DRAFT AGENDA
Council Meeting
College of Homeopaths of Ontario

September 26, 2018 from 10:00 a.m. to 3:29 p.m.
Offices of the College of Denturists of Ontario
365 Bloor Street East, Suite 1606 • Toronto, ON M4W 3L4

		ITEM	ACTION	FORMAT	WHO	MIN	TIME
1		Call to Order	Information	Verbal	B Sharma	1 min	10:00
2		Agenda					
	2.1	Adoption of Agenda	Decision	Written	B Sharma	3 min	10:01
	2.2	Consent Agenda	Decision	Written	B Ziv	3 min	10:04
3		Declaration of Conflict of Interest	Decision	Verbal	B Sharma	3 min	10:07
4		Approval of minutes					
	4.1	Meeting minutes dated June 20, 2018	Decision	Written	B Sharma	5 min	10:10
		IN CAMERA					
In camera *As permitted by the* Regulated Health Professions Act, 1991, *Schedule 2, section 7.2 there are times when it is appropriate for Council to discuss matters* in camera*. These include matters of public security; financial or personal or other matters of such a nature that it is desirable to avoid public disclosure; information related to a person involved in a criminal proceeding or civil suit; personnel matters or property acquisition; or instructions to be given to or opinions received from legal counsel. A meeting or any portion of a meeting held* in camera *is not open to the public.*							
	4.2	*In camera* meeting minutes dated June 20, 2018	Decision	Written	B Sharma	5 min	10:15
5		Finances					
	5.1	Auditor's Report	Decision	Written	Auditor	30 min	10:20
	5.2	Appointment of Auditor	Decision	Written	B Sharma	5 min	10:50
	5.3	Statement of Operations	Decision	Written	B Ziv	10 min	10:55
	5.4	2018-2019 Budget	Decision	Written	B Ziv	15 min	11:05
		BREAK				10 min	11:20
		OPEN SESSION					
6		Strategic Plan	Discussion	Written	College of Kinesiologists - Mary Pat Moore	45 min	11:30
		LUNCH				45 min	12:15
7		Response to Fairness Commissioner: Action Plan	Information	Written	J Blanchard	15 min	1:00

		ITEM	ACTION	FORMAT	WHO	MIN	TIME
8		Bylaws					
	8.1	Past President	Decision	Written	B Ziv/E Gajraj	15 min	1:15
	8.2	Appointment of Treasurer	Decision	Written	B Ziv/E Gajraj	15 min	1:30
	8.3	Bylaw Amendments	Decision	Written	B Ziv/E Gajraj	10 min	1:45
	8.4	Consultation	Decision	Written	J Blanchard	10 min	1:55
9		Council Self-Evaluation	Decision	Written	G Kapelus/ A Cardozo	30 min	2:05
		BREAK				15 min	2:35
10		Annual Report	Decision	Written	K Harvey	5 min	2:50
11		Registration Report	Information	Verbal	H Mayer	5 min	2:55
12		Complaints Report	Information	Verbal	B Ziv	5 min	3:00
13		President's Report	Information	Verbal	B Sharma	10 min	3:05
14		Registrar's Report	Information	Verbal	B Ziv	5 min	3:15
15		Other Business	Discussion	Verbal	B Sharma	5 min	3:20
16		HBS – Preparation Time	Decision	Verbal	B Sharma	2 min	3:25
17		Adjournment	Decision	Verbal	B Sharma	2 min	3:27

Next Meeting: Wednesday, November 28

NOTE:
Please be reminded that all meeting materials, discussions and decisions are confidential to the College and cannot be copied or shared until they are made public.

This is a scent-free environment. Please do not wear scented products to meetings. For more information staff would be happy to provide you with a copy of Health Force Ontario's policy on scent-free work environments. You can also find more information at http://www.ccohs.ca/oshanswers/hsprograms/scent_free.html. Your cooperation is sincerely appreciated and required.

Council Meeting
College of Homeopaths of Ontario (CHO)
Minutes

Wednesday, June 20, 2018
163 Queen Street East, Toronto

Present

Council

Bhupinder Sharma	Professional (Chair)
Sajeev Ampadi	Professional
Anna Berger	Professional
Anna Cardozo	Professional
Kerri Flood	Professional
Eden Gajraj	Public
Mark Heller	Public
Paul Joseph	Professional
Gary Kapelus	Public
Sanjeev Nayyar	Professional
M. Tulandi	Public

Staff and Guests

Janet Blanchard	Senior Manager, Quality Assurance, Patient Relations, Communications
Kathryn Harvey	Communications Officer (recorder)
Heidi Mayer	Registration Officer
Basil Ziv	Registrar
Rebecca Durcan	Counsel, Steinecke Maciura LeBlanc (agenda item #4 only)

Regrets

Shirelle Goodman	Public
Patricia Wilson	Public

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1 Call to Order

The President called the meeting to order at 10:02 a.m.

1.1 Welcome and Introduction of New Council Members

The Chair introduced new professional members Kerri Flood and Paul Joseph.

2 Adoption of Agenda

2.1 Adoption of Agenda

(Appendix 2.1 Agenda, Council Meeting, June 20, 2018)

Motion # 1: To adopt the agenda.
Moved by E. Gajraj, seconded by M. Tulandi

That Council adopt the agenda.
CARRIED

2.2 Adoption of Consent Agenda

Motion # 2: To adopt the consent agenda as presented.
Moved by A. Cardozo, seconded by S. Ampadi

That Council adopt the consent agenda.
CARRIED

3 Declaration of Conflict of Interest
None declared.

4 Council Role & Responsibilities in a Changing Environment
Rebecca Durcan of Steinecke Maciura LeBlanc described the environment facing regulators and their challenges in light of changing attitudes and priorities, including the history leading to the *Ontario Protecting Patients Act, 2017.* Heightened scrutiny and greater expectations continue to form the backdrop against which regulatory colleges must operate. The importance of asking all questions against existing legislation and objects was emphasized, as was the duty of all Council members, both public and professional, to protect the public in a way that is defensible and grounded in legislation. Here are the main points regarding Council's role:

a. To ensure compliance, competence and ethical practice
b. To ensure that projects undertaken relate to CHO's statutory objects, and to the principles of TOIF
c. That Council must not undertake work which is the role of the Registrar and staff
d. To ensure that College activities are being addressed proportionately relative to resources and priorities
e. That the College educates the public about quality of education, training and competency of the profession
f. Ensures accountability for initiatives and their impact on Government, other Colleges, media and stakeholders
g. Council members have all information reasonably required and are prepared to make a decision
h. Council members must respect the majority decision and speak with one voice and respect confidentiality
i. It is important to recognize and declare conflict of interest and identify unconscious bias

[Secretary's Note: Over the course of several iterations of the agenda, the numbering was changed, leading to a final agenda that does not include an item #5. Because documents were numbered based on an earlier version, the agenda was not renumbered and the document numbers therefore match the item numbers on the agenda.]

6 Election of Executive Committee

Motion # 3: To appoint scrutineers
Moved by A. Cardozo, seconded by A. Berger

That Council appoint as scrutineers Kathryn Harvey and Heidi Mayer and as observer Myrna Tulandi.
CARRIED (M. Tulandi abstaining)

Motion # 4: To appoint the Registrar as Council chair for the duration of agenda item # 6, Elections
Moved by A. Cardozo, seconded by S. Nayyar

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That Council appoint the Registrar as Council chair for the duration of agenda item # 6.
CARRIED

Election of President

One nomination had been submitted for the position of President:
Bhupinder Sharma

The candidate accepted his nomination and thanked Council.

Bhupinder Sharma was elected President by acclamation.

Election of Vice-President

Two nominations had been submitted for the position of Vice-President:
Eden Gajraj
Bhupinder Sharma [withdrawn as he was acclaimed President]

Eden Gajraj accepted his nomination, addressed Council and was acclaimed Vice-President.

Election of Other Executive Members - Professional

Four nominations had been submitted for the remaining two professional Executive positions:
Sajeev Ampadi
Anna Cardozo
Sanjeev Nayyar
Bhupinder Sharma [withdrawn as he was acclaimed President]

Each of the three remaining candidates accepted his or her nomination and spoke to Council.

Anna Cardozo and Sajeev Ampadi were elected to the Executive Committee.

Election of Other Executive Members - Public

Three nominations had been submitted for the remaining public Executive position:
Eden Gajraj [withdrawn as he was acclaimed Vice-President]
Mark Heller [did not accept nomination]
Gary Kapelus

Gary Kapelus was acclaimed to the Executive Committee and addressed Council.

Executive Committee as of June 20, 2018:

President: Bhupinder Sharma
Vice-president: Eden Gajraj
Member (professional): Anna Cardozo
Member (professional): Sajeev Ampadi
Member (public): Gary Kapelus

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Motion # 5: To close the election
Moved by K. Flood, seconded by E. Gajraj

That Council deem the 2018 election of Executive Committee members closed.
CARRIED

Motion # 6: To destroy the ballots
Moved by M. Heller, seconded by A. Cardozo

That the ballots cast in the 2018 election of Executive Committee members be destroyed.
CARRIED

7 Approval of Minutes

7.1 Approval of Minutes, February 7, 2018
(Appendix 7.1 Minutes, Council Meeting, February 7, 2018)

The minutes were reviewed.

Motion # 7: To approve the minutes of February 7, 2018
Moved by M. Heller, seconded by A. Cardozo

That Council adopt the minutes of the February 7, 2018 meeting as presented.
CARRIED (K. Flood, P. Joseph, M. Tulandi and S. Ampadi abstaining)

Secretary's note:
As permitted by the Regulated Health Professions Act, 1991*, Schedule 2, section 7.2 there are times when it is appropriate for Council to discuss matters* in camera*. These include matters of public security; financial or personal or other matters of such a nature that it is desirable to avoid public disclosure; information related to a person involved in a criminal proceeding or civil suit; personnel matters or property acquisition; or instructions to be given to or opinions received from legal counsel. A meeting or any portion of a meeting held* in camera *is not open to the public.*

Motion # 8: To move *in camera*
Moved by E. Gajraj, seconded by M. Tuland

That Council move *in camera* at 12:10 p.m.
CARRIED

9 Registration

9.1 Report on Renewal and New Members
(Appendix 9.1 Registration Statistics Update)

Staff described the current registration numbers and the status of incomplete and pre-applications, demonstrating year-over-year increases since 2016. Reasons for resignation were varied and included such things as relocation, retirement and recognition that the level of business did not justify payment of fees. Follow-up led to payment by some of those who had been administratively suspended. Installment agreements were set up for 42 registrants. The Registrar noted that the audit by the Office of the Fairness Commissioner looked at all sub-categories of registrants and potential registrants in detail.

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9.2 Report to Fairness Commissioner
(Appendix 9.2 OFC Assessment)

Staff presented an overview of the OFC's audit of registration processes. Overall, the OFC report suggests that the CHO has much to be proud of and many commendable practices. Areas to address include ensuring that training at all levels is adequate or better to ensure fair and consistent application of well-founded policies. The next assessment cycle is approximately 2.5 years from now, and an action plan will be created to implement recommendations in the meantime.

10 Phase II Report

10.1 Update
(*Appendix 10.1: Phase II - More than Just a Matter of Choice: How integrating homeopathy will increase efficiency, improve outcomes, reduce costs, and respect patient preferences in Ontario's health-care system)*

Staff described the process by which the report had been expanded and refined, noting that an earlier version had been distributed to registrants prior to renewal. The updated version, along with a targeted cover letter, will be forwarded to the Ministry of Health once a new Minister has been named.

10.2 Next Steps: Process for updating a vision, mission and developing a strategic plan

The planning process will be discussed at committee level and a plan and budget would be developed.

11 Regulatory

11.1 Informal Investigation of Complaints
The Registrar described the complaints framework, including the means by which an issue becomes a complaint. A significant proportion of concerns raised by the public have centered on inappropriate use of titles. Compliance efforts have been ongoing and will be stepped up in the coming months.

11.2 Spousal Treatment Regulation
(Appendix 11.2 Treating Spouse Draft Regulation Report)

Staff described the history and intent of this issue, offering a number of options as to how Council might proceed.

> Motion # 12: To approve a proposed spousal exception regulation for submission to the Ministry of Health and Long-Term Care
> Moved by A. Cardozo, seconded by S. Ampadi
>
> BE IT RESOLVED THAT Council, pursuant to the provisions of 95(1)(0.a) of the Health Professions Procedural Code of the Regulated Health Professions Act, 1991, as amended, (the Code), approves for submission to the Ministry of Health and Long-Term Care:
>
> Proposed Spousal Exception Regulation
> "Conduct, behaviours or remarks that would otherwise constitute sexual abuse of a patient by a member under the definition of "sexual abuse" in subsection 1(3) of the Health Professional Procedural Code of the *Regulated Health Professions Act, 1991*, shall not constitute sexual abuse, if
>
> a) The patient is the member's spouse; and
> b) The member is not engaged in the practice of the profession at the time the conduct, behaviour or remarks occur."
>
> *CARRIED*

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M. Tulandi	in favour
K. Flood	in favour
A. Cardozo	in favour
P. Joseph	in favour
A. Berger	in favour
E. Gajraj	in favour
S. Ampadi	in favour
S. Nayyar	in favour
G. Kapelus	in favour
B. Sharma	in favour
M. Heller	opposed

11.3 Committee Appointments

(Appendix 11.3 Report Form: Committee Appointments)

Motion # 13: To approve a proposed change to committee appointments.
Moved by E. Gajraj, seconded by M. Tulandi

Be it resolved that Council approve the 2018-2019 slate of committee appointments as presented.
CARRIED

12 Communications

12.1 Public/Patient Engagement and Insurance Project

The Registrar reported on a project aimed at educating insurance and benefits providers about homeopathy in the hope of improving patient access to qualified professionals. A parallel project to educate health reporters and other media is also underway.

13 Governance Report – Work Plan

(Appendix 13.1 Governance Report Work Plan)
(Appendix 13.2 Governance Draft Work Plan 2018)

Staff outlined the 2018 work plan developed by the Governance Panel.

Motion # 14: To approve the Governance Panel's 2018 work plan.
Moved by E. Gajraj, seconded by A. Berger

Be it resolved that Council accept the 2018 governance work plan as presented.
CARRIED

14 President's Report

The President reported that, in addition to chairing meetings of the Registration Committee and Executive, he had met regularly with the Registrar and had attended consultations with Health Canada and the associations.

15 Registrar's Report

The Registrar observed that most items had been dealt with in previous agenda items. College activities over the next year will be multifaceted and part of a cohesive plan.

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16 Council Meeting Dates 2018-19

Council members determined that Wednesday or Thursday of the fourth week of September, November and February would be the best options for future meetings. Staff will survey to firm up dates and notify Council accordingly.

17 Other Business

None.

18 HBS Meeting and Preparation Time

One full day preparation, one full day meeting
Start time: 10:02 a.m.
End time: 4:10 p.m.

19 Adjournment

Motion # 15: To adjourn
Moved by K. Flood, seconded by A. Cardozo

That Council adjourn at 4:10 p.m.
CARRIED

The Chair agrees these minutes are an accurate reflection of the meeting.

Bhupinder Sharma, Chair Date

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COLLEGE OF KINESIOLOGISTS OF ONTARIO

2015-2018 Strategic Plan

In 2015, Council and staff engaged in a strategic planning exercise to identify the College's priorities for the next three years.

To identify these priorities, the College sought feedback from kinesiologists, professional associations, other health profession regulators, key decision makers in the Ontario government, and leaders within Ontario's healthcare system. A strengths, weaknesses, threats and opportunities (SWOT) analysis was also conducted.

The result of extensive analysis and discussion was the development of a strategic plan to guide the College's work from 2015 to 2018. The plan lists three goals that will help the College continue to meet its mandate of regulating kinesiologists in the public interest.

