event on the day of the meeting or event, and where meals are not provided by the College on the travel days.
- q. Meal expenses cannot be claimed when the College provides a meal during its meeting/event.
- r. Meal expenses do not include alcoholic beverages.

Expenses – Gratuities

- s. Reasonable gratuities for meals may be claimed over and above the maximum allowable for the meal. (i.e. for a meal of \$35.00, the expense claim may include the \$35.00 meal and a gratuity for a total of \$35.00 + gratuity = claim).
- t. Reasonable gratuities for accommodation, taxis, and ride-sharing services should be included in the cost claimed along with the accompanying receipt.
- u. A reasonable amount may be claimed for gratuities paid for other services (such as porters, delivery, etc.).

Expenses – Other Allowable¹³

- v. Parking.
- w. Purchased services such as printing, copying, etc. when they cannot conveniently be provided.
- x. Internet. The most economical rate for hotel internet costs when the internet is reasonably required for the College business being conducted.

Expenses – Additional Interpretation

¹³ When attending College business only

- y. Expenses not covered by the rules in this policy must be approved in advance by the individual responsible for approving the claim.

Section 4: Procedure

1. Claims for allowances or expenses must be submitted to the College within 30 calendar days of the activity that resulted in the claims.
2. Claims not submitted within 30 days will not be paid.
3. Claims will be submitted to and reviewed and approved by the individual with oversight for the activity that resulted in the claims. Adjustments to the claim may be made to ensure adherence to this policy.
4. Any discrepancies between what this policy permits and the claims submitted will be addressed with the claimant by the approving individual, and by the Registrar.
5. The College will do its best to pay claims within 30 days of receiving them.
6. For statutory committees, the Program area managers will review and approve the Committee member and Chairs' claims. Any discrepancies will be reviewed by the COO. For non-statutory committees, the Program area will review and approve the Committee member and Chairs' claims. Any discrepancies will be reviewed by the President.
7. The Registrar will review and approve the President's claims.
8. The President will review and approve the Registrar's claims.

Government Taxes

Claims for time are considered to be taxable income by the Canada Revenue Agency and as such are processed through the College's payroll office. In keeping with Canada Revenue Agency Rules, the College will annually prepare and provide T4s to those who claim time-based allowances from the College.

<u>Section:</u>	Finance	Policy #4.2
Title:	Signing Officers	
Applicable to:	Council and staff	
Date approved:	December 2007	
Date revised:	December 2011, March 2014, June 2021	
Date confirmed:	March 2009	

Policy

For the purposes of subsections 2.5(2), (3), (4), (5) and (6) and section 2.6 of the By-laws, the signing officers for the College will be the President, Vice-President, the Registrar, and the Deputy Registrar.

No one will approve their own expense claims.

Two signatories are required on all single expenditures above \$7,500:

- One of the President or Vice-President, and
- One of the Registrar or the Deputy Registrar.

Signing officers may approve purchases or leasing of goods and acquisition of services in accordance with the following:

1. The Registrar/Deputy Registrar may authorize expenses not exceeding \$50,000 if the expenditure has previously been approved as an item in the College budget;
2. The Registrar/Deputy Registrar and one Council signing officer (President or Vice President) may authorize expenses in excess of \$50,000 if the expenditure has previously been approved as an item in the College budget;
3. The Registrar/Deputy Registrar may authorize expenses not exceeding \$10,000 if the expenditure has not previously been approved as an item in the College budget if the Registrar/Deputy Registrar believes that the expenditure is necessary for the operations of the College; and
4. The Executive Committee shall review any proposed expense exceeding \$10,000 if the item is not an expenditure in the College budget and make recommendations to Council for approval. If immediate action is required, the Executive Committee may approve the expenditure.

Section:	Finance	Policy #4.3
Title:	Investments and Investment Strategy	
Applicable to:	Council	
Date approved:	December 2007	
Date revised:	June 2009, June 2021	
Date confirmed:	September 2011	

Policy

The primary objective of the College’s investment portfolio is the preservation of capital. The return objective is to attain a growth rate that is consistent with the rate of inflation, however, because the primary objective is capital preservation, there are times when the return objective will not be achieved so that the objective of capital preservation can be satisfied.

Funds held by the College that are not immediately required for operating expenses will be invested according to a two-part investment strategy; one part focused on the short-term investment of annual fees, and the second part focused on long term reserves.

The investment strategy will be developed in accordance with Council approved By-law 2.4 and relevant governance policies to ensure the long-term stability of the College.

Procedure

1. The College’s investment portfolio will aim to maximize the use of instruments that are insured by the Canadian Deposit Insurance Corporation (CDIC), and to align the amounts invested in those instruments to the CDIC’s coverage limit.
2. Short-term investments will be invested in easily cashable instruments which will yield the best results and will mature within a 12-month period or less.
3. Long-term investments will be invested in federal, provincial and municipal governments, bank and trust companies, corporations, mortgage-backed securities, coupons and residuals rated d R1 or better for money market instruments and A or better for bonds, as determined by the Dominion Bond Rating Service. The proportion of the investment portfolio held in corporate funds shall not exceed 20% and, the amount invested with any one issuer is limited to 15%. Excluded from the corporate funds portion of the College’s portfolio, Guaranteed Income Certificates (GICs) is a separate class. No single GIC issue will exceed \$100,000.
 - a. The College will adopt a ladder investment strategy for its long-term investments, ensuring maximum return, staggered fund release, and a minimum of a four-year platform.

- b. The Registrar or another staff member will present the status of College investments as part of the finance statements at every Council meeting.
- c. The investment strategy and the specific investment instruments will be reviewed annually or more often if necessary.
- d. The Council will meet annually with a representative of the investment firm to discuss and review independently the status of the Colleges' investments and investment strategy.
- e. Funds for short-term investments are cashed for the use of annual College operations. Long-term investments are only cashed at the direction of Council.

Section: Finance
Title: Insurance
Applicable to: Council
Date approved: December 2007
Date revised: December 2009, June 2021
Date confirmed: December 2011

Policy #4.4

Policy

The College obtains and maintains four types of insurance coverage:

1. Commercial,
2. Errors & Omissions and Directors' and Officers' Liability,
3. General Liability (including computer and social engineering fraud), and
4. Accident/Business Travel to support its risk management strategy.

Insurance coverage is reviewed annually by the Finance Committee and Council against environmental trends as part of the budget process, or as necessary.

Section: Finance
Title: Capital Assets
Applicable to: Council
Date approved: March 2008
Date revised: March 2010, June 2021
Date confirmed: September 2011

Policy #4.5

Policy

The College currently holds capital assets which contribute to the organization’s value and net worth. Capital assets are attained and maintained in accordance with a planning cycle which supports the on-going work of the College. Capital asset expenditures are considered annually as one component of budget planning.