Goal One:

The value of the regulation of kinesiologists is demonstrated and recognized through public accountability.

This goal speaks to initiatives which:

- help the public understand how the regulation of kinesiologists adds value.
- enhance the accountability of kinesiologists and in turn, the College's accountability.

Goal Two:

Members are supported by the College in maintaining and enhancing professional competence to improve the health of Ontarians.

This goal focuses on the College's provision of practice support to kinesiologists. Support is provided through:

- encouraging further enrichment of university undergraduate programs.
- understanding and addressing kinesiologists' professional development needs.
- ensuring that practice standards and guidelines are comprehensive, timely and meaningful.

Goal Three:

The College is responsive to the public's need for information about its members, its policies and its practices.

This goal addresses public confidence in the College as a regulator that puts the interests of the public ahead of the interests of members.

This goal requires the College to:

- understand the public's need for information.
- respond with openness regarding its policies, decision-making processes and information about kinesiologists that would be relevant to the public when making choices about their health care.

COLLEGE OF HOMEOPATHS OF ONTARIO
REPORT FORM

MEETING/DATE:	COUNCIL, SEPTEMBER 26, 2018	DECISION	X
		DISCUSSION	□
		INFORMATION	□
DATE:	SEPTEMBER 21, 2018		
ITEM NAME:	Bylaw re: Past-President		
PRESENTED BY:	B ZIV / E GAJRAJ		

OBJECTIVE OF THIS REPORT (relevance to the business of the Panel, potential impact/outcome of decision):

1. To submit a recommendation from the Governance Panel on the structure to set up the position of Past President.

STRATEGIC DIRECTIONS: This initiative fits with the strategic direction of the College, which is a reflection of the fundamental components of our mandate. In the public interest the CHO will:

X Infrastructure
Establish an infrastructure that allows for the efficient and effective regulation of the profession of homeopathy in Ontario.

□ Protection of Public
Protect, promote and advance homeopathy through the development of bylaws, regulations, standards, guidelines, etc.

□ Membership
The College can only be truly effective if it has the support of the profession; something that requires consultation and communication. This priority addresses the need for the development of content, information and education to be provided to members.

X Transparency
Decisions must abide by the transparency principles adopted by the College in November 2014.

GUIDING LEGISLATION:
CHO Bylaws
RHPA, the Code section 94.

LINK TO CURRENT/FUTURE OPERATIONAL STRUCTURE:
There is currently no provision for a past president position.

BACKGROUND (history/pertinent info/stakeholder groups consulted/government directives/research findings/best practices. When conducting research provide full references including web links, document title, author, source, page number).:

A proposal to add a past president position was first raised in 2015. At the time, the Council, who was comprised of the members of the transitional Council of the College of Homeopaths of Ontario, made the following decision:

> From the Council Minutes, August 10, 2015:
> 10.2 Proposed Bylaw Revision: Past President
> Motion #10: To table this item
> Moved by Jim Dunsdon, seconded by Wangari Muriuki
>
> That Council table discussion of proposed bylaw revisions related to the position of Past President.
> *CARRIED*

At the time of the decision the Council felt it was more appropriate for the newly elected Council of the College of Homeopaths to make a decision on this position.

Fast Forward to 2018

Over the course of two meetings the Governance Panel (chaired by Eden Gajraj) considered the feasibility of creating a Past President position to provide guidance and advice to the incoming/new president and continuity to the Executive Committee and Council.

The Panel considered the manner in which other regulatory college's manage this type of role and reviewed a report provided by Bhupinder Sharma, President (see page 5).

The Governance Panel also took into account these key considerations:

1. Continuity – knowledge and experience
2. Succession planning
3. Cost

At its' August 9, 2018 meeting the Governance Panel discussed the following points:

- Whether the position would include right to vote, whether the position would depend on re-election/re-appointment, and term.
- There was agreement to tie re-election/re-appointment to Council with the Past-President's ability to vote.

The Governance Panel directed staff to consult with Legal Counsel, prepared amended bylaws for review, and return with a recommendation.

Following substantial discussion the following the Governance Panel agreed to the following proposed changes to the College's Bylaws:

1. INTERPRETATION

1.01 – Definitions [NEW]

"Past-President" means the immediate past President of the College, who shall be an ex-officio non-voting member of the Executive Committee.

5. OFFICERS – GENERAL

5.01 – Officers of the College

The officers of the College shall be the President, Vice-President, Past-President, Treasurer and such other officers as Council may determine from time-to-time.

5.02 – Term of Office

The term of office for each officer of the College, except the Past-President, shall commence immediately following their election as an officer and shall continue until the next election for officers, approximately one year later.

The term of office for the Past-President shall commence immediately following the end of his or her term as President and the election of a new President, and shall continue until the end of the term of the President then in office.

6. ELECTION OF OFFICERS

6.01 – Eligibility for Nomination

Only a member of Council is eligible for nomination or election as an officer of the College, except the Past-President who need not be a member of Council.

6.02 - Election Procedure

At the first regular Council meeting after the elections for Council Members, Council shall elect by secret ballot from among those members of Council eligible for election, the President, Vice-President, Treasurer and, with the exception of the Past-President, any other officer positions, in accordance with this by-law and the "Process for Election of Officers" set out in Schedule 1.

6.05 – Filling Vacancies (Past-President) [NEW]

In the event that the Past-President is removed from office, resigns or dies or the position of Past-President becomes vacant for any reason, the position will remain vacant for the remainder of the term.

7. DUTIES OF OFFICERS

7.03 – Duties of the Past-President [NEW]
The Past-President shall:

(i) serve in an ex-officio capacity on the Executive Committee without the right to vote; and
(ii) perform all duties and responsibility as may be decided by Council.

13. SPECIFIC COMPOSITION AND SELECTION OF COMMITTEES

13.01 – Executive Committee

(1) The Executive Committee shall be composed in accordance with the following principles:

(i) the Executive Committee shall consist of the President, the Vice-President, Past-President, Treasurer and two (2) members of Council;

(ii) three (3) members of the Executive Committee shall be Registrants and

(iii) three (3) members of the Executive Committee shall be Public Members.

The Governance Panel, following substantial discussion, concluded that the position of Past President in an advisory role had merit and value for the College and that the position would serve in an ex-officio capacity on the Executive Committee without the right to vote, but would have voting rights on Council if he or she continued to be an elected or publically appointed Council member. The current wording of the proposed Bylaws allows the Past President to continue on Council until the end of his or her term even if he or she is no longer elected to Council.

At its September 21, 2018 meeting the Executive Committee the following motion was passed:

> Motion: Be it resolved that the Executive Committee supports the recommendation of Governance Panel for the addition of the position of Past President to the Executive Committee and commends the matter to Council for approval.
> Moved by: E Gajraj
> Seconded by: G Kapelus
> *CARRIED*

KEY CONSIDERATIONS

1. Continuity – knowledge and experience
2. Succession planning
3. Cost

RESOURCE IMPLICATIONS:

1. Per Diem, meeting and travel costs

DEADLINES AND NEXT STEPS:

1. Forward to Council for consideration at the September 26 meeting.

OPTIONS:

1. Approve recommendation as presented.
2. Approve recommendation with amendment.
3. Send back to the Governance Panel with direction for re-consideration.
4. Reject the recommendation.

RECOMMENDATIONS:

1. Approve recommendation as presented.

RESOLUTION:

BE IT RESOLVED THAT Council support the recommendation of Governance Panel for the addition of the position of Past President.

ALSO INCLUDED WITH THIS REPORT:

1. Report provided to Governance Panel on August 5, 2018 from Bhupinder Sharma
2. Resources related to past president involvement/duties from other RHPA Colleges

From: Bhupinder Sharma [mailto:bhupindersharma.ontario@gmail.com]
Sent: August-05-18 1:39 PM
To: Eden Gajraj; Basil Ziv; Gary Kapelus; Anna Cardozo; Anna Berger
Subject: Re: Governance Panel meeting, Thursday, August 9

Hi Eden, Basil et el,

You are aware that the matter of proposed By Law revision for establishing a position of Past President was tabled in the Transitional Council's last meeting held in 2015, for the new council to decide which is still pending since then. I am copying a briefing note which was discussed there, as it gives more light into the discussion of Agenda item No. 5.3 of the Governance Panel meeting on August 9, 2018 for consideration.Have a great long week end. Thanks, Bhupinder.

BRIEFING NOTE(AMENDMENT TO BY LAWS)

This Policy is intended to provide guidance and direction with regards to the establishment of a Past Chair position, as permitted through section of the By Laws(to be amended). Should the Council Members deem it appropriate to appoint a Past President , it will be done so upon a motion by the Council members.

Role Statement : The Past President will serve an important role to provide continuity, consistency, mentorship and advice to the incoming President. Upon the request of the Council President , the Past President r may be asked to contribute to discussions and deliberations of the Council .

The Past President is a non-voting, Council Officer's role, not a member of the Council.

Responsibilities, Duties and Expectations

The Past President will be required to execute the Past President's Declaration upon appointment and abide by all of the policies and by-laws of the Council.

- be required to sign a Confidentiality Agreement be permitted to attend and speak at the Council meetings but does not count as quorum.
- be permitted to attend in Cameral Meetings at the invitation of the President
- be provided with Council Meeting materials in advance of each meeting
- be permitted t attend any Committee meetings of the Council at the request of the Committee Chair or Council President.

Accountability: The Past President will act honestly, in good faith and in the best interests of the Council in exercising his or her function and discharging his or her duties as an Officer of the Council. The Past President is not permitted to speak on behalf of the Organisation. The Council President and Registrar are the designated spokespeople for the Council .

Contribution to the Council : The Past President is expected to support the incoming President and act as a mentor and advisor for the Board.

Time Commitment: The Past President should meet the minimum attendance requirement for the Council Meetings

Quorum : The Past President is not included in establishing quorum for any meetings of the Council .

Expense Reimbursement: The Past President will be reimbursed for reasonable expenses to participation at Board meetings in the same manner as Board Members as per the Council's Reimbursement of Professional Members.

Education: The Past President will been entitled to attend conferences and workshops, Conferences upon approval of Council President

Duration of appointment of Past President: one year from the date of appointment.

Declaration form: I hereby agree to comply with the duties and expectations as stated in the appended document.

(a)Accountability; (b) contribution to the Board; (c) Time and commitment.

Findings from Other RHPA Colleges related to the Role of Past President

In a comprehensive survey of RHPA colleges (not including the College of Registered Psychotherapists of Ontario), five colleges have a role for past president. They include:

College of Denturists
College of Midwives
College of Pharmacists and Pharmacy Technicians
College of Physicians and Surgeons
College of Respiratory Therapists

Specific Bylaws from Other RHPA Colleges

College of Denturists of Ontario

23.02 Non-Statutory Committees
In addition to the statutory Committees required by the Code, the Council may establish and maintain any additional Committee or working groups deemed necessary for the efficient functioning of the College including an Elections Committee and a Nominating Committee. Unless Council directs otherwise, the Nominating Committee will consist of the Past President, the Vice President and a Public Member.

College of Midwives of Ontario

6.05 – Role of Past President Where the Council determines that the immediate Past-President of Council may serve as a member of the Executive Committee, in addition to the five (5) elected members, the immediate Past-President may serve for up to one year as an ex-officio member of the Executive Committee and shall not be entitled to vote.

6.03 – Election of Executive Committee
The members of Council shall elect five (5) members to the Executive Committee from amongst their number in the month of September each year (Schedule 1)

6.04 – Composition of Executive Committee
The Executive Committee shall be composed of three (3) members of the Council who are Members and two (2) members of the Council appointed by the Lieutenant Governor in Council.

College of Pharmacists and Pharmacy Technicians of Ontario

8.1 Composition of the Executive Committee. The Executive Committee shall be composed of:
8.1.1 the President and the Vice-President;
8.1.2 the immediate past President if he or she is a current member of the Council; and
8.1.3 the minimum number of additional members of the Council as will ensure that the Committee consists of four members of the Council who are Members and three members of the Council who are appointed by the Lieutenant Governor in Council.

College of Physicians and Surgeons of Ontario

28. (2) The council shall at each annual general meeting, (b) appoint a member of the College who is a councillor to serve on the executive committee ("Executive Member Representative"). If there is more than one nominee, the council shall determine such member by first having an election of nominees for this position, which election shall be in accordance with the procedure set out in subsection 3.1.

Committee Composition

34. (1) Unless otherwise required by law or this by-law,
(a) the council shall appoint the members of each committee and a chair of each committee;
(b) each committee shall be composed of such members of the College and others as the council may appoint; and
(2) [*repealed: June 26, 2008]*
(3) The council and the executive committee may establish special committees, and may appoint the members to, and establish the powers and duties of, any such special committee.

Appointment of Members to Committees

35. (1) The council may appoint a member of the College to a committee only if, on the date of the appointment,
(a) the member practises medicine in Ontario or resides in Ontario;
(b) the member is not in default of payment of any prescribed fees;
(c) the member is not the subject of any disciplinary or incapacity proceeding;
(d) the member's certificate of registration has not been revoked or suspended in the six years preceding the date of the appointment; and
(e) the member's certificate of registration is not subject to a term, condition or limitation other than one prescribed by a regulation.
(2) The council may appoint a person who is not a member of the College or a councillor to a committee.

Executive Committee

39. (1) The executive committee shall be composed of,
(a) the president and the vice-president;
(b) the past president and one member of the college who is a councillor or, if the past president is unwilling or unable to serve on the executive committee, two members of the College one or both of whom are councillors; and
(c) one or two councillors appointed to the council by the Lieutenant Governor in Council.
Committee appointments are for one years.

Council Award Selection Committee

41a. (1) The Council Award Selection Committee shall be composed of,
(a) the president and the three most immediate past presidents except for any of the three most immediate past presidents who are unable or unwilling to be on the committee; and
(b) a member of the Council who was appointed to the Council by the Lieutenant Governor in Council appointed by the Executive Committee.
(2) The past president shall be the chair of the Council Award Selection Committee if he or she is a member of the committee.
(3) The Council Award Selection Committee shall select the person or people to whom to award the Council Awards.

Governance Committee

44. (1) The governance committee shall be composed of,
(a) the president, the vice-president and a past president;
(b) one councillor who is a member of the College and who is not a member of the executive committee; and
(c) two persons appointed to the Council by the Lieutenant Governor in Council who are not members of the Executive Committee.
(2) A past president shall chair the governance committee.
(3) The Governance Committee shall,
(a) monitor the governance process adopted by the Council and report annually to the Council on the extent to which the governance process is being followed;
(b) consider and, if considered advisable, recommend to the Council changes to the governance process;
(c) ensure nominations for the office of president and vice-president;
(d) make recommendations to the Council regarding the members and chairs of committees; and
(e) make recommendations to the Council regarding any other officers, officials or other people acting on behalf of the College.

College of Respiratory Therapists of Ontario

20.02 The President and Vice-President of the Council shall be included in the membership of the Executive Committee.
a) The President of the Council shall be the Chair of the Executive Committee.
b) the Vice-President of the Council shall be the Vice-Chair of the Executive Committee.
c) If the immediate Past President is still a Council member, but he or she is not elected to the executive Committee, he or she shall be an ex-officio member of the Executive Committee without the right to vote or be counted for a quorum.

Regulated Health Professions Act, 1991
S.O. 1991, CHAPTER 18
Consolidation Period: From May 1, 2018 to the e-Laws currency date.
Last amendment: 2017, c. 25, Sched. 9, s. 115.

By-laws

94 (1) The Council may make by-laws relating to the administrative and internal affairs of the College and, without limiting the generality of the foregoing, the Council may make by-laws,

(a) adopting a seal for the College;

(b) providing for the execution of documents by the College;

(c) respecting banking and finance;

(d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;

(d.1) respecting the election of Council members, including the requirements for members to be able to vote, electoral districts and election recounts;

(d.2) respecting the qualification and terms of office of Council members who are elected;

(d.3) prescribing conditions disqualifying elected members from sitting on the Council and governing the removal of disqualified Council members;

(e) providing procedures for the election of the President and Vice-President of the College, the selection of the chairs of the committees, the filling of a vacancy in those offices, and setting out the duties and powers of the President, Vice-President and the chairs;

(f) respecting the calling, holding and conducting of the Council meetings and respecting the duties of the Council's members;

(g) respecting the calling, holding and conducting of meetings of the members;

(g.1) providing that a meeting of the Council or of members or a meeting of a committee or of a panel that is held for any purpose other than for the conducting of a hearing may be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously;

(g.2) prescribing what constitutes a conflict of interest for members of the Council or a committee and regulating or prohibiting the carrying out of the duties of those members in cases in which there is a conflict of interest;

(h) providing for the remuneration of the members of the Council and committees other than persons appointed by the Lieutenant Governor in Council and for the payment of the expenses of the Council and committees in the conduct of their business;

(h.1) respecting the filling of vacancies on the Council or on committees;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.1) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 30 (1))

(h.1) subject to the regulations made under clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*,

(i) respecting the filling of vacancies on the Council or on committees,

(ii) providing for the composition of committees,

(iii) respecting the qualification, selection, appointment and terms of office of members of committees required by subsection 10 (1) who are not members of the Council,

(iv) prescribing conditions that disqualify committee members from sitting on committees required under subsection 10 (1) and governing the removal of disqualified committee members;

(h.2) providing for the composition of committees;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.2) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))

(h.3) respecting the qualification, selection, appointment and terms of office of members of committees required by subsection 10 (1) who are not members of the Council;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.3) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))

(h.4) prescribing conditions disqualifying committee members from sitting on committees required under subsection 10 (1) and governing the removal of disqualified committee members;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.4) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))

(i) providing for the appointment, powers and duties of committees other than the committees required by subsection 10 (1);

(j) delegating to the Executive Committee powers and duties of the Council, other than the power to make, amend or revoke regulations and by-laws;

(k) providing for a code of ethics for the members;

(l) providing for the appointment of inspectors for the purposes of regulations made under clause 95 (1) (h);

(l.1) respecting the maintenance of the register kept by the Registrar and providing for the issuing of certificates when information contained in the register is made available to the public under section 23;

(l.2) specifying information as information to be kept in the register for the purposes of paragraph 20 of subsection 23 (2), designating information kept in the register as public for the purposes of subsection 23 (5), and designating information kept in the register as public for the purposes of subsection 23 (5) that may be withheld from the public for the purposes of subsection 23 (6);

(l.3) requiring members to give the College their home addresses and such other information as may be specified in the by-law about themselves and the places they practise the profession, the services they provide there, their participation in continuing education programs and the names, business addresses, telephone numbers and facsimile numbers of their associates, partners, employers and employees and prescribing the form and manner in which the information shall be given;

(l.4) respecting the duties and office of the Registrar;

(m) providing procedures for the making, amending and revoking of by-laws;

(n) prescribing forms and providing for their use;

(o) respecting the management of the property of the College;

(p) authorizing the College to make arrangements for the indemnity of members against professional liability and providing levies to be paid by members;

(q) respecting membership of the College in a national organization of bodies with similar functions, the payment of annual assessments and representation at meetings;

(r) authorizing the making of grants to advance scientific knowledge or the education of persons wishing to practise the profession, to maintain or improve the standards of practice of the profession or to provide public information about, and encourage interest in, the past and present role of the profession in society;

(s) requiring members to pay annual fees, fees upon application for a certificate and upon registration and fees for examinations, appeals from examinations, election recounts and continuing education programs and for anything the Registrar or a committee of the College is required or authorized to do and requiring members to pay penalties for the late payment of any fee;

(t) specifying the amount of any fee or penalty required under clause (s);

(t.1) prescribing the form and manner in which a health profession corporation shall notify the Registrar of a change in the shareholders of the corporation and the time period for doing so;

(t.2) requiring the payment of fees upon application for a certificate of authorization and for the issue or renewal of a certificate of authorization and specifying the amount of such fees;

(u) requiring persons to pay fees, set by the Registrar or by by-law, for anything the Registrar is required or authorized to do;

(v) requiring members to pay specified amounts to pay for the program required under section 85.7, including amounts that are different for different members or classes of members and including amounts,

(i) that are specified in the by-law,

(ii) that are calculated according to a method set out in the by-law, or

(iii) that are determined by a person specified in the by-law;

(w) requiring members to participate in an arrangement set up by the College in which members pay a person such amounts as may be determined by the person for the members or for classes of members and the person pays amounts to the College to pay for the program required under section 85.7;

(x) authorizing the Patient Relations Committee to require therapists and counsellors who are providing therapy or counselling that is funded through the program required under section 85.7 and persons

who are receiving such therapy or counselling, to provide a written statement, signed in each case by the therapist or counsellor and by the person, containing details of the therapist's or counsellor's training and experience, and confirming that therapy or counselling is being provided and that the funds received are being devoted only to that purpose;

(y) requiring members to have professional liability insurance that satisfies the requirements specified in the by-laws or to belong to a specified association that provides protection against professional liability and requiring members to give proof of the insurance or membership to the Registrar in the manner set out in the by-laws;

(z) respecting the designation of life or honourary members of the College and prescribing their rights and privileges;

(z.1) exempting any member or class of member from a by-law made under this section;

(z.2) specifying or setting out anything that is required to be specified or set out under this subsection. 1991, c. 18, Sched. 2, s. 94 (1); 1998, c. 18, Sched. G, s. 22 (1-4); 2000, c. 42, Sched., s. 40; 2007, c. 10, Sched. M, s. 73 (1, 2); 2017, c. 11, Sched. 5, s. 30 (2).

Circulation of certain by-laws

(2) A by-law shall not be made under clause (1) (l.2), (l.3), (s), (t), (v), (w) or (y) unless the proposed by-law is circulated to every member at least 60 days before it is approved by the Council. 1998, c. 18, Sched. G, s. 22 (5).

Exception

(2.1) Despite subsection (2), the Council may, with the approval of the Minister, exempt a by-law from the requirement that it be circulated or abridge the 60-day period referred to in subsection (2) to such lesser period as the Minister may determine. 1998, c. 18, Sched. G, s. 22 (5).

Copies of by-laws, etc.

(3) A copy of the by-laws and standards of practice made by the Council, and any documents that are referred to in the by-laws and regulations made by the Council shall be given to the Minister and to each member and shall be made available to the public during normal business hours in the office of the College. 2007, c. 10, Sched. M, s. 73 (3).

Public copies

(3.1) Any person is entitled to a copy of any by-law, standard of practice or other document mentioned in subsection (3) on the payment of a reasonable fee, if required, to the Registrar. 2007, c. 10, Sched. M, s. 73 (3).

Unanimous by-laws, etc.

(4) A by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council called, constituted and held for the purpose. 1991, c. 18, Sched. 2, s. 94 (4).

Application

(5) Subsections (3) and (4) apply to by-laws made under this section or under a health profession Act. 1998, c. 18, Sched. G, s. 22 (6).

COLLEGE OF HOMEOPATHS OF ONTARIO
REPORT FORM

MEETING/DATE:	COUNCIL, SEPTEMBER 26, 2018	DECISION	X
		DISCUSSION	□
		INFORMATION	□
DATE:	SEPTEMBER 21, 2018		
ITEM NAME:	Appointment of Treasurer		
PRESENTED BY:	B ZIV / E GAJRAJ		

OBJECTIVE OF THIS REPORT (relevance to the business of Council, potential impact/outcome of decision):

1. To submit a recommendation from the Governance Panel on the appointment of a Treasurer to the Executive Committee.

STRATEGIC DIRECTIONS: This initiative fits with the strategic direction of the College, which is a reflection of the fundamental components of our mandate. In the public interest the CHO will:

X Infrastructure
Establish an infrastructure that allows for the efficient and effective regulation of the profession of homeopathy in Ontario.

□ Protection of Public
Protect, promote and advance homeopathy through the development of bylaws, regulations, standards, guidelines, etc.

□ Membership
The College can only be truly effective if it has the support of the profession; something that requires consultation and communication. This priority addresses the need for the development of content, information and education to be provided to members.

X Transparency
Decisions must abide by the transparency principles adopted by the College in November 2014.

GUIDING LEGISLATION:
CHO Bylaws

LINK TO CURRENT/FUTURE OPERATIONAL STRUCTURE:
Currently financial management, oversight and financial policy development is managed by the Registrar and the Executive Committee.

BACKGROUND (history/pertinent info/stakeholder groups consulted/government directives/research findings/best practices. When conducting research provide full references including web links, document title, author, source, page number).:

From the May 8, 2018 Executive Committee Minutes:

Motion # 4:

To direct the Governance Panel to explore establishing a finance committee and/or appointing a treasurer
Moved by A. Cardozo, seconded by M. Heller
That the Executive Committee direct the Governance Panel to explore establishing a finance committee and/or appointing a treasurer.
CARRIED

Over the course of two meetings the Governance Panel (chaired by Eden Gajraj) considered the feasibility of creating a Finance Panel responsible for finance oversight of the College or the appointment of a Treasurer.

The Panel considered the manner in which other regulatory college's manage this type of role and also completed the exercise of looking at the Initialing a New Group form.

At its' August 9, 2018 meeting the Governance Panel discussed the following points:

- The need to have a framework to identify how financial decisions are made
- Auditors conduct annual systems audit as well as financial audit and have identified no deficiencies
- The College has many existing policies, there is a need to determine and fill gaps
- Need to consider whether appointment of a financial panel would be permanent or designed to address specific issues, namely determining and addressing gaps in policy
- Could appoint a temporary panel to conduct an assessment of existing policy against checklist

The Panel also took into account these key considerations:

1. Compliance with best financial practices and fiduciary duty
2. Ensuring prudent financial policies and management
3. Cost (dollar and human resources)

The Governance Panel concluded that the preferred approach is to institute the position of Treasurer within the Executive Committee. The panel deemed there is no requirement at this time for a finance panel, as that would incur costs (dollars and human resources), however, the desired outcome could be effectively managed by the Treasurer within the Executive Committee.

Three action items where identified from the August 9, 2018 Governance Panel meeting:

Action1: Refer to Executive Committee to direct an audit of financial policies against needs.
Action 2: Recommend to Executive Committee the appointment of a Treasurer, with consideration of appointing a public member to the position.
Action 3: Staff to develop terms of reference and identify bylaw implications

At its September 18, 2018 meeting the Governance Panel reviewed proposed changes to the College's bylaws and a draft job description for the position of Treasurer. At the conclusion of the meeting, the following motion was passed:

Motion:	That the Governance Panel recommends to Executive Committee the addition of the position of Treasurer to the Executive Committee.
Moved by:	A. Berger, seconded by G. Kapelus
CARRIED	

This proposal was supported by Executive Committee at its September 21, 2018 meeting:

Motion:	Be it resolved that the Executive Committee supports the recommendation of Governance Panel for the addition of the position of Treasurer to the Executive Committee and commends the matter to Council for approval.
Moved by:	G. Kapelus, seconded by A. Cardozo
CARRIED	

The Governance Panel proposes the following changes to the College's Bylaws in relation to the position of Treasurer:

5. OFFICERS – GENERAL

5.01 – Officers of the College

The officers of the College shall be the President, Vice-President, Past-President, Treasurer and such other officers as Council may determine from time-to-time.

6. ELECTION OF OFFICERS

6.02 - Election Procedure

At the first regular Council meeting after the elections for Council Members, Council shall elect by secret ballot from among those members of Council eligible for election, the President, Vice-President, Treasurer and, with the exception of the Past-President, any other officer positions, in accordance with this by-law and the "Process for Election of Officers" set out in Schedule 1.

6.06 – Filling Vacancies (Treasurer)

In the event that the Treasurer is removed from office, resigns or dies or the position of Treasurer becomes vacant for any reason, Council shall elect a new Treasurer to hold office for the remainder of the term.

7. DUTIES OF OFFICERS

7.04 – Duties of the Treasurer
The Treasurer shall:

(i) serve on the Executive Committee; and
(ii) perform all duties and responsibility as may be decided by Council.

13. SPECIFIC COMPOSITION AND SELECTION OF COMMITTEES
13.01 – Executive Committee

(1) The Executive Committee shall be composed in accordance with the following principles:
   (i) the Executive Committee shall consist of the President, the Vice-President, Past-President, Treasurer and ~~three~~ two (2~~3~~) members of Council;
   (ii) three (3) members of the Executive Committee shall be Registrants and
   (iii) ~~two~~ three (3~~2~~) members of the Executive Committee shall be Public Members.~~;~~

SCHEDULE 1 TO THE BYLAWS

Process for Election of Officers

The elections shall be supervised by the Registrar. The Registrar may be assisted by scrutineers.

Before the first regular meeting of the newly elected Council each year or any other Council meeting designated for the purpose by Council resolution, the Registrar shall send an invitation to all Council Members requesting any person wishing to stand for election to the offices of the President, Vice-President, Treasurer and Executive Committee member to indicate so, in writing, to the Registrar.

KEY CONSIDERATIONS:

1. Compliance with best financial practices and fiduciary duty
2. Ensuring of prudent financial policies and management
3. Cost (dollar and human resources)
4. Ease of implementation

RESOURCE IMPLICATIONS:

1. Cost (dollar and human resources)

DEADLINES AND NEXT STEPS:

1. Approval by Council September 27, 2018

OPTIONS:

1. Approve recommendation as presented.
2. Approve recommendation with amendment.
3. Send back to the Governance Panel with direction for re-consideration.
4. Reject the recommendation.

RECOMMENDATIONS:

1. Approve recommendation as presented.

RESOLUTION:

BE IT RESOLVED THAT Council support the recommendation of Governance Panel for the addition of the position of Treasurer to the Executive Committee.

ALSO INCLUDED WITH THIS REPORT:

1. Draft Treasurer Job Description
2. Suggested policy list
3. Resources related to finance/audit committee/panel structure/duties from other RHPA Colleges

PROPOSED DRAFT JOB DESCRIPTION
Treasurer (Council Position)

Reports to (Title): President / Council

Term of Office: Approximately One Year

Drafted/Created: September 11, 2018

Overview:

The Treasurer of the College has a watchdog role over all aspects of financial management. In conjunction with the Registrar, the Treasurer ensures fulfillment of the College's financial goals and the effective management of its financial affairs to ensure the organization's ongoing solvency. The Treasurer has an oversight responsibility to ensure compliance with the College's legal requirements, financial policies and Council's direction, and identifies requirements for new policies and processes in order to minimize financial risk. In addition, the Treasurer has oversight over financial planning and reporting, and provides financial knowledge and expertise to the Registrar, Executive Committee and Council.

Major Responsibilities:

According to Bylaw 7.04 the Treasurer shall:

- serve on the Executive Committee;
- perform those duties assigned to the Treasurer in the bylaws; and
- perform all duties and responsibilities pertaining to his or her office and such other duties and responsibilities as may be decided by Council.

The activities below expand upon the Bylaws.

Financial Oversight

- Gains a sufficient level of understanding of the College's finances, policy, bylaws, and is knowledgeable about the regulatory and statutory obligations of the College.
- Develops an appropriate working relationship with the Registrar and provides counsel and support on financial matters.
- Works with Executive Committee and Registrar to establish, monitor, and execute financial goals, policies.
- Ensures that appropriate accounting controls are in place and monitored on a regular basis.
- Works in cooperation with College management in the development of the committee's annual budget to allocate costs and expenses in a fiscally responsible manner.
- Is the spokesperson within the College and ensures that Council is informed and understands the rationale for financial decisions made in the fulfillment of its mandate.
- Responsible for reviewing the annual budget to support the College's objects, short term needs, strategic directives and mission.
- Responsible for regularly monitoring actual revenues and expenses against the annual budget and reporting any concerns to Council including any financial implications on the College's strategic and operational plans.
- Keep the Executive Committee and Council apprised of key financial events, trends, and concerns, and his/her assessment of the organization's fiscal health.
- Answers questions to ensure Executive Committee and Council members have the appropriate information to understand the matters at hand and to make informed financial decisions.