Definition

Capital assets comprise “property, plant and equipment” that meet all of the following criteria:

1. Are held for use in the production or supply of goods and services, for rental to others, for administrative purposes or for the development, construction, maintenance or repair of other capital assets;
2. Have been acquired with the intention of being used on a continuing basis; and
3. Are not intended for sale in the ordinary course of business.

For further clarification, capital assets include buildings, furniture, purchased computer software, computer hardware, equipment, leasehold improvements, and assets acquired by capital lease.

Procedure

1. Planning for capital asset need and expenditure is the responsibility of the Registrar in keeping with accountabilities related to operationalizing the approved business plan and budget.
 - a. A proposed capital assets budget is considered and approved annually by Council within broader budget discussions.
 - b. Capital assets are amortized in accordance with the auditor’s recommendations and the published Generally Accepted Accounting Principles (GAAP).
 - c. The College will maintain a capital asset ledger.

- d. Capital assets are reviewed within a regular maintenance schedule to ensure preservation and full utilization.

Section:	Policy	Policy #5.1
Title:	College Policy Review Schedule	
Applicable to:	Council members, members of statutory or non-statutory committees and task forces, staff	
Date approved:	June 2002	
Date revised:	October 2008, September 2010, March 2014	
Date confirmed:	June 2021	

Policy

In order to ensure that they remain relevant in a changing practice and legal environment, all of the College's existing policies, **B**by-laws and official documents (see definition below) are reviewed periodically.

Procedure

1. While **G**overnance **P**olicies, **B**by-laws and official documents are in effect, they will be monitored by staff and Council to assess whether any emerging issues suggest a requirement for an expedited review and/or require flagging at the time of the regularly scheduled review.
2. Unless a need to review them is identified sooner:
 - a. College **G**overnance **P**olicies and **B**by-laws will be reviewed every year; and
 - b. Official documents will be reviewed at least every three years.
3. If, as a result of the reviews of College **G**overnance **P**olicies, **B**by-laws or official documents, changes are proposed, these will be considered by Council ~~using the policy 6.3—Approval of Official Documents.~~
4. When changes in current circumstances or the current practice, regulatory and legal environment suggest the need, existing **G**overnance **P**olicies, **B**by-laws or official documents will undergo immediate review regardless of when a prior review took place.
5. Official documents include:
 - a. Regulations;
 - b. Standards; and
 - c. Position statements.
 - d. Documents that are not official documents for these purposes include:
 - (i) reports, proposals and presentations;
 - (ii) brochures and similar informational materials;

- (iii) guides to official documents;
- (iv) information bulletins;
- (v) forms; and
- (vi) general web site content.

Section: Policy Policy #5.2
Title: Approval of Official Positions
Applicable to: Council members, members of statutory or non-statutory committees and task Forces, staff
Date approved: June 2002
Date revised: October 2008, September 2010, March 2014, June 2021

Policy

The Council will approve official positions of the College by a formal motion and vote. Any College communication that references an official position must be consistent with that position.

Section: Policy Policy #5.3
Title: Elected Officers
Applicable to: Council
Date approved: February 2013
Date confirmed: June 2021

Policy

~~In keeping with its duty defined in the By laws to elect officers, the Council shall annually elect a President, Vice President and members of its Executive Committee at the last meeting of Council prior to an election of Council members. The officers elected at this meeting shall take office at the first meeting of Council following an election of Council members.~~

Procedure

- ~~1. The election shall be carried out in a manner consistent with the College's By laws.~~
- ~~2. If an officer who is elected fails to be re-elected or appointed to Council and is therefore unable to serve as an officer of the College, their position will be declared vacant and be filled at the first successive meeting of the Council in a manner consistent with the College By laws.~~

Section:	StakeholdersIntellectual Property	Policy #6.1
Title:	Intellectual Property and Related Uses	
Applicable to:	Council members, staff, contractors, College partners	
Date approved:	February 2004	
Date revised:	December 2008, March 2011, June 2021	

Policy

The development of intellectual property is an inherent product of College work- related activity. Without limiting the generality of the preceding, intellectual property may be produced through policy analysis, research, or program evaluation. The College retains its rights to this intellectual property to ensure appropriate use, dissemination and attribution unless otherwise agreed to by Council.

Procedure

Ownership

1. Any intellectual property arising from research or work activity funded, sponsored or commissioned by the College, in whole or in part, is owned by the College (unless otherwise agreed to by Council).
2. Where such intellectual property is of commercial value, the associated proceeds (including without limitation financial proceeds, the right to publish, or intangibles such as academic recognition) may be shared as agreed to by Council with 3rd parties. The sharing of proceeds associated with College intellectual property does not apply to College employees, agents or contractors.
3. The copyright for any materials resulting from any research or work activity that is funded, sponsored or commissioned by the College in whole or in part belongs to the College and is not attributable to any other individual or person, unless otherwise agreed to by Council.

Publication/Dissemination

4. Unless the prior written approval by the Registrar has been obtained, a researcher contracted by the College may not publish the results of College research or evaluation.
5. Research or evaluation outcomes may only be published as approved by Council.
6. When considering requests to publish, the Registrar will consider whether:

- a. The proposed publication tool or vehicle is in keeping with the College's mandate, mission and vision and strategic initiatives;
- b. The publication would undermine the College's regulatory function;
- c. The publication would infringe on existing commercial, property or moral rights of which the College is aware;
- d. Confidential data is included in the publication;
- e. Personal information is included in the publication; or
- f. There is a need to adhere to an agreement specifying a delayed publication date.

Authorship

7. Any material published by the College that is intended to portray the College's position or advice on particular issues, or to inform registrants or other persons of the College's activities will be published without an attributed author (unless the Registrar determines otherwise).
8. Any material published by the College intended to serve as a report of research that was conducted or supported in whole or part by the College may be published with one or more authors being designated. Designated author(s) will be determined by the Council.
9. Any material published by the College, regardless of authorship decision, will acknowledge the specific College Committee at which the primary content development occurred (as the Council determines appropriate); if the Council determines that it is inappropriate to acknowledge a specific College committee, then the College's Council will be acknowledged (unless the Council determines that such acknowledgement is inappropriate).

<u>Section:</u>	General	Policy #7.1
Title:	Strategic Planning Cycle	
Date approved:	December 2009	
Date revised:	December 2011, February 2013, June 2021	

Policy

The purpose of strategic planning is to guide the College to achieve its statutory mandate now and in the future, grounded in the concept of quality assurance. The Council is deliberate in its use of strategic discussion and direction setting to enhance its mandated objectives. It utilizes a vision statement within a framework to set tactics which further its goals of safe, quality physiotherapy care in the public interest. Council regularly evaluates its progress within its most current plan and determines opportunity to revisit its framework not less than every three years.

Procedure

1. Council has established key elements for its strategic framework which may include, but are not limited to:
 - a. A vision statement;
 - b. A set of assumptions about its future;
 - c. A series of objectives and high level tactics; and
 - d. Critical success factors and key indicators of success.
2. Progress against the Strategic Plan is measured and reported to Council at every Council meeting.
3. Planning for the development of a new framework is started by the President and the Registrar.