Principle Interfaces

Internal: Registrar – on issues related to the financial health of the College
President – on issues related to the financial health of the College
Executive Committee members – at meetings
Members of Council – at meetings of Council

External: Auditor

Desirable Behavioural Competencies – Treasurer

Key behavioural competencies that is essential for successfully performing this role:

Continuous Learning – Involves taking actions to improve personal capability, and includes the ability to quickly understand and apply information, concepts, and strategies. Demonstrates an interest in continuous personal learning.

Creativity – Is generating new solutions, developing creative approaches and implementing new approaches that lead to improved performance. It requires the ability to anticipate and lead change that contributes to organizational success.

Effective Communication – Is being willing and able to see things from another person's perspective. Demonstrates the ability for accurate insight into other people's/group's behaviour and motivation, and responds appropriately. It is the ability to accurately listen, understand, and respond effectively with individuals and groups.

Leadership – Is the ability to take a role as leader of the Council or Committee. Creates strong morale and spirit in his/her team. Shares wins and successes. It includes demonstrating a positive attitude, energy, resilience, stamina and the courage to take risks. Integrity is recognized as a basic trait required.

Planning & Initiative – Recognizes and acts upon present opportunities or addresses problems. Displays effective use of time management skills. Is able to plan and organize workflow and meetings in an efficient manner to address the opportunity or problem.

Relationship Building – Is working to build or maintain ethical relationships or networks of contacts with people who are important in achieving College-related goals and the College mission.

Results Oriented – Makes specific changes in own work methods or systems to improve performance beyond agreed standards (i.e., does something faster, at lower cost, more efficiently; improves quality; stakeholder satisfaction; revenues; etc.).

Stakeholder Focused – Desires to help or serve others, meets the organization's goals and objectives. It means focusing one's efforts on building relationships, and discovering and meeting the stakeholders' needs. Partnerships between internal colleagues within the College are essential to meet external stakeholder's needs.

Strategic Thinking – Understands the implications of decisions and strives to improve organizational performance. It requires an awareness of organizational issues, policy, procedures, and outcomes as they impact key stakeholders and the organization's strategic direction.

Teamwork – Demonstrates cooperation within and beyond the College. Is actively involved and "rolls up sleeves". Supports group decisions, even when different from one's own stated point of view. Is a "good team player", does his/her share of work. Compromises and applies rules flexibly, and adapts tactics to situations or to others' response. Can accept set-backs and change own immediate behaviour or approach to suit the situation. Is candid about opinions and raises justified concerns.

BACKGROUND INFORMATION Considered by Governance Panel on August 9, 2018
Suggested Policy List (Provided by Mark Heller)

Governance
- Management
- Auditing
- Reporting
- Transparency [Currently policy GOV01]
- Conflict of Interest [Currently policy GOV07]
- Administrative Oversight
- Security Measures
- Fraud/Theft
- Acceptance of Gifts or Hospitality [Currently policy GOV07]
- Treatment of Volunteer Services or In-Kind Services

Accounting [Currently policy FIN07]
- Principles
- Schedule of Accounts
- Standard Reports (Balance Sheet, Income Statement, Cash Flow Report)
- Records Management [Currently policy OP-12]
- Handling of Errors / Adjustments

Accounts Payable / Receivable [Currently policy FIN07]
- Standard Payment Terms/Penalties
- Invoice Payment Procedures
- Revenue (Dues) Management Procedures

Banking [Currently policy FIN07]
- Who/When/How/Where
- Authorizations [Currently outlined in Bylaws]

Procurement [Currently policy FIN02AB and FIN05]
- Approval Levels
- Compliance Public Sector Spending Guidelines
- Use of Credit Cards, Purchase Orders [Currently policy FIN07]

Expenses
- Travel and hospitality [Currently use HBS/MOHLTC policy]
- Cell phone
- Mileage [Currently use HBS/MOHLTC policy]

Budgeting [Currently policy FIN07]
- Integration with Strat Planning Process
- Variance Reporting
- Revenue & Expense Forecasting

Asset Management [Currently policy FIN07]
- Listing
- Disposal
- Amortization Schedules

Compensation Administration & Payroll

- Compensation Scale Objectives
- Payroll Administration & Approval
- Increase (Annual, Merit etc.)
- Vacation Scale & Accrual
- Sick Day Scale and Accrual

Resources from Other RHPA Colleges
College of Physicians and Surgeons of Ontario
Finance and Audit Committee
Part 1. Business Practices
Banking
1. (1) The executive committee shall appoint a bank 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 with the bank.
Execution of Contracts and Other Documents
1a. Except as provided otherwise in section 4 of this By-Law, contracts, agreements, instructions and other documents shall be signed on behalf of the College by the registrar or deputy registrar.
Investment
2. (1) Funds of the College that are not immediately required may be invested by an investment dealer selected by, and acting in accordance with criteria or parameters given by, the finance and audit committee, only in,
(a) bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada,
(b) deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by a bank listed in schedule A to the *Bank Act* (Canada), or
(c) an investment-grade money market fund previously approved for the purpose by the finance and audit committee.

Expenses
4. (1) Goods may be purchased or leased, and services may be obtained, for the benefit of the College if the purchase, lease or obtaining of services is authorized by,
(a) a signing officer (as defined in subsection 4(7)) if the expenditure is authorized by the College budget;
(b) a signing officer if the resulting obligation does not exceed $25,000 and the expenditure is not authorized by the College budget;
(c) the registrar, deputy registrar or corporate services officer if the resulting obligation exceeds $25,000 but does not exceed $75,000 and the expenditure is not authorized by the College budget;
(d) one of the registrar, deputy registrar or corporate services officer and one of the president or vice-president, after conferring with the chair of the finance and audit committee, if the resulting obligation exceeds $75,000 and the expenditure is not authorized by the College budget; or
(e) the executive committee or the council, by resolution.

(2) Two signing officers one or both of whom did not authorize the purchase, lease or obtaining of services may sign,
(a) a cheque or other form of payment for goods purchased or leased, or services obtained, in accordance with subsection (1); and
(b) a document for or relating to the purchase, lease or obtaining of services authorized by the council or the executive committee by resolution.

(3) Without derogating from the authority under subsection (1) to obtain legal services, legal advice or representation may be obtained for the benefit of the College,
(a) if the resulting obligation is authorized by the College budget, by the administrative head of the College's legal office; or

(b) that is not authorized by the College budget, by the administrative head of the College's legal office with the concurrence of,

(i) one of the registrar or the deputy registrar; and

(ii) one of the president or the vice-president after conferral with the finance and audit committee.

(4) Two signing officers may sign a cheque for legal services obtained in accordance with subsection (3).
(5) Two signing officers may sign a salary cheque for an employee of the College or may authorize salary payment to an employee of the College by means of electronic transfer of funds to the employee's bank account.
(6) Despite section 4(2), an offer of employment or an agreement for employment with the College, which employment position is authorized by the College budget, may be signed by the director or associate director of the department in which the employee is to be working, the manager responsible for hiring the employee, the associate director of Human Resources, the registrar or the deputy registrar.
(7) For purposes of section 4, the term "signing officer" means any of the following: the registrar, the deputy registrar, the corporate services officer, the manager of finance and the corporate accountant.
(8) Despite sections 4(2) and 4(6), an agreement for employment of the registrar shall be signed on behalf of the College by one of the president or the vice-president.

Royal College of Dental Surgeons of Ontario

4.11 Finance, Property and Administration Committee
4.11.1 Composition The Finance, Property and Administration Committee shall be composed of the following members: a. the President; b. two (2) members of Council who are members of the College; and c. one (1) public member of Council.
4.11.2 Terms of reference The Finance, Property and Administration Committee shall study and make recommendations to Council or the Executive Committee on the following matters: a. the financial and property requirements of the College; b. the financial implications of proposed changes to the College's policies and programs; c. the annual budget of the College; d. the disbursement of the funds of the College; e. Council allowances, staff salaries and benefits; f. the management of the headquarters property; and g. such other matters as may be assigned by Council or the Executive Committee.
4.11.3 Report to Council The Finance, Property and Administration Committee shall report to Council at least once per year

(6) AUDIT
(7) The auditor shall report,
(a) in person to the finance and audit committee on the financial statements and related matters as soon as possible after the financial statements are prepared and as long as possible before the annual financial meeting, and
(b) to the annual financial meeting of the council on the financial statements which shall be submitted to each annual financial meeting and shall state in the report whether, in his or her opinion, the financial statements present fairly, in all material respects, the financial position of the College and the results of its operations for the period under audit in accordance with generally accepted accounting principles,

Finance and Audit Committee

43. (1) The finance and audit committee shall review and report to the council regarding the financial affairs and position of the College.
(2) In order to fulfil its duty under subsection (1), the finance and audit committee shall,
(a) meet with the auditor each year,

(i) before the audit to review the timing and extent of the audit and to bring to the attention of the auditor any matters to which it considers the auditor should pay attention; and

(ii) as shortly before the annual financial meeting as practical in order to review and discuss with the auditor the financial statements, the auditor's report and the management letter;

(b) review the draft budget before it is presented to the executive committee, and report to the executive committee and the council arising from its review of,

(i) the assumptions in the draft budget;

(ii) the steps taken to maximize efficiency and minimize cost in relation to the quality of goods and level of service; and

(iii) any other issue which the committee considers may affect the financial affairs and position of the College; and

(c) review from time to time,

(i) the expenditures of the College in relation to the budget;

(ii) the performance and administration of the College's pension plans;

(iii) the investment strategies and performance of the College's non-pension investments; and

(iv) the security of the College's assets generally.

(3) Except where the council or the executive committee directs otherwise by resolution, no significant expenditure shall be made that is not authorized by the budget without an opportunity for the finance and audit committee to consider the implications of the unbudgeted expenditure and provide to the executive committee a revised budget.

College of Dietitians of Ontario

23.3 AUDIT COMMITTEE (chaired by the President)

23.01 The Audit Committee shall be a standing committee of the College composed of the members of the Executive Committee and one other councillor who is not a member of the Executive Committee.

23.02 The Audit Committee shall

i) meet at least once a year with the College's auditors;

ii) review draft audit reports prepared by the College's auditors; and

iii) receive and oversee the implementation of recommendations made by the College's auditors.

College of Naturopaths of Ontario

Audit Committee

The Audit Committee is a non-statutory committee of the Council of the College of Naturopaths of Ontario and is established pursuant to section 12.02 of the by-laws the Committee Terms of Reference Governance Process policy (GP06).

The Audit Committee shall review and make recommendations to the transitional Council for approval with respect to:

the annual financial statements, having discussed them with the Auditors;

- the Auditor's Report on the annual financial statements, and related issues including accounting practices and financial controls;
- the appointment of the auditors and their fees;
- the reasonableness of estimates included in financial statements;
- the adequacy of disclosure of major transactions and issues;
- any areas of disagreement between management and the Auditors;
- the adequacy of the systems of internal control;
- the financial Executive Limitations policies to ensure compliance;
- such other matters that are within the scope of the Audit Committee in accordance with legislation.

College of Pharmacists of Ontario

8.18 Composition of the Finance and Audit Committee. The Finance and Audit Committee shall be composed of:
8.18.1 at least three (3) members of the Council who are Members; and
8.18.2 at least one (1) member of the Council appointed to the Council by the Lieutenant Governor in Council.

8.19 Duties of the Finance and Audit Committee. The Finance and Audit Committee shall:
8.19.1 review and recommend to the Council, through the Executive Committee, the annual operating and capital budget for the College;
8.19.2 maintain a rolling two (2) year operating budget;
8.19.3 review quarterly financial statements and report to Council, through the Executive Committee, significant deviations from budget;
8.19.4 meet with the auditor each year,
(a) before the audit to review the timing and extent of the audit and to bring to the attention of the auditor any matter of which it considers the auditor should be made aware; and
(b) as shortly after the completion of the audit as is practical, in order to review and discuss with the auditor the financial statements and the auditor's report;
8.19.5 review and report to the Council, through the Executive Committee, on the effectiveness of the external audit function and any matter which the external auditor wishes to bring to the attention of the College;
8.19.6 make recommendations to the Council, through the Executive Committee, on the appointment or reappointment of the external auditor;
8.19.7 make recommendations to the Council through the Executive Committee regarding the management of the College's assets and liabilities and additions or improvements to the real property owned or operated by the College; and
8.19.8 recommend to the Council, through the Executive Committee, changes to applicable statutes, regulations, By-Laws, policies and practices.

COLLEGE OF HOMEOPATHS OF ONTARIO
REPORT FORM

MEETING/DATE:	COUNCIL, SEPTEMBER 26, 2018	DECISION	X
		DISCUSSION	□
		INFORMATION	□
DATE:	SEPTEMBER 21, 2018		
ITEM NAME:	Proposed Bylaw Changes		
PRESENTED BY:	B ZIV / E GAJRAJ		

OBJECTIVE OF THIS REPORT (relevance to the business of Council, potential impact/outcome of decision):

1. To provide a recommendation from the Governance Panel on the proposed bylaw changes related to the addition of the positions Treasurer and Past President.

STRATEGIC DIRECTIONS: This initiative fits with the strategic direction of the College, which is a reflection of the fundamental components of our mandate. In the public interest the CHO will:

X Infrastructure
Establish an infrastructure that allows for the efficient and effective regulation of the profession of homeopathy in Ontario.

□ Protection of Public
Protect, promote and advance homeopathy through the development of bylaws, regulations, standards, guidelines, etc.

□ Membership
The College can only be truly effective if it has the support of the profession; something that requires consultation and communication. This priority addresses the need for the development of content, information and education to be provided to members.

X Transparency
Decisions must abide by the transparency principles adopted by the College in November 2014.

GUIDING LEGISLATION:
CHO Bylaws
RHPA, the Code section 94

LINK TO CURRENT/FUTURE OPERATIONAL STRUCTURE:
There is currently no provision for a treasurer or past president.

BACKGROUND (history/pertinent info/stakeholder groups consulted/government directives/research findings/best practices. When conducting research provide full references including web links, document title, author, source, page number).:

Over the course of two meetings on August 9 and September 18, 2018 the Governance Panel formed the recommendation to add the positions Treasurer and Past President to the College's governance structure. In doing so, and in consultation with Legal Counsel, the following revisions to the Bylaws have been proposed:

1. INTERPRETATION

1.01 – Definitions [NEW]
"Past-President" means the immediate past President of the College, who shall be an ex-officio non-voting member of the Executive Committee.

5. OFFICERS – GENERAL

5.01 – Officers of the College

The officers of the College shall be the President, Vice-President, Past-President, Treasurer and such other officers as Council may determine from time-to-time.

5.02 – Term of Office

The term of office for each officer of the College, except the Past-President, shall commence immediately following their election as an officer and shall continue until the next election for officers, approximately one year later.

The term of office for the Past-President shall commence immediately following the end of his or her term as President and the election of a new President, and shall continue until the end of the term of the President then in office.

6. ELECTION OF OFFICERS

6.01 – Eligibility for Nomination

Only a member of Council is eligible for nomination or election as an officer of the College, except the Past-President who need not be a member of Council.

6.02 - Election Procedure

At the first regular Council meeting after the elections for Council Members, Council shall elect by secret ballot from among those members of Council eligible for election, the President, Vice-President, Treasurer and, with the exception of the Past-President, any other officer positions, in accordance with this by-law and the "Process for Election of Officers" set out in Schedule 1.