<u>Section:</u>	General	Policy #7.2
Title:	Succession Planning	
Applicable to:	Executive Committee members	
Date approved:	February 2013	
Date revised:	March 2014, June 2021	

Policy

The College will establish and maintain a transparent process of succession planning for key roles on the Council’s Executive Committee to promote the Council’s capacity to achieve and maintain optimal performance in its role.

Procedure

1. Term limits for the President and the Vice President shall be no more than two terms for each position during any period of consecutive service on Council¹⁴.
2. In order to ensure that successive Presidents of the College have an opportunity to learn the key skills required to perform effectively in this role, it is desirable that Vice Presidents, subject to the Council election process, succeed into the role of the President following the completion of the President’s term.
3. When considering candidates for the positions of Vice President and President, it is desirable that the Council consider factors including their previous performance as members of Council.

¹⁴ The establishment of term limits is intended to enable Presidents and Vice Presidents to be able to rotate into and out of these roles while still being eligible to serve as members of Council and to enable them to transfer knowledge and skills to their successors.

<u>Section:</u>	General	Policy #7.3
Title:	Public Member Representation on College Committees	
Applicable to:	Statutory and Non-Statutory College Committees	
Date approved:	June 2002	
Date confirmed:	December 2008, September 2010, June 2021	

Policy

It is a core value of the College of Physiotherapists of Ontario that the input of the public, as represented by the publicly appointed members of Council, should be a part of all decision-making processes.

In order to ensure that this core value is upheld, all of the College's statutory and non-statutory committees must include at least one member of Council who has been appointed by the Lieutenant Governor (a publicly appointed member of Council) in their composition.

This requirement must be met regardless of any other rules in the statute, regulation or by-laws prescribing the composition of committees.

Procedure

1. When the Executive Committee prepares its annual proposed membership of nominees for positions on the College's statutory and non-statutory committees, the Executive Committee must ensure that the proposed membership of each committee includes at least one publicly appointed member of Council.
2. When Council approves the annual membership of the College's statutory and non-statutory committees, each approved committee membership must include at least one publicly appointed member of Council.
3. If the publicly appointed member of a College statutory or non-statutory committee must be replaced prior to the annual approval of College committee membership, the revised committee composition must still include at least one publicly-appointed member.
4. Regardless of other considerations, the membership of College statutory or non-statutory committees must still meet all other requirements for committee composition prescribed in the statute, regulation or By-laws.

Section:	General	Policy #7.4
Title:	Public Member Attendance at Committee Meetings	
Applicable to:	Statutory Committees	
Date approved:	June 2002	
Date revised:	June 2021	
Date confirmed:	December 2008, September, 2010	

Legislative references

- a. Health Professions Procedural Code: s.17, s.25, s.38, s.64
- b. By-laws: s. 7.1

Policy

It is a core value of the College of Physiotherapists of Ontario that the input of the public, as represented by the publicly appointed **M**members of Council, should be a part of decision-making processes.

In order to uphold this core value, meetings of statutory committees, or panels of such committees, must not be scheduled unless at least one of the **C**committee member(s) appointed by the Lieutenant Governor (a publicly appointed **M**member(s) of Council) is/are available to attend the meeting. Meetings of statutory committees, or panels of such committees, should not be held, other than in exceptional circumstances, unless at least one of the **C**committee member(s) appointed by the Lieutenant Governor (a publicly appointed **M**member(s) of Council) is/are available to attend the meeting.

Procedure

If at least one publicly appointed **M**member is not able to attend the meeting of a statutory committee, the meeting should be postponed until such time as the publicly appointed **M**member is able to attend. In exceptional circumstances, a meeting may proceed when the planned attendance of the publicly appointed **M**member is interrupted by unforeseen immediate personal circumstances, provided that proceeding would not contravene the Code. The determination to proceed shall be made by the Committee Chair. In making that determination, and the Committee Chair will consider whether the interests of the affected parties outweigh the desirability to have a public Member present. ~~In that case, decisions on registrants that are statutory in nature cannot be discussed without the presence of a publicly appointed member.~~

Section:	General	Policy #7.5
Title:	Selection of Individuals to Committees, Task Forces and Advisory Groups	
Applicable to:	Council, Committees, Task Forces and Advisory Groups	
Date approved:	June 2002	
Date revised:	June 2006, March 2007, March 2010, February 2013, March 2014, June 2021	

By-law references

- a. By-law: 7.5

Policy

The College will establish and maintain a transparent process for the appointment of individuals to serve on committees, task forces or advisory groups of Council. Selection will be based on criteria developed to meet the terms of reference and needs of a specific initiative or purpose as established by Council including the ongoing development of Councillor competencies. Appointments will be confirmed by Council.

Procedure

1. The Executive Committee, after considering expressions of interest, will recommend individuals to serve on statutory and non-statutory committees to Council at the ~~College's Annual General Meeting~~ first opportunity following an election, and from time to time as required.
2. The Executive Committee will include in its recommendations the identification of suggested Ccommittee Cchairs.
3. The Executive Committee will base its recommendations on selection criteria including:
 - a. Availability;
 - b. Eligibility;
 - c. Experience;
 - d. Interest;
 - e. Previous performance;
 - f. Development of Councillor competencies;
 - g. Avoidance of foreseeable conflicts of interest; and
 - h. Recommendations from Committee Chairs.

4. Individual physiotherapists with specific expertise may be solicited to participate on a committee, task force or advisory group dependent on the Council-determined terms of reference.
5. All committee, task force or advisory group appointments will be for one year or the set term of the Task Force or Advisory Group, unless specific circumstances require a different term length.

Section: General **Policy #7.6**
Title: Performance Review Process for Registrar
Date approved: December 2003
Date revised: June 2006, March 2007, June 2009, March 2012,
February 2013, March 2015, June 2021

Policy

The evaluation of the Registrar’s performance will be coordinated by the President and involve the Executive Committee. The final review of the Registrar’s performance will be made by the Council, in camera.

Procedure

1. The President will coordinate the Registrar’s annual performance review, based on:
 - a. goals set annually by Council, including direction on priorities, and
 - b. operational performance indicators, including timelines.
2. The President will meet semi-annually with the Registrar to determine and help facilitate the requirements to help the Registrar accomplish such goals.
3. The annual review cycle is to be initiated no later than October.
4. The performance review will gather and assemble multi-source feedback about the Registrar’s performance from:
 - a. all Councillors;
 - b. senior staff; and
 - c. relevant external contacts, identified by both the Registrar and the President.
5. The Registrar will provide the President with contact information for staff and external contacts to facilitate the review. The President may identify additional external contacts from whom to obtain input.
6. The President will write a draft report, tabulating all comments from the above sources, as well as the President’s own experiences with the Registrar. The report is to provide feedback, to assist the Registrar toward optimal performance.
7. The Registrar will then be given the draft to review and provide commentary.

8. The President will then present the draft report with the Registrar's comments to the Executive Committee for consideration.
9. The Executive Committee will make a recommendation regarding the draft report to Council.
10. The President will present the final draft report to Council in camera. Council will make any changes it sees fit and approve the final performance review.
11. The President will report Council's performance review to the Registrar.

<u>Section:</u>	General	Policy #7.7
Title:	Emergency Management Plan	
Applicable to:	Council, Committees, Staff and Agents	
Date approved:	March 2011 (replaces previous 4.24 Pandemic Influenza, September 2009)	
Date revised:	June 2021	

Policy

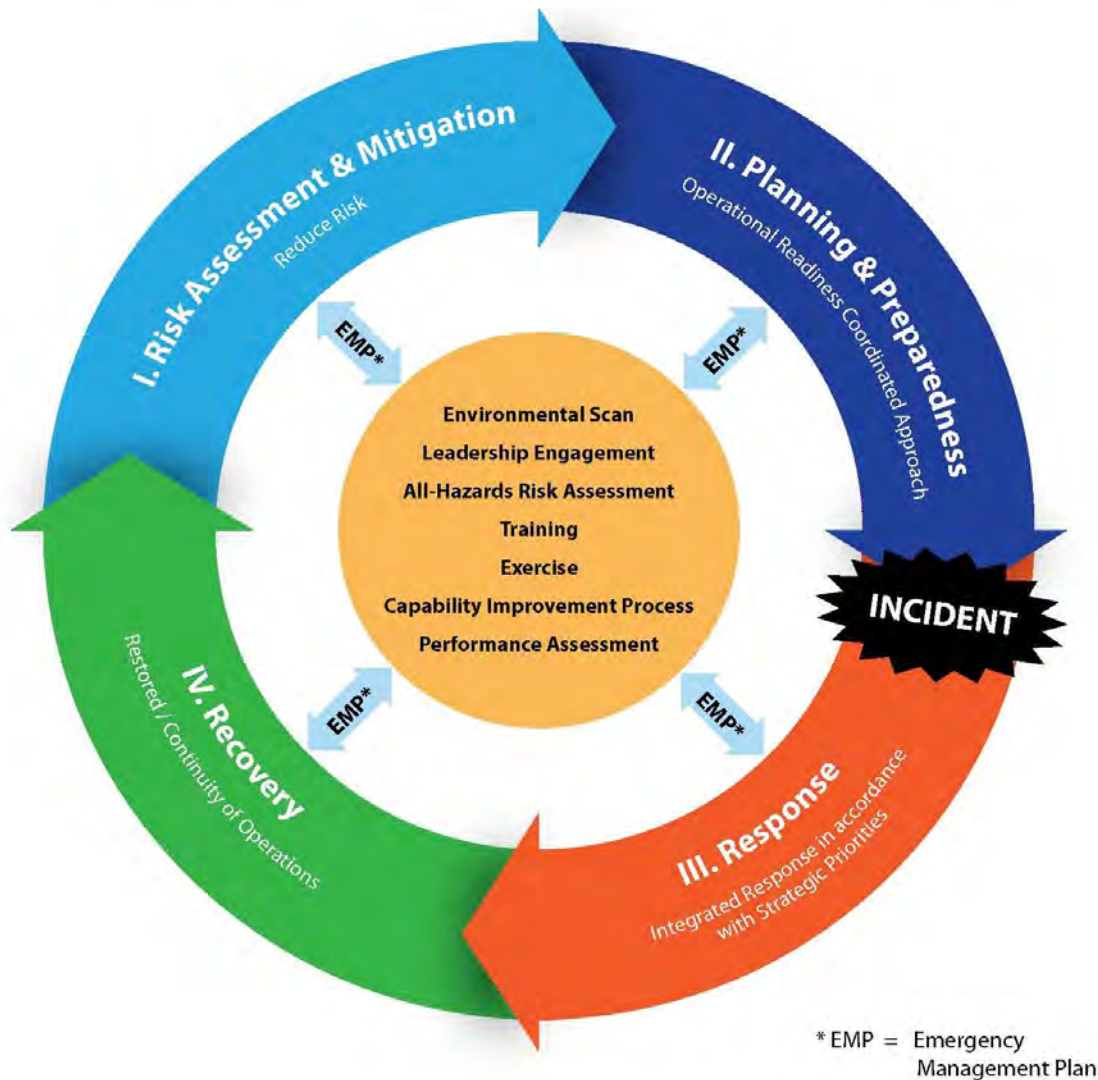
The College of Physiotherapists of Ontario maintains an overarching Emergency Management Plan to ensure a consistent approach to all emergencies, in particular ensuring the safety of all Councillors, Committee members, staff and agents of the College. The Plan also consists of specific subsets related to fire and public health crises given their unique features and urgent risks. All parties to whom the Emergency Management Plan applies will receive an annual orientation to its contents.

1. The Emergency Management Plan addresses events that can be classified as emergencies. These include but are not limited to:
 - a. Access to the building because of fire, flooding, etc.;
 - b. Technological incidents including electronic data processing and telecommunications disruptions;
 - c. Staffing disruption due to illness, weather; and
 - d. Public health crisis that may be of a small or large magnitude (~~Procedure~~).
2. The Emergency Management Plan is developed in keeping with best practices, incorporating a consistent cycle of mitigation and response (see Appendix A).
3. The Emergency Management Plan establishes an Emergency Response Team consisting of the President, the Registrar and the Registrar's designates.
4. The Emergency Management Plan has three components:
 - a. An overarching structure which applies in all circumstances;
 - b. A specific set of additional elements relevant to fire safety; and
 - c. A specific set of additional elements relevant to a public health crisis.
5. The Emergency Management Plan is reviewed bi-annually by the Registrar and ~~Director, Corporate Services~~ a designated staff member, to ensure it is current and relevant.
6. All new staff, Councillors, Committee members and agents will receive an orientation to the Emergency Management Plan and its components on an annual basis, including training drills where relevant.

7. The President will report to Council any events resulting in the initiation of the Emergency Management Plan through periodic reports on risk assessment.

APPENDIX A

Emergency Management Continuum



<u>Section:</u>	General	Policy #7.8
Title:	Election Campaign	
Applicable to:	Council members and election nominees	
Date approved:	February 2004	
Date revised:	March 2009, March 2011, February 2013, June 2021	

Policy

A fair and democratic election process for selecting physiotherapist Councillors to Council is important to the profession as one element in ensuring a strong governance structure. Elected individuals provide the profession's perspective to a self-regulatory, public interest model. Registrants eligible to vote require adequate, reliable and consistent information about each electoral candidate to assist them in exercising an informed vote. The College facilitates this process through the distribution of candidate materials in its voting package. In addition, to promote registrant engagement, the College provides a means for nominees to provide campaign materials to voters in the relevant district, separate and apart from the College processes.