6.05 – Filling Vacancies (Past-President) [NEW]

In the event that the Past-President is removed from office, resigns or dies or the position of Past-President becomes vacant for any reason, the position will remain vacant for the remainder of the term.

6.06 – Filling Vacancies (Treasurer)

In the event that the Treasurer is removed from office, resigns or dies or the position of Treasurer becomes vacant for any reason, Council shall elect a new Treasurer to hold office for the remainder of the term.

7. DUTIES OF OFFICERS

7.03 – Duties of the Past-President [NEW]
The Past-President shall:

(i) serve in an ex-officio capacity on the Executive Committee without the right to vote; and
(ii) perform all duties and responsibility as may be decided by Council.

7.04 – Duties of the Treasurer
The Treasurer shall:

(i) serve on the Executive Committee; and
(ii) perform all duties and responsibility as may be decided by Council.

13. SPECIFIC COMPOSITION AND SELECTION OF COMMITTEES

13.01 – Executive Committee

(1) The Executive Committee shall be composed in accordance with the following principles:

(i) the Executive Committee shall consist of the President, the Vice-President, Past-President, Treasurer and two (2) members of Council;

(ii) three (3) members of the Executive Committee shall be Registrants and

(iii) three (3) members of the Executive Committee shall be Public Members.

SCHEDULE 1 TO THE BYLAWS

Process for Election of Officers

The elections shall be supervised by the Registrar. The Registrar may be assisted by scrutineers.

Before the first regular meeting of the newly elected Council each year or any other Council meeting designated for the purpose by Council resolution, the Registrar shall send an invitation to all Council Members requesting any person wishing to stand for election to the offices of the President, Vice-President, Treasurer and Executive Committee member to indicate so, in writing, to the Registrar.

KEY CONSIDERATIONS:

1. Value and merit to the continuity of the College
2. Access to skills advisors

RESOURCE IMPLICATIONS:

1. Per Diem, meeting and travel costs as required
2. Human resources impact

DEADLINES AND NEXT STEPS:

1. Forward to Council for consideration at the September 26 or November 28, 2018 meeting.

OPTIONS:

1. Approve recommendation as presented.
2. Approve recommendation with amendment.
3. Send back to the Governance Panel with direction for re-consideration.
4. Reject the recommendation.

RECOMMENDATIONS:

1. Approve recommendation as presented.

RESOLUTION:

BE IT RESOLVED THAT the Council accept the Governance Panel recommended revisions to bylaws 5.01, 5.02, 6.01, 6.02, 7.05, 13.01 and Schedule 1, and the addition of bylaw 1.01, 6.05, 6.06, 7.03, 7.04 be adopted as presented in document 8.3.2 CHO Bylaws Proposed Amendments Sept 2018_mark up version doc 5.3.2 and commend the matter to Council.

College of Homeopaths of Ontario

Bylaws Amended February 7, 2018
Enacted November 18, 2013

College of Homeopaths of Ontario
163 Queen Street East, 4th Floor Toronto, ON M5A 1S1
Direct: 416-862-4780 Fax: 416-874-4077

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Bylaws of the College of Homeopaths of Ontario

1. INTERPRETATION

1.01 – Definitions

In these bylaws, unless otherwise defined or required by the context,

"Act" means the *Homeopathy Act, 2007* and includes the regulations made under it;

"Auditor" means the accountant or firm of accountants duly licensed under the *Public Accounting Act* who have been appointed by Council under article 4.12;

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

"College" means the College of Homeopaths of Ontario;

"Committee" means a committee of the College and includes statutory committees established under section 10 of the Code, standing committees, planning groups, a Panel of a Committee and any other committee established by Council under these bylaws;

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

"Council Member" (sometimes referred to as a "member of Council") means a Registrant elected to the Council or a Public Member appointed to the Council;

"Employee" means a person in the service of an entity including under a contact of employment, as a contractor or as a consultant, whether full-time or part-time. When referring to the College, an Employee includes a peer assessor, investigator, inspector, examiner and a subcontractor or sub-consultant acting for the College;

"Panel" means a panel appointed under article 12.08 or a panel authorized under the Act;

"Past-President" means the immediate pPast P-President of the College, who shall be an ex-officio non-voting member of the Executive Committee ~~if he or she is a member of Council or an ex-officio non-voting member of the Executive Committee if he or she is not a member of Council~~.

"Professional Association" means an organized group of individuals who promote and advocate for the interests of the profession but does not include a school whose sole purpose is to educate;

"Public Member" means a person described in clause 5(1)(b) of the Act;

"Registrant" means a person registered with the College unless the College has not yet registered people, in which case, that term means a person who practices homeopathy either by vocation or profession, seeing patients or utilizing their homeopathic skills and knowledge in some other context, such as teaching, research, or administration;

"Registrar" means the person appointed by Council as Registrar for the College unless section 5 of the Act is not yet in force, in which case, it means the person appointed as Registrar for the College under subsection 11(2) of the Act. The "Registrar" includes any person appointed or designated as Deputy, Assistant or Acting Registrar; and

"RHPA" means the *Regulated Health Professions Act, 1991* and includes the regulations made under it.

1.02 – Singular and Plural / Masculine and Feminine

In these and all bylaws of the College, the singular shall include the plural, the plural shall include the singular, the masculine shall include the feminine and the feminine shall include the masculine.

1.03 – Legislative References

Any reference in these and all bylaws of the College to a statute, a regulation or a section of a statute or regulation shall be deemed to apply to any re-enactment or amendment of that statute, regulation or section, as the case may be.

1.04 – Consistency with RHPA and Act

All provisions of these and all bylaws of the College shall be interpreted in a manner consistent with the RHPA and the Act and where any inconsistency is found to exist, the inconsistent provision shall, where practical, be severed from the by-law.

1.05 – Calculating Time

A reference in these and all bylaws of the College to the number of days between two events means calendar days and excludes the day on which the first event happens and includes the day on which the second event happens.

1.06 – Holidays

A time limit in these and all bylaws of the College that would otherwise expire on a holiday or a weekend is extended to include the next day that is not a holiday or a weekend.

2. GENERAL

2.01 – Head Office

The head office of the College shall be in the Province of Ontario, at such place as Council may determine from time to time.

2.02 – Forms

Certificates of registration and other documentation issued by the College shall be in such form as the Registrar shall provide, from time to time.

3. EXECUTION OF CONTRACTS AND OTHER DOCUMENTS

3.01 – General Signing Authority

Documents requiring execution by the College, such as a contract, may be signed by the Registrar together with one of the President, Vice-President or other such person as Council may designate, and all documents so signed are binding upon the College without further authorization or formality.

3.02 – Other Signing Authority

Instead of, or in addition to, the persons specified in article 3.01, Council may appoint from time to time, any one or more officers or other persons to sign contracts, documents and instruments in writing on behalf of the College, whether generally or in relation to specific contracts, documents or instruments in writing.

3.03 – Seal

The seal depicted below is the seal of the College.

3.04 – Use of Seal

The seal of the College shall be affixed to any document that requires the College seal by a person authorized to sign the document on behalf of the College.

4. BANKING AND FINANCE

4.01 – Fiscal Year

The fiscal year of the College shall commence on the first day of April and conclude on the last day of March the following year.

4.02 – Appointed Bank

Council shall appoint, from time to time, one or more Canadian banks chartered under the *Bank Act* (Canada) for the use of the College.

4.03 – Authorized Signatories for Amounts Less Than $5,000

Subject to article 3.02, all cheques, drafts, notes, or orders for payment of money and all notes and acceptances and bills of exchange in an amount less than $5,000 may be signed by the Registrar alone.

4.04 – Authorized Signatories for Amounts of $5,000 or More

Subject to article 3.02, all cheques, drafts, notes, or orders for payment of money and all notes and acceptances and bills of exchange in an amount of $5,000 or more shall be signed by the Registrar and one of the President, Vice-President or such other person as Council may designate.

4.05 – Borrowing

Subject to any limitation set out in these or any other bylaws of the College, Council may, by resolution,

(i) borrow money on the credit of the College;

(ii) limit or increase the amount or amounts that may be borrowed;

(iii) issue, sell or pledge debt obligations of the College, including, but not limited to, bonds, debentures, notes or other liabilities, whether secured or unsecured; and

(iv) charge, mortgage, hypothecate or pledge all or any of the real or personal property of the College, including book debts, rights, powers, franchises and undertakings, to secure any such securities or any money borrowed, or other debt, or any other obligation or liability of the College.

4.06 – Delegation of Borrowing Authority

Council may, from time to time, authorize one or more officers, Council Members or Employees of the College to exercise any or all of the powers set out in article 4.05 in such manner as Council shall determine.

4.07 – Budget

Council shall approve annually,

(i) an operating budget for the College for each fiscal year; and

(ii) a capital budget for the College for each fiscal year.

4.08 – Expenses

The President, Vice-President and the Registrar may approve purchases or leasing of goods and acquisition of services in accordance with the following:

(i) the Registrar may authorize expenses not exceeding $25,000 if the expenditure has previously been approved as an item in the College budget;

(ii) the Registrar and one of the President, or Vice-President may authorize expenses in excess of $25,000 if the expenditure has previously been approved as an item in the College budget;

(iii) the Registrar may authorize expenses not exceeding $5,000 if the expenditure has not previously been approved as an item in the College budget if the Registrar believes that the expenditure is necessary for the operations of the College; and

(iv) the Executive Committee shall review any proposed expense exceeding $5,000 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.

4.09 – Grants

The Executive Committee may negotiate the obtaining of a grant on behalf of the College but such agreements shall be approved by Council before they are finalized unless immediate action is required in which case Council shall be notified of the grant by its next meeting.

4.10 – Investments

Funds not immediately required by the College may be invested. The Executive Committee shall recommend, for the approval of Council, the investment strategies of the College as well as an investment dealer to implement investment of the College's funds in one or more of the following securities:

(i) securities and debt instruments issued or guaranteed by any one or more of the following:

  (a) the Government of Canada, or

  (b) the Government of any province of Canada;

(ii) securities and bank instruments guaranteed by a bank listed in Schedule I under the *Bank Act* (Canada) or such other financial institution approved by Council generally on the recommendation of the Executive Committee; and

(iii) other investments approved by Council generally on the recommendation of the Executive Committee.

4.11 – Indemnification

Every Council Member, Committee member and officer or Employee or appointee of the College, including assessors, investigators and inspectors, and each of their heirs, executors and administrators and estate, respectively, shall from time to time and at all times be indemnified and saved harmless out of the funds of the College from and against:

(i) all costs, charges, expenses, awards and damages whatsoever that he or she sustains or incurs in any action, suit or proceeding that is brought, commenced or prosecuted against him or her in respect of any act, deed, matter or thing whatsoever made, done or permitted by him or her in or about the execution of the duties of his or her office; and

(ii) all other reasonable costs, charges, expenses, awards and damages that he or she sustains or incurs in or about or in relation to the affairs of the College;

except such costs, charges, expenses, awards and damages as are occasioned by his or her own wilful neglect or default. Where the person is a commercial service provider (e.g., a private investigator hired to conduct an investigation), the College has discretion as to whether or not to provide indemnity.

4.12 – Appointment of Auditor

Council shall appoint an accountant or a firm of accountants licensed under the *Public Accounting Act* to audit the accounts of the College and to prepare financial statements for each fiscal year.

4.13 – Term of Office

The Auditor shall remain in office until removed by Council.

4.14 – Audited Financial Statements and Report

The audited financial statements of the College, together with a signed and certified copy of the Auditor's report, shall be presented annually to Council.

4.15 – Deadline for Report

The report of the Auditor shall be prepared within one hundred and twenty (120) days of the close of the fiscal year for presentation to Council.

5. OFFICERS – GENERAL

5.01 – Officers of the College

The officers of the College shall be the President, Vice-President, Past-President, Treasurer and such other officers as Council may determine from time-to-time.

5.02 – Term of Office

The term of office for each officer of the College, except the Past-President, shall commence immediately following their election as an officer and shall continue until the next election for officers, approximately one year later.

The term of office for the Past-President shall commence immediately following the end of his or her term as President and the election of a new President, and shall continue until the end of the term of the President then in office.

5.03 – Maximum Term

The maximum consecutive term in one office is three (3) consecutive, full-year terms.

6. ELECTION OF OFFICERS

6.01 – Eligibility for Nomination

Only a member of Council is eligible for nomination or election as an officer of the College, except the Past-President who need not be a member of Council.

6.02 - Election Procedure

At the first regular Council meeting after the elections for Council Members, Council shall elect by secret ballot from among those members of Council eligible for election, the President, Vice-President, Treasurer and, with the exception of the Past-President, any other officer positions, in accordance with this by-law and the "Process for Election of Officers" set out in Schedule 1.

6.03 – Filling Vacancies (President)

In the event that the President is removed from office, resigns or dies or the position of President becomes vacant for any reason, the Vice President shall become the President for the remaining term of the office and the office of the Vice-President shall become vacant.

6.04 – Filling Vacancies (Vice-President)

In the event that the Vice-President is removed from office, resigns or dies or the position of Vice-President becomes vacant for any reason, Council shall elect a new Vice-President to hold office for the remainder of the term.

6.05 – Filling Vacancies (Past-President)

In the event that the Past-President is removed from office, resigns or dies or the position of Past-President becomes vacant for any reason, the position will remain vacant for the remainder of the term.

6.06 – Filling Vacancies (Treasurer)

In the event that the Treasurer is removed from office, resigns or dies or the position of Treasurer becomes vacant for any reason, Council shall elect a new Treasurer to hold office for the remainder of the term.

7. DUTIES OF OFFICERS

7.01 – Duties of the President

The President shall:

(i) if present, preside as Chair at all meetings of the Council unless the President designates another Council Member as alternate Chair for all or any portion of the meeting, but Council approval is required to designate a person not on Council to act as a non-voting Chair;

(ii) serve as Chair of the Executive Committee;

(iii) perform those duties assigned to the President in the bylaws; and

(iv) perform all duties and responsibilities pertaining to his or her office and such other duties and responsibilities as may be decided by Council.

7.02 – Duties of the Vice-President

The Vice-President shall:

(i) perform the duties of the President in the event that the President is unable to perform those duties;

(ii) perform those duties assigned to the Vice-President in the bylaws;

(iii) serve on the Executive Committee; and

(iv) perform all duties and responsibilities pertaining to his or her office and such other duties and responsibilities as may be decided by Council.

7.03 – Duties of the Past-President

The Past-President shall:

(i) serve in an ex-officio capacity on the Executive Committee without the right to vote; and ~~;~~ and

(ii) - perform all duties and responsibility as may be decided by Council.

7.04 – Duties of the Treasurer

The Treasurer shall:

(i) serve on the Executive Committee; and

(ii) perform all duties and responsibility as may be decided by Council.

7.0~~5~~3 – Duties of Other Officers

Any other officer of the College shall, unless Council designates otherwise:

(i) serve on the Executive Committee; and

(ii) perform all duties and responsibilities as may be decided by Council.

8. THE REGISTRAR

8.01 – Appointment of Registrar

Except for the Registrar of the transitional Council, the Registrar shall be appointed by Council and, despite subsection 12(1) of the Code, the Executive Committee shall not exercise the authority of Council under this article.

8.02 – Duties of the Registrar

The Registrar shall be the Chief Executive Officer of the College and shall have such duties and responsibilities as are conferred by the Act, the RHPA, the bylaws and the policies of the College as well as such duties and responsibilities assigned to the position by Council.

8.03 – Acting Registrar

If the Registrar is absent, the most appropriate Deputy or other Registrar on the staff of the College shall serve as Acting Registrar during his or her absence. Where the Registrar is absent and there is no Deputy or other Registrar available or where the office of the Registrar becomes vacant the Executive Committee or Council shall appoint an Acting Registrar until a Registrar is appointed.