Procedure

1. Individual physiotherapists, who are nominated and are eligible for election as per section 3.1 of the By-laws, will provide the College with their biographical information and a statement, using language provided by the College, confirming their understanding of their obligation to act in the public interest if elected to Council.
2. Candidates may also provide a candidate statement to be included with the other election materials.
3. A candidate's statement cannot exceed 500 words.
4. Candidates must frame their remarks in relation to self-regulation and the public interest. A candidate who is a current Committee member or agent of the College (e.g. assessor) must not comment on College business that is not in the public domain. A candidate must not make disparaging remarks about the College. A candidate's statement must not include a photograph.
5. The Registrar will review candidates' statements to ensure adherence to this policy. If a candidate's statement does not adhere this policy, the Registrar will request that the candidate revise their statement. If the candidate is unwilling to revise their statement to adhere to this policy, then the matter will be brought to the Executive Committee, who may make a recommendation to Council. Only Council can decide whether to disqualify a candidate from running in the election.

6. The College will circulate the materials provided by candidates to all eligible voters in the respective candidates' districts.
7. A candidate may choose to campaign within their district. To facilitate this process, all candidates will be provided with a means to contact the eligible voters in their district that is in keeping with the College's statutory confidentiality obligations.
8. Campaign materials are not reviewed or endorsed by the College.
9. Candidates will make every effort to ensure that the views portrayed are verifiable, true and consistent with their stated understanding of their obligation to act in the public interest if elected to the Council of the College.
10. Information contained in this policy will be disclosed to all candidates at the time of nomination confirmation.

Section:	General	Policy #7.9
Title:	Council Education/Orientation	
Applicable to:	All Councillors and Committee members	
Date approved:	March 2009	
Date revised:	March 2011, March 2013, June 2021	

Policy

All Councillors and Committee members are required to participate in annual orientation programming, including the College's mandate, their role and responsibilities, ~~and sexual abuse prevention training~~, prior to attending any meeting of a committee to which they have been appointed. In the case of Council members, they must complete the orientation programming prior to standing for election. The ~~c~~Current Councillors and Committee members ~~and staff~~ act as mentors in supporting new member integration and understanding.

Procedures

1. Orientation of Councillors and ~~C~~committee members will continue as needed and in keeping with this Policy, the By-laws and direction from the President and the Executive Committee.
2. The Executive Committee is charged annually with the task of identifying the education needs of Council and its committees.
 - a. The Executive Committee sets an annual education strategy based on identified needs, in collaboration with the Registrar. Proposed Council education is budgeted and approved by Council annually in March.
 - b. Education opportunities external to the College are considered on an individual basis by the Executive Committee. All requests must be directly relevant to the College mandate and the competency development needs of the requestor.
 - c. Registration fees, per diems and expenses for such events are covered by the College for ~~both professional and public~~ members. For public members, the provisions as set out in the Remuneration Framework of the Health Board Secretariat will apply. ~~Per diems and expenses for professional members are also covered by the College. Public members' per diems and expenses are paid by the Ministry and require pre-approval by the Ministry prior to attendance at any external education session. Pre-approval is coordinated by the Registrar and Governance Analyst.~~

~~3. All Councillors and Non-Council Committee Members must participate in sexual abuse prevention training.~~

Section: General **Policy #7.10**
Title: Council — Staff Relations
Date approved: December 2009
Date revised: February 2013, March 2014, June 2021

Policy

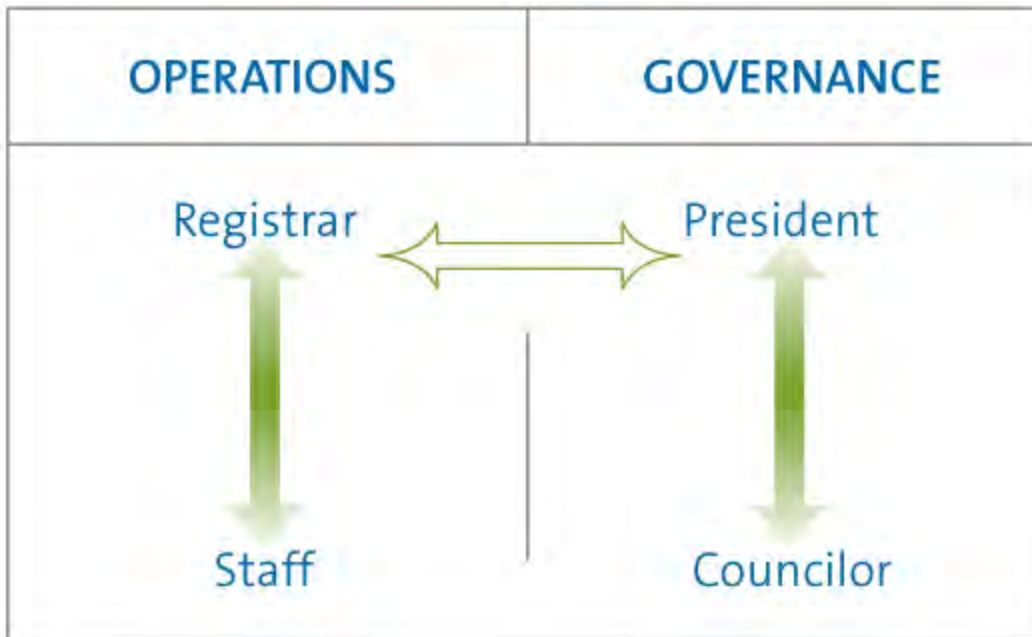
The College, its Council and its staff, foster a culture of clear, open, honest, and transparent communication focused on mandate, the collective vision, and organizational values. Communication channels acknowledge and respect the difference between governance and operations. All communications, whether verbal or written (including electronic) aim to positively further the work of the College, effectively and efficiently.