9. COUNCIL – GENERAL

9.01 – Authority of Council

Council shall perform the functions assigned to it under the Act and the Code.

9.02 – Honoraria and Expenses

The amount payable to members of Council who are Registrants for attendance at, travel to and preparation for the transaction of College business, shall be the amounts set by the resolution of Council. The College shall publish the amounts on the College's website.

9.03 – Composition of Council

Council shall be composed of seven (7) Registrants and as many Public Members as are appointed by the Lieutenant Governor in Council in accordance with subsection 5(1) of the Act. This provision does not apply to the transitional Council. Despite this provision, Council remains properly constituted despite any vacancies.

9.04 – Term of Office

The term of office of an elected member of Council shall commence at the first Council meeting scheduled after the election and shall continue for approximately three (3) years until his or her successor takes office in accordance with these bylaws, or until he or she resigns his or her office or is removed from Council, or until such other time designated by Council, whichever occurs first.

10. ELECTION OF COUNCIL MEMBERS

10.01 – Electoral Districts

The following electoral districts are established for the purposes of the election of Council members (with necessary modifications by the Registrar to ensure that the entire province is covered and that there is no overlap of Districts):

The East district composed of areas served by postal codes beginning with K, L0A, L0B, L0C, L0E, L0H, L1A, L1B, L1C, L1E, L1G, L1H, L1J, L1K, L1L, L1M, L1N, L1P, L1R, L1S, L1T, L1V, L1W, L1X, L1Y, L1Z, L4A, L7C, L7K, L9L, and L9P.

The Peel district composed of areas served by postal codes beginning with L0J, L4T, L4V, L4W, L4X, L4Y, L4Z, L5A, L5B, L5C, L5E, L5G, L5H, L5J, L5K, L5L, L5M, L5N, L5P, L5R, L5S, L5T, L5V, L5W, L6P, L6R, L6S, L6T, L6V, L6W, L6X, L6Y, L6Z, L7A, and L7C.

The Toronto district composed of areas served by postal codes beginning with M.

The North district composed of areas served by postal codes beginning with P, L0G, L0K, L0L, L0M, L3P, L3R, L3S, L3T, L3V, L3X, L3Y, L3Z, L4A, L4B, L4C, L4E, L4G, L4H, L4J, L4K, L4L, L4M, L4N, L4P, L4R, L4S, L6A, L6B, L6C, L6E, L6G, L7B, L7E, L7K, L9J, L9M, L9N, L9R, L9S, L9Y, and L9Z.

The Southwest district composed of areas served by postal codes beginning with N, L0N, L0P, L0R, L0S, L2A, L2E, L2G, L2H, L2J, L2M, L2N, L2P, L2R, L2S, L2T, L2V, L2W, L3B, L3C, L3K, L3M, L6H, L6J, L6K, L6L, L6M, L7G, L7J, L7L, L7M, L7N, L7P, L7R, L7S, L7T, L8E, L8G, L8H, L8J, L8K, L8L, L8M, L8N, L8P, L8R, L8S, L8T, L8V, L8W, L9A, L9B, L9C, L9G, L9H, L9K, L9T, L9V, and L9W.

The Ontario district composed of the entire province of Ontario.

10.02 – Election Date

An election of members to Council shall be held on a date determined by the Registrar between March and May, inclusive, of each year according to the following schedule:

(i) there shall be an election for the East and North electoral districts in 2017, and every third year after 2017;
(ii) there shall be an election for the Peel and Toronto electoral districts in 2018 and every third year after 2018; and
(iii) there shall be an election for the Southwest and Ontario electoral districts in 2017, 2019 and every third year after 2019.

10.03 – Number of Registrants Elected

For each electoral district referred to in column 1 of the following table, there shall be elected to Council the number of members set out opposite in column 2.

Column 1	Column 2
Electoral District	Number of Members
East	1
Peel	1
Toronto	2
North	1
Southwest	1
Ontario	1

The number of Council Members elected each year shall correspond to the sum of,

(i) the number of Council Members whose terms of office have expired or will expire in conjunction with the elections, and

(ii) the number of Council Members whose seats have become vacant and have not been filled.

10.04 – Eligibility for Election

A Registrant is eligible for election to Council if the Registrant has been nominated in accordance with the bylaws, has completed and returned the conflict of interest questionnaire and if, on the deadline for the receipt of nominations and up to and including the date of the election,

(i) the Registrant holds a certificate of registration;

(ii) the Registrant is principally engaged in the practice of the profession in the electoral district for which he or she is nominated or, if the Registrant is not engaged in the practice of the profession, the Registrant principally resides in the electoral district for which he or she is nominated;

(iii) the Registrant is not in default of payment of any fees to the College;

(iv) the Registrant is not the subject of any disciplinary or incapacity proceeding;

(v) the Registrant has not been the subject of any professional misconduct, incompetence or incapacity finding in the preceding three (3) years;

(vi) the Registrant's certificate of registration has not been revoked or suspended in the preceding six (6) years for any reason;

(vii) the Registrant's certificate of registration is not subject to a term, condition, or limitation imposed by the Discipline Committee or the Fitness to Practice Committee;

(viii) the Registrant has agreed to resign and does, before taking office, any position such as director, owner, board member, officer or Employee that the Registrant holds with a Professional Association relating to homeopathy;

(ix) the Registrant has not been disqualified from Council or a Committee within the preceding three (3) years;

(x) the Registrant is not a member of a council of any other college regulated under the RHPA;

(xi) the Registrant is not currently and has not been for the previous two years an Employee of the College;

(xii) the Registrant does not have a conflict of interest to serve as a member of Council or has agreed to remove any such conflict of interest before taking office;

(xiii) the Registrant has substantially complied with the Election Guidelines of the College; and

(xiv) the Registrant is not in any default of returning any required form or information to the College.

10.05 – Eligibility to Vote

A Registrant is eligible to vote in an election for members of Council if, on the day of the election, the Registrant

(i) holds a certificate of registration;

(ii) has his or her principal place of practice or, if the Registrant does not practice the profession, his or her principal place of residence, in the electoral district for which an election is being held;

(iii) is not in default of any fees or other amounts owed to the College; and

(iv) is not in default of returning any required form or information to the College.

10.06 – Disputes Decided by the Governance Committee

Any disputes regarding a Registrant's eligibility to vote in an election shall be decided by the Governance Committee.

10.07 – Notice of Election and Nominations

At least ninety (90) days before the date of an election, the Registrar shall notify every Registrant of the date of the election and of the nomination procedure, including the deadline for submitting nominations to the College.

10.08 – Nomination Deadline

The nomination of a candidate for election as a member of Council shall be in writing and shall be received by the Registrar at least sixty (60) days before the date of the election.

10.09 – Signed Nominations

The nomination shall be signed by at least two (2) Registrants who support the nomination and shall also be signed by the nominee as a signal of his or her consent to the nomination.

10.10 – Confirmation of Eligibility

The Registrar shall request every nominee to confirm his or her eligibility for election to Council in writing and any nominee who fails to provide such confirmation in the manner and by the deadline set by the Registrar shall not be eligible for election.

10.11 – Conflict of Interest Questionnaire

The Registrar shall request every nominee to complete and return a conflict of interest questionnaire and any nominee who fails to complete and return the questionnaire by the deadline set by the Registrar and in a form acceptable to the Governance Committee shall not be eligible for election.

10.12 – Personal Statement

The Registrar shall invite every nominee to provide a biography and personal statement by the deadline established by the Registrar, and any biography and personal statement that is not submitted by the deadline set by the Registrar and in the form acceptable to the Governance Committee, shall not be included with the materials sent to Registrants under article 10.16.

10.13 – Withdraw of Nominations

A candidate may withdraw from an election by giving notice, in writing, to the Registrar. Upon receiving written notice of a candidate's withdrawal from the election, the Registrar shall make reasonable efforts to remove the name of the candidate from the ballot (or equivalent if voting is done electronically) and, if the Registrar is unable to remove the name of the candidate from the ballot (or equivalent if voting is done electronically) in a sufficiently timely manner, the Registrar shall make reasonable efforts to notify the Registrants eligible to vote that the candidate has withdrawn from the election.

10.14 – Acclamation

If, following the deadline for the return of the conflict of interest questionnaire and the written confirmation of eligibility, the Registrar determines that the number of eligible candidates nominated for an electoral district is less than or equal to the number of members of Council to be elected in that district, the Registrar shall declare those candidates who are eligible for election to be elected by acclamation and shall notify the candidates and the membership of this result in the manner the Registrar deems most expedient and practical.

10.15 – Registrar's Electoral Duties

The Registrar or, if the Registrar so requests, the Registrar with the assistance of the Governance Committee, shall supervise and administer the election of candidates and, without limiting the generality of the above, the Registrar may, subject to the bylaws,

(i) appoint returning officers and scrutineers;

(ii) establish procedures and any necessary deadlines including procedures and deadlines relating to the receipt of nominations, biographies and personal statements and ballots (or equivalent if voting is done electronically);

(iii) establish procedures for the opening and counting of ballots (or equivalent if voting is done electronically);

(iv) provide for the notification of the results of the election to all candidates and Registrants;

(v) provide for the destruction of ballots (or equivalent if voting is done electronically) following an election; and

(vi) do anything else that the Registrar deems necessary and appropriate to ensure that the election is fair and effective.

10.16 – Voting Process

No later than thirty (30) days before the date of an election, the Registrar shall send every Registrant eligible to vote in the election a list of the eligible candidates, the biography and personal statement of every eligible candidate who has submitted one by the deadline established by the Registrar and in the form acceptable to the Governance Committee, a ballot (or equivalent if voting is done electronically) and an explanation of the voting process.

10.17 – Ballot Verification

Ballots (or equivalent if voting is done electronically) must be received in the manner specified at or before the date and time specified for the election in order to be counted in the vote.

10.18 – Number of Votes Cast

A Registrant may cast as many votes on a ballot (or equivalent if voting is done electronically) in an election of Registrants to Council as there are Registrants to be elected from that electoral district, but shall not cast more than one (1) vote for any candidate.

10.19 – Results

As soon as practicable after the ballots (or equivalent if voting is done electronically) have been counted, the Registrar shall advise the membership of the results of the election and shall advise each eligible candidate of the results of the election, the number of votes he or she received and the candidate's right to request a recount in accordance with article 10.21.

10.20 – Tie Votes

In the event that a winner cannot be declared because two (2) or more candidates have received the same number of votes, the Registrar shall break the tie, by lot.

10.21 – Request for Recount

A candidate may require a recount by delivering a written request to the Registrar no more than seven (7) days after the election date and paying the fee specified in these bylaws.

10.22 – Manner of Recount

The Registrar shall hold a recount no more than fifteen (15) days after receiving a written request and the recount shall be conducted in as transparent a manner as the voting system reasonably permits.

10.23 – Change in Results

In the event that the recount changes the election outcome, the candidate requiring the recount is entitled to reimbursement of the fee described in article 10.21.

10.24 – Proxy Voting

A Registrant cannot vote in an election by means of a proxy.

10.25 – Referral of Disputes to Governance Committee

If the Governance Committee is of the opinion that there are reasonable grounds to doubt or dispute the validity of the election of any member of Council it shall initiate an inquiry.

10.26 – Report and Recommendation of Governance Committee

Where the Governance Committee initiates an inquiry under article 10.25, it shall hold an inquiry into the validity of the election of the member of Council in question and, following the inquiry, shall make a report and recommendation to Council.

10.27 – Options Available to Council

Council may, after reviewing the report and recommendation of the Governance Committee and subject to article 10.22, do one of the following:

(i) declare the election result in question to be valid; or

(ii) declare the election result in question to be invalid; and either

  (a) declare another candidate to have been elected; or

  (b) direct that another election be held.

10.28 – Minor Irregularities Not Fatal

Council shall not declare an election result to be invalid solely on the basis of a minor irregularity regarding the requirements of the bylaws or a procedure established by the Registrar or the Governance Committee.

10.29 – Disqualification of Elected Registrants

Council shall disqualify an elected member of Council, if the member,

(i) resigns from Council;

(ii) ceases to hold a certificate of registration;

(iii) is in default of payment of any fee prescribed by College by-law for a period of more than sixty (60) days;

(iv) is found to have committed professional misconduct or to be incompetent by a Panel of the Discipline Committee;

(v) is found to be incapacitated by a Panel of the Fitness to Practice Committee;

(vi) retains or obtains a responsible position such as director, owner, board member or officer, or retains employment or becomes an Employee of any Professional Association relating to homeopathy;

(vii) becomes a member of a council of any other college regulated under the RHPA;

(viii) fails, without reasonable cause, to attend two (2) or more consecutive meetings of Council;

(ix) is convicted of a criminal offence which, in the opinion of Council, is of such a nature that it warrants disqualification; or

(x) fails, in the opinion of Council, to discharge properly or honestly any office to which he or she has been elected or appointed.

10.30 – Registrar's Receipt of Information

If the Registrar receives information which suggests that an elected member of Council meets one or more of the criteria for disqualification set out in article 10.29, other than paragraph (i) in which case Council shall immediately disqualify the elected member, the Registrar shall follow the procedure set out in article 15.02. Where the Registrar has reasonable and probable grounds to believe that a member of Council meets the criteria for disqualification and no one has made a complaint in writing, the Registrar shall make a complaint in writing.

10.31 – Effect of Disqualification

An elected Council Member who is disqualified by Council ceases to be a member of Council and ceases to be a member of any Committee of which he or she is a member.

10.32 – Filling of Vacancies

If the seat of an elected Council Member becomes vacant less than twelve (12) months before the expiry of the member's term of office, Council may,

(i) leave the seat vacant;

(ii) appoint as an elected Council Member a Registrant who meets the criteria for eligibility for election set out in article 10.04 or

(iii) direct the Registrar to hold a by-election in accordance with this by-law.

Despite the above, if the seat of an elected Council Member becomes vacant because no Registrant was nominated for election, the Council may appoint a Registrant who meets the criteria for eligibility for election set out in article 10.04 to serve up to one year of the remaining term. In that case the Council shall direct the Registrar to hold a by-election for the remainder of the term, if there is any, in accordance with this by-law at the same time as the other elections are held in the year following the vacancy.

10.33 – By-Election

If the seat of an elected Council Member becomes vacant more than twelve (12) months before the expiry of the member's term of office, Council shall direct the Registrar to hold a by-election in accordance with this by-law.

10.34 – Manner of Holding By-Elections

A by-election ordered by Council shall be held in the same manner and shall be subject to the same criteria and processes as a regular election, subject to any necessary modifications.

10.35 – Term of Office for Members Filling Vacancies

The term of office of a person appointed or elected to fill a vacancy shall commence on the day of the appointment or election, as the case may be, and shall continue until the date that the former Council Member's term would have expired.

11. COUNCIL MEETINGS

11.01 – Location and Frequency of Meetings

A Council meeting shall, wherever possible, be held at a place and on a date set in advance and shall occur at regular intervals and at such frequency as necessary for Council to conduct its business but shall, in any event, occur at least three (3) times per year.

11.02 – Notice of Meetings

The Registrar shall notify Council Members of the meeting, setting out the date, time and place of the meeting and the general nature of the business to be transacted at least ten (10) days before the date of the meeting.

11.03 – Waiver of Notice

A Council Member may, at any time, waive the requirement for the giving of notice of a meeting.

11.04 – Business at Meetings

Council may only consider or transact at a regular meeting:

(i) matters on the agenda;

(ii) matters brought by the Executive Committee or the Registrar;

(iii) recommendations and reports by Committees;

(iv) matters for which notice was given by a member of Council at the preceding meeting or where written notice has been given at least thirty (30) days in advance of the meeting; and

(v) such other matters, not included on the agenda, as the majority of members in attendance determine to be of an urgent nature.

11.05 – Secretary

The Registrar shall serve as Secretary of Council.

11.06 – Chair

The President acts as Chair of Council unless the President has designated another Council Member as an alternate Chair for all or any portion of the meeting; but Council approval is required to designate a person not on Council to act as a non-voting Chair,. In the event that the President is absent and has not designated an alternate Chair, Council shall elect, from amongst their number, a Council Member to serve as Chair at that meeting.

11.07 – Manner of Meeting

Any meeting of Council, other than a hearing that must be held in person, may be conducted by means of teleconference or any other means that permits all persons participating in the meeting to communicate with each other simultaneously and

instantaneously (including audio or video conferencing) and persons participating in the meeting by such means are deemed to be present at the meeting.

11.08 – Quorum

Unless specifically provided for otherwise under the Act, the RHPA or the bylaws, a simple majority of Council Members shall constitute a quorum for the purpose of a meeting.

11.09 – Simple Majority

Unless specifically provided for otherwise under the Act, the RHPA, or the bylaws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council Members present.

11.10 – Chair Vote

If the Chair is a member of Council, he or she may vote.

11.11 – Tie Votes

In the event of a tie vote, the motion is defeated.

11.12 – Resolution

A resolution signed by all members of Council, including a resolution where all or some of the members of Council have signed by facsimile or email, is valid and effective as if passed at a meeting of Council held for the purpose.

11.13 – Rules

Except where inconsistent with the RHPA, the Act, or the bylaws, the rules of order for meetings of Council are set out in Schedule 2.

11.14 – Minutes

The Registrar shall ensure that accurate minutes of all Council meetings are recorded, approved and maintained at the College office.

11.15 – Adjournments

Whether or not a quorum is present, the presiding Chair may, from time to time, with the consent of the majority of Council Members present and voting, adjourn any properly called meeting to a fixed time and place, and any matter brought before the original meeting may be considered and transacted at a reconvened meeting provided that a quorum is present.

11.16 – Calling Special Meetings

The President or the majority of the Executive Committee shall call and convene a special meeting of Council:

(i) at his or her or its discretion;

(ii) upon receipt of the written request of any six (6) members of Council; or

(iii) if a request is received from the Executive Committee under article 15.02.

11.17 – Notice of Special Meetings

Subject to article 11.18, the Registrar shall notify Council Members of the special meeting, setting out the date, time and place of the meeting and the general nature of the business to be transacted, at least five (5) days prior to the date of the meeting. Council may only consider or transact at a special meeting those items of business contained in the notice.

11.18 – Special Meetings Without Notice

A special meeting may also be held without notice at any date, time and place provided that all members of Council are present in person or in a manner that allows them to participate in discussion simultaneously and instantaneously (including audio or

video conferencing) or if all the absent Council Members have consented, in writing or electronically, to the holding of such a special meeting.

12. COMMITTEES – GENERAL

12.01 – Duties and Responsibilities

The duties and responsibilities of each Committee shall be those set out in the RHPA, the Act, the bylaws and the Terms of Reference for that Committee, as approved by Council, where applicable.

12.02 – Non Statutory Committees

The College may establish non-statutory Committees.

12.03 – Creation of Additional Non-Statutory Committees

In addition to the statutory Committees required by the Code, Council may establish and maintain any additional standing or special Committees, including sub-Committees, ad-hoc Committees, planning groups and Panels, deemed necessary for the effective and efficient function of the College.

12.04 – Composition of Committees

Unless stated otherwise in the Code or the bylaws, every Committee of the College shall be composed of at least three (3) persons and shall include at least one (1) member of Council who is also a Registrant and at least one (1) Public Member.

12.05 – Ratios

Unless stated otherwise in the Code or the bylaws, the number of Committee members who are also Registrants shall, wherever possible, exceed the number of Committee members appointed by the Lieutenant Governor in Council.

12.06 – Vacancies

Despite anything in these bylaws, a Committee is properly constituted despite any vacancy so long as there are sufficient members to form a quorum of the Committee or a Panel of the Committee.

12.07 – Quorum

The quorum of any Committee is three (3) members unless otherwise provided in the Code or the bylaws or unless the Committee is composed of only three (3) members, in which case, the quorum for such a Committee shall be two (2) members.

12.08 – Panels

A committee may meet in Panels selected by the Chair of the Committee. In addition, the Council may establish and appoint standing Panels of a committee.

12.09 – Honoraria and Expenses

The amount payable to members of committees who are Registrants for attendance at, travel to and preparation for the transaction of College business, shall be the amounts set by the resolution of Council. The College shall publish the amounts on the College's website.

13. SPECIFIC COMPOSITION AND SELECTION OF COMMITTEES

13.01 – Executive Committee

(1) The Executive Committee shall be composed in accordance with the following principles:

(i) the Executive Committee shall consist of the President, the Vice-President, Past-President, Treasurer and ~~three~~ two (2~~3~~) members of Council;

(ii) three (3) members of the Executive Committee shall be Registrants and

(iii) ~~two~~ three (3~~2~~) members of the Executive Committee shall be Public Members.~~;~~

13.02 – Registration Committee

(1) The Registration Committee shall be composed of:

(i) at least three (3) Registrants who are members of Council;

(ii) at least two (2) Public Members who are members of Council; and

(iii) one (1) or more Registrants who are not members of Council if Council so wishes.

(2) The transitional Council shall establish, for as long as is needed, the following standing Panels of the Registration Committee:

(i) Individual Assessment Panel; and

(ii) Steering Panel.

13.03 – Inquiries, Complaints and Reports Committee

The Inquiries, Complaints and Reports Committee shall be composed of:

(i) at least two (2) Registrants who are members of Council;

(ii) at least one (1) Public Member who is a member of Council; and

(iii) one (1) or more Registrants who are not members of Council if Council so wishes.

13.04 – Discipline Committee

The Discipline Committee shall be composed of every member of Council and one (1) or more Registrants who are not members of Council if Council so wishes.

13.05 – Fitness to Practise Committee

The Fitness to Practise Committee shall be composed of every member of Council and one (1) or more Registrants who are not members of Council if Council so wishes.

13.06 – Quality Assurance Committee

(1) The Quality Assurance Committee shall be composed of:

(i) at least two (2) Registrants who are members of Council;

(ii) at least two (2) Public Members who are members of Council; and

(iii) one (1) or more Registrants who are not members of Council if Council so wishes.

(2) The transitional Council shall establish, for as long as is needed, the following standing Panels of the Quality Assurance Committee:

(i) Quality Assurance Program Panel; and

(ii) Governance Panel.

13.07 – Patient Relations Committee

The Patient Relations Committee shall be composed of:

(i) at least one (1) Registrant who is a member of Council;

(ii) at least two (2) Public Members who are members of Council; and

(iii) two (2) or more Registrants who are not members of Council if Council so wishes.

13.08 – Appointment of Committee Members

Unless otherwise stated in the bylaws, every Committee member shall be appointed by Council, with the exception of the Executive Committee, whose members shall be elected to office.

13.09 – Appointment of Non-Council Individuals

Subject to any specific composition requirements in these bylaws, Council may, at its discretion, appoint individuals who are not members of Council to any Committee.

13.10 – Term of Office of Committee Members

The term of office of a Committee member shall commence immediately after the appointment and shall continue for approximately one (1) year.

13.11 – Chairs

Unless stated otherwise in these bylaws, the Chair or Chairs of each Committee shall be selected by the members of the Committee, failing which they may be appointed by Council.

13.12 – Decisions Regarding Appointments

In making an appointment under article 13.08 or 13.09, Council shall take into consideration the location of practice, if applicable, as well as the experience, expertise, availability and other qualifications and characteristics of the Registrant or other person, in order to complement the attributes of the other Committee members.

13.13 – Eligibility for Appointment

A Registrant is eligible for appointment to a Committee if, on the date of the appointment,

(i) the Registrant holds a certificate of registration;

(ii) the Registrant is not in default of payment of any fees prescribed to the College;

(iii) the Registrant is not the subject of any disciplinary or incapacity proceeding;

(iv) the Registrant has not been the subject of any professional misconduct, incompetence or incapacity finding in the preceding three (3) years;

(v) the Registrant's certificate of registration has not been revoked or suspended in the preceding six (6) years for any reason;

(vi) the Registrant's certificate of registration is not subject to a term, condition, or limitation imposed by the Discipline Committee or the Fitness to Practice Committee;

(vii) the Registrant has agreed to and does resign, before taking office, any position such as director, owner, board member, officer or Employee that the Registrant holds with a Professional Association relating to homeopathy;

(viii) the Registrant has not been disqualified from Council or a Committee within the preceding three (3) years;

(ix) the Registrant is not a member of a council of any other college regulated under the RHPA;

(x) the Registrant is not currently and has not been for the previous two years an Employee of the College;

(xi) the Registrant is not in any default of returning any required form or information to the College; and

(xii) the Registrant does not have a conflict of interest to serve as a committee member or has agreed to remove any such conflict of interest before sitting on the committee or panel.

13.14 – Removal of Committee Members

Despite the other provisions of this by-law that permit the removal of a Committee member in specific circumstances, Council may also remove a member of a Committee at its pleasure.

14. COMMITTEE MEETINGS

14.01 – Location and Frequency of Meetings

Committee meetings shall, wherever possible, be held at a place and on a date set in advance and shall occur at regular intervals and at such frequency as necessary for the Committee to conduct its business.

14.02 – Manner of Meeting

Any meeting of a Committee may be conducted by means of teleconference or any other means that permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously (including audio or video conferencing) and persons participating in the meeting by such means are deemed to be present at the meeting.

14.03 – Chair

In the event that the Chair of the Committee is unable or unwilling to preside at the meeting, the Committee members shall select, from amongst their number, a Committee member to serve as Chair for the purposes of that meeting.

14.04 – Minutes

The Chair of each Committee shall ensure that accurate minutes of all Committee meetings and proceedings are recorded, approved and maintained at the College office.

14.05 – Simple Majority

Unless specifically provided for otherwise under the Code or the bylaws, every motion which properly comes before a Committee shall be decided by a simple majority of the votes cast at the meeting by the Committee members present.

14.06 – Chair Vote

If the Chair is a member of the Committee, he or she may vote.

14.07 – Tie Votes

In the event of a tie vote, the motion is defeated.

15. DUTIES OF COUNCIL AND COMMITTEE MEMBERS

15.01 – Expectations and Duties

Every member of Council and every Committee member shall, in the performance of his or her duties:

(i) familiarize himself or herself with the Act, the RHPA, the bylaws and any policies of the College;

(ii) familiarize himself or herself with any other records, documents and guidelines that may be necessary for the performance of his or her duties;

(iii) comply with the provisions of the Act, the RHPA, the bylaws, any policies of the College and rules that are adopted by Council, from time to time;

(iv) regularly attend meetings on time and participate constructively in discussions;

(v) ensure that confidential matters coming to his or her attention as a member of Council or as a member of a Committee are not disclosed by him or her, except as required for the performance of his or her duties or as permitted by the RHPA;

(vi) conduct himself or herself in an appropriate manner with College staff, other members of Council or members of the Committees, Registrants and members of the public;

(vii) comply with the College's Code of Conduct, which is attached as Schedule 3 to the bylaws and forms part of these bylaws;

(viii) avoid, or where that is not possible, declare all conflicts of interest in the manner set out in the by-law;

(ix) step down from his or her positions on Council and on Committees in the event that allegations regarding his or her conduct, competence or capacity are referred to the Discipline Committee or Fitness to Practice Committee until such time as the matter has been finally disposed of;

(x) publicly supports and does not speak against any decision of the Council or , if the matter is not going to be considered by Council, any decision of College Committees; and

(xi) perform the duties associated with his or her position conscientiously and with due care and diligence in a manner that serves and protects the public interest.

15.02 – Removal of Council or Committee Member

The following procedure shall be followed in the event that a Council or Committee member is alleged to have contravened the duties of a Council or Committee member or meets the criteria for disqualification set out in article 10.29 other than paragraph (i).

(i) A written complaint shall be filed with the Registrar. A complaint can be made by a member of the public, a Council or Committee member or the Registrar. If a member of Council or a Committee receives such a complaint, he or she shall immediately file it with the Registrar.

(ii) The Registrar shall report the complaint to the President or the Vice-President who shall bring the complaint to the Executive Committee if he or she believes that the complaint may warrant formal action. If the Executive Committee is unable to address the complaint it may appoint another Committee to fulfill its duties under this article.

(iii) If the Executive Committee or any Committee appointed by the Executive Committee, after any investigation it deems appropriate, believes that the complaint warrants formal action, it shall call a meeting of the Council. Council shall determine whether there has been a breach of duties or whether the criteria for disqualification have been met and, if so, impose the appropriate sanction. The appropriate sanction can include one or more of the following:

(a) censure of the member verbally or in writing,

(b) removal of the member from any Committee on which he or she serves,

(c) disqualification of an elected Registrant of Council from the Council, or a report requesting removal of the member concerned from the Council to the Public Appointments Secretariat.

(iv) A decision finding that there has been a breach of duties or that a Council or Committee member meets the criteria for disqualification set out in article 10.29, and a decision to impose a particular sanction must be approved by a two-thirds affirmative vote of the Council Members present and voting.

(v) The Council or Committee member whose conduct is the subject of concern shall not take part in the deliberation or vote, however, he or she shall be given a reasonable opportunity to respond to the allegation.

16. CONFLICTS OF INTEREST

16.01 – Duty to Avoid Conflicts of Interest

All Council and Committee members have a duty to carry out their responsibilities in a manner that serves and protects the interest of the public. As such, they must not engage in any activities or in decision-making concerning any matters where they have a direct or indirect personal or financial interest. All Council and Committee members have a duty to uphold and further the intent of the Act to regulate the practice and profession of homeopathy in Ontario, and not to represent the views of advocacy or special interest groups.

16.02 – Recognition of Conflict

Council and Committee members recognize that a conflict of interest or an appearance of a conflict of interest by a member of Council or its Committees:

(i) could bring discredit to the College,

(ii) could amount to a breach of the fiduciary obligation of the person to the College, and

(iii) could create liability for either the College or the person involved or both.

16.03 – Conflicts Relating to Involvement with a Professional Association

A member of Council or a Committee member shall be perceived to have conflict of interest in a matter and should not serve on Council or its Committees at all if he or she holds a responsible position such as director, owner, board member or officer in or is an Employee of any Professional Association relating to homeopathy.

16.04 – Conflicts Relating to Position in Other Organizations

A member of Council or a Committee member would be perceived to have conflict of interest in a matter and should refrain from participating in any discussion or voting if he or she holds a responsible position such as director, owner, board member or officer in or is an Employee of another organization where his or her duties may be seen by a reasonable person as influencing his or her judgment in the matter under consideration by the Council or its Committees. For example, an educator in a school should not participate in any decisions relating to the status of that school, its program(s) or the acceptability for registration of graduates from that school.

16.05 – Declaration Forms

Upon appointment or election, and annually thereafter if requested, every Council and Committee member shall fully complete and deliver to the Registrar a form, available from the Registrar, declaring his or her current and recent affiliations with Professional Associations and other organizations to facilitate compliance with the above provisions.

16.06 – Interests of Related Persons

For the purposes of this by-law, the direct or indirect financial interest of a parent, spouse, child or sibling of a Council or Committee member are interpreted to be the interests of the Council or Committee member. In addition, each Council or Committee member shall declare any direct or indirect personal interest of a parent, child or sibling so that an informed and considered discussion can be held as to whether the personal interest constitutes a conflict of interest. Here, the term "spouse" includes a common-law spouse and a same-sex partner of the person.