Procedure

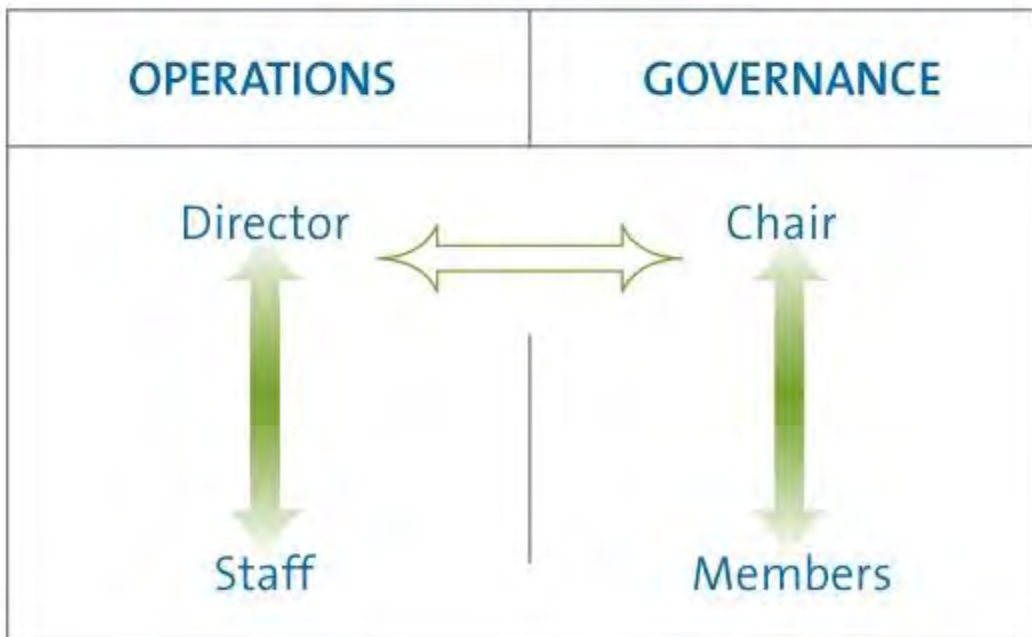
1. The Registrar is accountable to Council.
2. Council matters related to the staff and Council relationship are managed at the level of the President and the Registrar.
3. Committee matters related to the relationship between staff and ~~C~~committee members are first managed at the level of the senior staff and the Committee Chair. Should any matter not be resolved, either the Registrar via the staff person or the President via the Committee Chair can be consulted to assist with the resolution of the issue.
4. Where any matter either at a Council or a committee level remains an ongoing concern, the President and the Registrar will convene a meeting of relevant parties to seek a satisfactory resolution. If the matter cannot be resolved, it should be brought to the Executive Committee for consideration. The Executive Committee will make a decision, which will be final, except for matters related to the Code of Conduct, which will be brought to Council for consideration.

Communication Framework

Council



Committee



Section:	General	Policy #7.11
Title:	Appointment of a Task Force and/or an Advisory Group	
Applicable to:	Council, Task Forces and Advisory Groups	
Date approved:	March 2010	
Date revised:	June 2021	

Policy

From time to time, to accomplish a specific initiative, Council may choose to establish a **tTask fForce** or an **aAdvisory gGroup**. Either entity is under the development and direction of Council and may be comprised of Councillors, registrants, and/or individuals with specific expertise external to the profession. All deliverables of a **tTask fForce** or an **aAdvisory gGroup** are provided to Council for final approval.

Procedure

1. A task force or an advisory group is appointed by Council for a specific purpose and duration.
2. Either entity, once appointed will report directly to Council, through the Executive Committee.
3. Council will approve the terms of reference of a **tTask fForce** or an **aAdvisory gGroup**. Such terms will include, at a minimum, its membership including a **eChair**, objectives, and deliverables.
4. A **tTask fForce** or an **aAdvisory gGroup** will report on its progress toward set objectives at every meeting of Council.
5. Professional members of a task force or an **aAdvisory gGroup** will be reimbursed for honoraria-allowances and expenses by the College as per relevant College policies. Publicly appointed members of a task force or an advisory group must seek approval from the government to pay for their per diems and expenses. Pre-approval is coordinated by the Registrar and Governance Analyst.
6. Every task force or advisory group will be supported by staff as designated by the Registrar.
7. The process and outcomes of every task force and advisory group will be evaluated for effectiveness and impact.

Section: General
Title: Specialty Designation
Date approved: March 2012
Date confirmed: June 2021

Policy #7.12

Policy

Section 1, paragraph 20, of Ontario Regulation 388/08, Professional Misconduct, indicates that it is professional misconduct for a registrant to use the title “specialist” unless the registrant holds a specialty designation approved by the College. In keeping with this requirement, the College will consider the approval of specialty certifications recognized by the Canadian Alliance of Physiotherapy Regulators (CAPR), as designations that College registrants are entitled to use in conjunction with the title “specialist”.

Procedure

1. The College, as a member of the CAPR Board of Directors, will approve the policy and processes used to recognize specialty certification programs relevant to the practice of physiotherapy in Canada and in Ontario.
2. CAPR will approve specialty certification programs relevant to the practice of physiotherapy in Canada. The decisions of CAPR respecting the approval of specialty certification programs in Canada are not subject to appeal through the College.
3. A specialty certification program approved by the CAPR Board of Directors as meeting the level of rigor required to satisfy use of a title of “specialist” in Canada will be presented to the Council for consideration of its approval prior to recognition in Ontario. The College will maintain a list of all specialty certification programs and their designations approved by Council.
4. A registrant may apply to the College to use the title “specialist”. In their application the registrant must identify the specialty certification program from which their specialty was conferred. If the specialty designation is on the list approved by Council, the registrant will be entitled to use the title “specialist”.
5. Where a registrant applies to use the title “specialist” and their specialty certification program is not recognized (on the list), the registrant may provide the details of their program to CAPR for national review and consideration. If the specialty certification program is then approved by CAPR, procedures #3 and #4 above must occur before the registrant is entitled to use the title “specialist” in Ontario. If the specialty certification program is not approved, the registrant will not be permitted to use the title “specialist” in Ontario.

6. Any registrant entitled to use the title specialist will have the relevant information indicating the type of specialist certification(s) they hold listed on the College's public register.
7. Any registrant entitled to use the title "specialist" in Ontario will use their registered title first (i.e. physiotherapist) and then acknowledge their specialty with a designation (i.e. Orthopaedic specialist or specialist, orthopaedics).

Section: General **Policy #7.13**
Title: Council *In Camera* Minutes — Storage and Access
Applicable to: Council, Staff
Date approved: June 2021
Date revised:

Legislative references

- a. Health Professions Procedural Code: s.7

Policy

From time to time, Council holds *in camera* discussions. These discussions typically involve proprietary matters, human resources matters, the receipt of legal advice or other such matters that are appropriately not to be in the public domain and permitted by subsection 7(2) of the Health Professions Procedural Code

Records of such meetings must be stored in a secure environment, and access to such records must be limited to Council. The conduit of access to such records are the President, Vice President, and Chair of the Finance Committee.

Access to these Minutes is restricted to the officials named above. Anyone other than those permitted who attempts to access these Minutes will be subjected to sanction up to and including termination of employment in the case of an employee and disqualification in the case of a Councillor or Committee member.

Procedure

1. During *in camera* meetings, the President shall appoint an individual to record the Mminutes.
2. Once the *in camera* Mminutes are approved, they shall be signed by the President and Vice President, then scanned and saved in a secure file on the College's computer network.
3. All *in camera* Mminutes will be made available to all Council members upon request. Access to them will be through the President, Vice President and Chair of the Finance Committee.

4. The Registrar may request access to specific *in camera* Mminutes. Such requests shall be made to the President, and the President will seek approval from Council to release the *in camera* Mminutes.
5. The documents will be password protected and the password passed from the outgoing President to the incoming President.
6. The incoming President shall change the password upon taking office and share the new password with the Vice President and the Chair of the Finance Committee.
7. Staff, Councillors and Committee members are to be made aware that it is a serious breach of privacy to attempt to access *in camera* Mminutes. Such actions are cause for termination of employment in the case of staff, disqualification in the case of Councillors and Committee members as well as any other action that Council decides.
8. The President and Executive Committee will investigate incidents of unauthorized access to *in camera* Mminutes and bring the matter to Council for a decision. If the unauthorized access involves staff, then the President will investigate the matter in consultation with the Registrar, and Council will consider the matter *in camera*.

Section:	Evaluation	Policy #8.1
Title:	Measurement and Reporting	
Applicable to:	Council and Committee Members	
Date approved:	June 2002	
Date revised:	September 2007, December 2009, February 2013, March 2015, June 2021	

Policy

The Council of the College is committed to an organizational culture that measures and reports on organizational performance and continually evaluates and improves the performance of its Council and committees.

To demonstrate its commitment to these goals, the College will:

- A. Incorporate mechanisms into its operational activities to assure that data are regularly gathered to measure effectiveness. This data forms a basis on which the College reports annually to the Minister on meeting expectations within its mandated public interest role.
- B. Annually conduct performance evaluations of its Council and Committee members and use the output of this evaluation to improve its orientation, education and committee appointment processes.

Procedure

Measurement

1. The College will use performance measurement tools, such as a balanced scorecard approach, to collect and assess organizational performance data and report on this data using the current version of the College's dashboard.

Evaluation

2. Committee Chairs will evaluate the performance of every member of the Committee based on the performance expectations for Committee members as defined in the By-laws and Governance Policies and provide that information to the President.
3. The President will evaluate the performance of every member of Council based on the performance expectations for Council members as defined in the By-laws and Governance Policies.

4. The President will evaluate Committee Chairs based on the best information available to them.
5. The President will collate the evaluation information for Council and Committee members and have a discussion with each of them.
6. The President is responsible for managing any performance issues or concerns in accordance with the College's Code of Conduct.



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Motion No.: 16.0

**Council Meeting
September 28-29, 2023**

Agenda #16.0: Approval of a Competency Profile

It is moved by

and seconded by

that:

Council approves the Competency Profile: Council and Committee Values, Attributes and Skills for integration into the Council election and selection of any Councillor and non-Council committee member recruitment processes.



Meeting Date:	September 28-29, 2023
Agenda Item #:	16
Category	Governance
Issue:	<i>For Decision</i> Approval of a Competency Profile
Submitted by:	Elicia Persaud, Governance Analyst

Issue:

Council is being asked to approve a competency profile to fulfill the College Performance Management Framework (CPMF) requirement to have pre-defined competency criteria for individuals wanting to run in the Council election, be appointed as an Academic Councillor and for individuals seeking appointments to a committee as a non-Council Committee member.

Public Interest Assessment:

Council and non-Council Committee members must possess the knowledge, skills, and experience to effectively discharge their duties. Establishing competencies supports Council's ability to ensure that the individuals being elected to Council or appointed to committees have the requisite knowledge and skills and are fully committed to the public interest and effectively regulate the profession.

Background:

Over the last few years, establishing Board and Committee competencies has been an emerging best practice that has been adopted by many regulators in Ontario, across Canada and abroad. In Ontario, the College Performance Measurement Framework (CPMF) has also identified this as a governance benchmark that requires compliance by all health regulators.

As a reminder the CPMF is an annual report that was developed by the Ontario Ministry of Health to establish benchmarks for College's to assess their performance and strengthen their accountability in a variety of domains.

The expectation in the CPMF is that Council and statutory Committee members have the knowledge, skills, and commitment needed to effectively execute their fiduciary role and responsibilities pertaining to the mandate of the College. To comply with this expectation Colleges are expected to have pre-defined competency and suitability criteria. While the benchmark is specific to statutory committees in the CPMF, to ensure consistency it is being proposed that the competencies be applicable to both statutory and non-statutory committees.



The Status of the College with respect to Competency Criteria

Currently, the College has suitability criteria; these are the eligibility requirements that must be met to be eligible to run in the Council election, be selected as an Academic Councillor or stand for appointment to a committee as a non-Council committee member. These are outlined in the [College Bylaws](#) and include things such as:

- not being found guilty of professional misconduct, to be incompetent, or to be incapacitated in the six years before the election or appointment.
- in the 12 months not being a director, officer, committee member, employee, or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession.
- not having been disqualified or removed from Council or a Committee in the preceding three years.

While suitability criteria determine the eligibility of individuals, it does not include competencies such as skills, attributes, and behaviors that are expected by all Council and non-Council Committee members.

At this time, the College is partially meeting this benchmark. Implementing a competency profile would bring the College to full compliance with this CPMF expectation for the 2023 reporting period.

Additionally, implementing a competency profile will support Council's strategic goal to improve the governance framework based on government direction and best practices, and over time will support informing Council and committee education and development needs.

What are other regulators doing?

An environmental scan of the other health regulatory Colleges' approach to this issue revealed that there is no standard approach. Notwithstanding this, common elements, include:

- Distinguishing between skills, behaviours, and characteristics.
- Developing additional committee specific competencies.
- Including principles or values.
- Distinguishing between different skill/experience levels for a specific competency.
- Establishing competencies that are applicable to everyone and competencies that only some individuals may have.
- Adding additional rigour overtime to support a more robust and transparent qualification and screening process.

Most Colleges also reference three documents that have influenced their competency profiles which include:

- AGRE Committee Eligibility and Competency Framework
- FHRCO Governance Working Group Competency
- Government of Ontario – Member Regulatory and Adjudicative Agencies



Many of the same competencies can be found across the different documents even though they have individual approaches as to how the competency profiles are established.

Proposed Competency Profile

The proposed Competency Profile (Appendix A) identifies the foundational behaviours, attributes, and skills that all individuals should reflect to effectively engage in their work on Council or committees and reflects characteristics that align with good governance.

As you will see, the proposed Competency Profile is divided into three sections:

1. Core Values
2. Attributes
3. Council specific knowledge, skills, and professional experience

The first two sections are applicable to Council and non-Council Committee members while the third section applies to Council members only. It should be noted, that while the CPMF requires competency criteria for statutory committees only, the proposed Competency Profile would be applicable to all non-Council Committee members regardless of if they are appointed to a statutory or non-statutory committee.

The Core Values are the guiding principles that align with the College mandate and fiduciary responsibilities. These are the foundation of the Competency Profile as they highlight the commitment of Council and committees to:

- Remain public interest focused.
- Embrace diverse thinking.
- Make informed decisions and speak with one voice (where applicable).
- Maintain mutual respect and trust.

These establish a baseline for what can be expected by all Council and Committee members and provide prospective individuals with an opportunity to determine their own alignment with the proposed Core Values.

Building on precedent from other health regulatory Colleges as well as the three frameworks identified above, there are six attributes that are being proposed that all Council and Committee members should possess, these include:

- Self-Awareness and Communication
- Teamwork and Collaboration
- Accountability and Transparency
- Strategic Mindset
- System Thinking
- Commitment to the Work



These are proposed as they reflect core attributes captured in other frameworks and provide the framing for the plurality of skills that are widely recognized as being necessary for effective governance.

In addition to these attributes, there is specific knowledge, skills, and professional experience that Council members are expected to obtain through orientation, training, and ongoing experience, but that some individuals may already have prior to joining Council. As such, it is beneficial to identify these specific skillsets within the Competency Profile as well.

These include:

- Financial Literacy
- Risk Management
- Strategic Planning
- Professional Regulation
- Board and Governance Experience
- Policy Experience
- Equity, Diversity, and Inclusion Leadership

For both the attributes and the skills, indicators have been included in the proposed competency profile to support individuals with identifying how they align with them.

Integrating the Competency Profile into the governance processes

The Competency Profile is the first step in establishing a process that integrates competencies into the election, academic and non-Council committee appointment processes. Once approved, the Competency Profile will become an operational policy.

Individuals wanting to run for the Council election, be selected as an Academic Councillor or stand for appointment as a non-Council committee member would be asked to complete a self-assessment as part of their eligibility check, to fulfill meeting the competency requirement. This would be a self-reflection process that asks individuals to self-assess their alignment to the competencies by confirming their commitment to the Core Values and assessing themselves based on the six identified attributes. At this time, there will be no screening component integrated into the corresponding governance processes.

With the third-party Governance review currently underway, and as more work continues in improving the governance framework, there will be opportunities for Council to consider additional improvements such as establishing a screening committee to evaluate and assess individuals against the competencies. Establishing a Competency Profile is the first step in supporting integration of competencies in a more rigorous and intentional way, and with time will help enhance governance processes.



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Decision Sought from Council:

Council is being asked to approve the proposed Competency Profile: Council and Committee Values, Attributes and Skills (Appendix A) document for integration into the Council election, selection of any Councillor and non-Council committee member recruitment.

Attachments:

- Appendix A – Proposed Competency Profile: Council and Committee Values, Attributes and Skills



Appendix A:

Competency Profile: Council and Committee Values, Attributes and Skills

Council and Committee Member Core Values

Remain public interest focused. Council and Committee members will put the needs of the public interest ahead of their own personal or professional desires. They will evaluate the impact decisions have on the affected groups and ensure discussions and decisions are grounded in the wellbeing of the public.

Embrace diverse thinking. Council and Committees will support a culture where individuals can express their unique perspective that is reflective of their own lived experience, identity, and culture. These perspectives and ideas are sought after, heard, understood, and applied to drive inclusivity, collective innovation, and progress.

Make informed decisions and speak with one voice. Council and Committees will make objective decisions in a timely matter that are grounded in analysis of information, consideration of a range of perspectives and will demonstrate informed judgment. While individual dissent or abstention on decisions may occur, Council and Committee members work to build consensus, and stand behind the collective decisions of the group.

Maintain mutual respect and trust. Council, Committees, and staff will work together within their defined roles and the organizational structure, recognizing that mutual respect and trust is essential to functioning effectively. This includes establishing a partnership while maintaining the lines of authority and distinction between governing and operational responsibilities.



To achieve these values, Council and Committee members reflect the attributes below.

Attributes	How this is demonstrated:
Self-Awareness and Communication	Understands personal strengths and areas of development and improvement, which includes self-identifying biases and actively working to uncover unconscious biases. Recognizes how one's verbal and non-verbal communication impacts others and works to remain poised in all situations. Listens effectively and accurately while expressing clear and concise ideas and opinions.
Teamwork and Collaboration	Works to build and maintain positive relationships with colleagues, staff and other interested groups to achieve shared goals, remaining amenable to new and differing perspectives and ideas.
Accountability and Transparency	Conducts all activities with professional integrity and complies with all rules and laws and governs in a respectful and truthful manner. This includes following through on commitments and delivering decisions that are accurate and complete on a timely basis and taking responsibility for one's own actions.
Strategic Thinking	Aligns with a future-focused mind state and can recognize the issues facing the organization; envision long term goals and identify opportunities to achieving long term objectives; ensures risks are assessed and monitored.
System Thinking	Demonstrates the ability to identify the root causes of problems by building connections, evaluating different solutions and possible consequences before making decisions. This includes examining how one thing influences another to support creative problem solving.
Commitment to the Work	Has sufficient time to prioritize the work of Council and Committees which includes having the necessary time to attend and appropriately prepare for all meetings to contribute fully to discussions and make informed decisions.

Council Specific: Knowledge, Skills, and Professional Experience

All Council members will obtain the skills below through orientation, training, and ongoing experience. However, when possible, new Council members will already have some or all of the following skills and experience:

Professional Experience, Knowledge, and Skills	Skills and experience identified:
Financial Literacy	Has experience with accounting or financial management which includes analyzing and interpreting financial statements, evaluating



	organizational budgets, and/or understanding of finance and generally accepted accounting principles. Can read, interpret, and ask questions about financial statements, applies a basic understanding of financial management to ensure the integrity of financial information.
Risk Management	Has experience in risk management frameworks or policies and can identify and critically assess different levels of risk including the impact that these may have on the College objectives. Has worked in stressful situations where outcomes of decisions may result in unfavorable outcomes for some groups.
Strategic Planning	Has experience in developing strategic plans which may include vision and mission and understands how tactics and/or projects support strategic work. Demonstrates the ability to consider where the College can go and is willing to take the necessary steps to embrace change to move the College forward.
Professional Regulation	Is familiar with the responsibilities of the College. Understands the legal and governance requirements that are outlined in legislation, regulations, by-laws, and policies. Understands Council's role in oversight and can distinguish between the role of staff and the role of Council.
Board and Governance Experience	Has experience on Boards or Board committees and understands fiduciary responsibilities and can distinguish between the role of the regulator and the professional association. Understands what it means to serve the public interest and has had exposure to governance frameworks.
Policy Experience	Has experience with interpreting and applying policies. Critically analyzes and assesses information to understand a particular problem and can assess the impact on the organization to identify a solution.
Equity, Diversity, and Inclusion Leadership	Has knowledge, experience and/or training addressing areas of equity, diversity and inclusion which includes working with people from diverse communities with different cultural backgrounds, lived experiences (including gender identify and expression) and abilities to enhance awareness and a sense of belonging. Actively champions the work in Equity, Diversity and Inclusion while reflecting on one's own privileges.



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Motion No.: 17.0

**Council Meeting
September 28-29, 2023**

Agenda #17.0: Motion to go in camera pursuant to section 7.2(d) of the Health Professions Procedural Code

It is moved by

and seconded by

that:

Council moves in camera pursuant to section 7.2(d) of the Health Professions Procedural Code.

18. Members' Motion(s)