16.07 – Where a Conflict May Exist

Where a Council or Committee member believes that he or she may have a conflict of interest in any matter which is the subject of deliberation or action by the Council or its Committees, he or she shall

(i) consult, as needed, with the President, the Registrar and legal counsel and, if there is any doubt about whether he or she may have or be perceived to have a conflict, prior to any consideration of the matter, declare the potential conflict to the Council or the Committee and accept Council's or the Committee's direction as to whether there is an appearance of a conflict;

(ii) where there appears to be a conflict of interest, not take part in the discussion of, or vote on, any question in respect of the matter;

(iii) where there appears to be a conflict of interest, absent himself or herself from the portion of any meeting relating to the matter; and

(iv) where there appears to be a conflict of interest, not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of other members on the matter.

16.08 – Conflicts Recorded in Minutes

Every declaration of a conflict of interest shall be recorded in the minutes of the meeting together with a description of the nature of the conflict.

16.09 – Use of College Information or Property

A member of Council or a Committee member shall not use College property or information of any kind to advance his or her own interests, direct or indirect.

16.10 – Staff (Employee) Positions

A member of Council or a Committee member may not hold any other position, employment, contract or appointment with the College while serving as a member of Council or its Committees. There is a two-year waiting period before the individual may apply for a staff or consultant position with the College. This includes, but is not limited to, positions as peer assessor, investigator, inspector, examiner or other management or administrative staff.

17. CONFIDENTIALITY

17.01 – Duty of Confidentiality

Members of the Council and Committees, staff and persons retained or appointed by the College are required to maintain confidentiality of information that comes before them in the course of discharging their duties unless disclosure is authorized by the Council or is otherwise permitted under section 36(1) of the RHPA. [1]

17.02 – Subsection 36(1) of the RHPA

Subsection 36 (1) of the RHPA states, in part, as follows:

[1] In 2013, section 36 of the *Regulated Health Professions Act, 1991* read as follows:

Confidentiality

36. (1) Every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act* and every member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person except,

(a) to the extent that the information is available to the public under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*;
(b) in connection with the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*, including, without limiting the generality of this, in connection with anything relating to the registration of members, complaints about members, allegations of members' incapacity, incompetence or acts of professional misconduct or the governing of the profession;
(c) to a body that governs a profession inside or outside of Ontario;
(d) as may be required for the administration of the *Drug Interchangeability and Dispensing Fee Act, the Healing Arts Radiation Protection Act,* the *Health Insurance Act, the Independent Health Facilities Act*, the *Laboratory and Specimen Collection Centre Licensing Act, the Ontario Drug Benefit Act*, the *Coroners Act*, the *Controlled Drugs and Substances Act* (Canada) and the *Food and Drugs Act* (Canada);
(e) to a police officer to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
(f) to the counsel of the person who is required to keep the information confidential under this section;
(g) to confirm whether the College is investigating a member, if there is a compelling public interest in the disclosure of that information;
(h) where disclosure of the information is required by an Act of the Legislature or an Act of Parliament;
(i) if there are reasonable grounds to believe that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons; or
(j) with the written consent of the person to whom the information relates. 2007, c. 10, Sched. M, s. 7 (1).

Reports required under Code

(1.1) Clauses (1) (c) and (d) do not apply with respect to reports required under section 85.1 or 85.2 of the Code. 1993, c. 37, s. 1. 1998, c. 18, Sched. G, s. 7 (2).

Definition

(1.2) In clause (1) (e),

"law enforcement proceeding" means a proceeding in a court or tribunal that could result in a penalty or sanction being imposed. 1998, c. 18, Sched. G, s. 7 (2); 2007, c. 10, Sched. M, s. 7 (2).

Limitation

(1.3) No person or member described in subsection (1) shall disclose, under clause (1) (e), any information with respect to a person other than a member. 1998, c. 18, Sched. G, s. 7 (2); 2007, c. 10, Sched. M, s. 7 (3).

No requirement

(1.4) Nothing in clause (1) (e) shall require a person described in subsection (1) to disclose information to a police officer unless the information is required to be produced under a warrant. 1998, c. 18, Sched. G, s. 7 (2); 2007, c. 10, Sched. M, s. 7 (4).

Confirmation of investigation

(1.5) Information disclosed under clause (1) (g) shall be limited to the fact that an investigation is or is not underway and shall not include any other information. 2007, c. 10, Sched. M, s. 7 (5).

Not compellable

(2) No person or member described in subsection (1) shall be compelled to give testimony in a civil proceeding with regard to matters that come to his or her knowledge in the course of his or her duties. 1991, c. 18, s. 36 (2).

Evidence in civil proceedings

(3) No record of a proceeding under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*, no report, document or thing prepared for or statement given at such a proceeding and no order or decision made in such a proceeding is admissible in a civil proceeding other than a proceeding under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act* or a proceeding relating to an order under section 11.1 or 11.2 of the *Ontario Drug Benefit Act*. 1991, c. 18, s. 36 (3); 1996, c. 1, Sched. G, s. 27 (2).

36. (1) Every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act* and every Member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person ….

17.03 – Disclosure Under the RHPA

Subsection 36(1) of the RHPA permits disclosure in a number of specific circumstances. Members of the Council and Committees, staff and persons retained or appointed by the College are expected to understand when those exceptions apply and seek advice if they are in doubt.

17.04 – Confidentiality Agreement

Council and Committee members, staff and persons retained or appointed by the College are required to sign, annually, the confidentiality or fiduciary agreement approved by Council.

18. COMMUNICATIONS

18.01 – Media Contacts

All media contact shall be channelled and coordinated through the Registrar's office. Any Council or Committee member being asked by media representatives to provide interviews, respond to inquiries or to comment on issues concerning the regulation of the profession or the operation of the College shall not provide any such communication and shall instead refer them to the Registrar's office.

18.02 – College Communications

The Registrar, the President or, in the absence of the President, the Vice-President,

(i) are the authorized spokespersons of the College but either of them may request a member of Council, a College Employee or a consultant to perform this function, as appropriate, under the circumstances; and

(ii) may communicate with the media to provide interviews, respond to inquiries or comment on issues concerning regulation of the profession or the operation of the College. A member of Council or a Committee member shall not perform such Communications unless authorized by the Registrar, the President or, in the absence of the President, the Vice-President.

18.03 – Consistent Messaging

All messages to the media and to the public must be consistent with the approved policies and positions of the College. Any member of Council or Committee member shall resign all positions with the Council and its Committees prior to expressing public disagreement with a decision, policy or position of the College or its Committees and even then, shall only do so in a manner consistent with his or her ongoing fiduciary duties towards the College and under his or her Confidentiality Agreement.

18.04 – Invitations for Speaking Engagements

All requests inviting the President, the Registrar or a member of Council or a Committee to speak in his or her capacity as a representative of the College must be submitted, in writing, to the Registrar's office with details of the date, time and place of the speaking engagement as well as the topic and anticipated length of the presentation.

18.05 – Acceptance of Invitations for Speaking Engagements

The Registrar, in consultation with the President, where possible, shall review all requests inviting Council or Committee members to speak and shall determine whether to accept the invitation and the appropriate representative to address the topic. Other than as described above, no member of Council or Committee shall accept any request to make representations or speak on behalf of the College or in his or her capacity as a representative of the College.

18.06 – Presentation Content

The content of every presentation must be consistent with the approved policies and positions of the College and shall be submitted, where feasible, at least five (5) days before the date of the presentation to the Registrar or a person designated by the Registrar for approval.

18.07 – No Compensation

No person speaking in his or her capacity as a representative of the College shall receive any payment or benefit related to the presentation or, if the payment or gift cannot in the circumstances be gracefully declined, it shall immediately be turned over to the Registrar. However, mementoes of nominal value ($50.00 or less) may be accepted and retained.

19. FEES

19.01 – Registration Year

The registration year for Registrants shall be from the day of the date of proclamation of the Act to one full calendar year from that day and each subsequent year thereafter.

19.02 – Renewal Process

The annual registration fee is due and payable on or before the day before each registration year. At least 45 days before the annual registration fees are due, the Registrar shall send to each Registrant a notice stating that the annual registration fees are due, setting out the amount of the annual registration fee for each category of registration and a request for information required under the regulations and the bylaws of the College. The obligation to pay the annual registration fee continues even if the Registrar fails to provide the notice or the Registrant fails to receive such notice.

19.03 – Fee Amounts

	Fee Item	Fee Schedule April 1 to March 31
A. Fees Relating to Assessments		
0.	Individual Assessment Fee	
1.	Fee for Approving or Administering Individual Prior Learning Assessment of eligibility in Full Class of Registration *	$650
2.	Fee for Approving or Administering Individual Prior Learning Assessment of eligibility in Full Class of Registration for individuals currently holding a Grandparented Certificate of Registration *	$350
3.	Fee for Approving or Administering Each Individual Prior Learning Assessment for Reassessment *	$350
4.	Fee for Approving or Administering Each Individual Prior Learning Assessment Review of a Reassessment *	$350
5.	Fee for Approving or Administering Each Individual Prior Learning Assessment Attempt Request for IA Review for reasons of an IA Review or Appeal – for eligibility in Full Class of Registration *	$650
B. Fees Relating to Applications for Initial Registration		
1.	Initial Registration Application Fee	$275
2.	Registration Fee Full Class	$850
2.1	One month after the first anniversary of proclamation, a Registrant issued a certificate of registration shall pay, in respect of the registration year in which the certificate was issued: one twelfth of the registration fee for that category of the registration multiplied by the number of calendar months remaining before the next registration year, including the month in which the	

Fee Item		Fee Schedule April 1 to March 31
	certificate of registration was issued.	
3.	Registration Fee (Inactive)	$725
4.	Transfer to a Different Class Fee	$100
5.	Jurisprudence Program Fee	$75
6.	Substantially Equivalent Assessment Fee	$150
C. Fees Relating to Renewal of Registration		
1.	Annual Registration Fee (Full or Grandparented)	$1,250
2.	Annual Registration Fee (Inactive)	$725
3.	Late Renewal Fee (All classes)	$200
4.	Reinstatement Fee (after three (3) years)	$750
5.	Reinstatement Fee (within three (3) years)	$250
D. Fees Relating to Professional Corporations and Certificates of Authorization		
1.	Application Fee	$200
2.	Issuance Fee	$900
3.	Renewal Fee	$900
4.	Administrative Fee	$60
5.	Documentation Fee	$60
E. Fees Relating to the Quality Assurance Program		
1.	QAC Ordered Assessment Fee €	$750
F. Other Fees		
1.	Additional/Replacement Certificate of Registration Fee	$35
2.	Fees for each letter after first reminding Registrant obligation is not performed	$60
3.	Fee for a letter of good standing	$60
4.	NSF Charge Fee	$60
5.	Duplicate Receipt Fee	$25
6.	Letter of Good Standing Fee	$60
7.	Reference letter for Immigration Purposes Fee	$60
8.	Election Recount Fee	$750

*Individual assessment services are provided by an external third party provider.

€ The QA assessment fee requirement based on non-compliance; Includes cost of Refresher program Assessment.

Fees listed under OTHER FEES are all "one time" fees and will only be required to be paid if one requires the item. The purpose of fee is to recoup the cost of the administrative duty required to perform the task. All other fees are for all registrants. (Class specific when noted).

19.04 – Payment of Fees set by Registrar

A person shall pay the fees set by the Registrar for anything the Registrar is required or authorized to do.

19.05 – Fee Increases

Each year each fee described in these bylaws shall be increased by the percentage increase, if any, in the Consumer Price Index for goods and services in Canada as published by Statistics Canada or any successor organization.

20. PROFESSIONAL LIABILITY INSURANCE

20.01 – Requirement to Carry Insurance

(1) A Registrant, other than an Inactive Registrant who has purchased any run-off coverage (sometimes called enduring or tail coverage) contemplated by these bylaws, must carry professional liability insurance with the following characteristics:

(i) a minimum of no less than $1,000,000 per occurrence;

(ii) annual aggregate coverage of no less than $2,000,000;

(iii) a deductible of no more than $1,000 per occurrence;

(iv) run-off coverage (sometimes called enduring or tail coverage) for a minimum of three (3) years; and

(v) provided by an insurer licensed with the Financial Services Commission of Ontario, the office of the Superintendent of Financial Institutions Canada or a body outside of Ontario that the Registrar considers substantially equivalent to the Financial Services Commission of Ontario.

(2) An Inactive Registrant who has practised in Ontario within the previous two years must carry professional liability run off coverage (sometimes called enduring or tail coverage) for a minimum of five (5) years since the Registrant last practised in Ontario provide by an insurer licensed with the Financial Services Commission of Ontario, the office of the Superintendent of Financial Institutions Canada or a body outside of Ontario that the Registrar considers substantially equivalent to the Financial Services Commission of Ontario.

20.02 – Proof of Insurance

A practising Registrant must, upon request, provide to the College proof of professional liability insurance in a form acceptable to the Registrar which must include the following information:

(i) policy number;

(ii) name of the insured that matches the name of the Registrant;

(iii) address of the insured;

(iv) policy period; and

(v) coverage details.

20.03 – Declaration of Eligibility for Insurance

An applicant for registration must provide a declaration that he or she is eligible for professional liability insurance coverage and that he or she shall submit proof of insurance to the Registrar with no less than 30 days after his or her registration is approved. The Registrar shall not issue the certificate of registration until actual proof of coverage is received.

20.04 – Relying on Employer's Insurance Coverage

A Registrant may rely on the insurance coverage provided by his or her employer so long as the insurance coverage complies with the requirements of these bylaws including the ability to provide proof of coverage of the Registrant by the Registrant's name.

21. THE REGISTER

21.01 – Name in Register

Subject to article 21.02, a Registrant's name in the register shall be the full name indicated on the documents used to support the Registrant's initial registration with the College.

21.02 – Exception for Name Change

The Registrar may enter a name, other than the name referred to in section 21.01, in the register if the Registrar:

(i) has received a written request from the Registrant;
(ii) is satisfied that the Registrant has legally changed his or her name; and
(iii) is satisfied that the name change is not for any improper purpose.

21.03 – Exception for Alternate Name

In addition to the name entered under article 21.01 and 21.02, the Registrar may enter in the register as an alternative name used by the Registrant any nicknames or abbreviations that the Registrant uses in any place of practice.

21.04 – Business Address

A Registrant's business address in the register shall be the address for receiving business communications designated by the Registrant, which address may be different than the Registrant's address for communications with the College. If the Registrant does not designate a business address, the Registrar may assign any address for the Registrant known to the College as the business address. A Registrant's business address shall include the name of the business or entity that employs the Registrant or, if the Registrant is self-employed or is not practising, the Registrant's business address shall include a notation to that effect.

21.05 – Business Telephone Number

A Registrant's business telephone number shall be the telephone number for receiving business communications designated by the Registrant, which telephone number may be different than the Registrant's telephone number for communications with the College. If the Registrant does not designate a business telephone number, the Registrar may assign any telephone number known to the College as the business telephone number.

21.06 – Register Information Required by the Code

The Registrar shall maintain a register in accordance with section 23 of the Code.

21.07 – Additional Register Information

In addition to the information set out in subsection 23(2) of the Code, and subject to article 21.08, the register shall contain the following information, which is designated by the College as public pursuant to subsection 23(5) of the Code and must be publicly accessible:

(i) if there have been any changes to the Registrant's name since the date of the Registrant's initial application for registration, the former names of the Registrant;

(ii) the name, address and telephone number of every business entity that employs the Registrant as a practitioner of homeopathy and, if the Registrant is self-employed as a practitioner of homeopathy, the address and telephone number of the locations where the Registrant practises other than addresses of individual patients;

(iii) the Registrant's business email address;

(iv) the Registrant's registration number;

(v) the date of the Registrant's initial registration with the College;

(vi) the date on which each class of registration that the Registrant holds or held was obtained and, if applicable, the date on which each terminated;

(vii) if the Registrant ceased to be a Registrant, a notation of the fact, specifying the reason for the termination of registration and the date upon which the Registrant ceased to be a Registrant;

(viii) where the College is satisfied based upon reliable information that a person ceased to be a Registrant as result of his or her death, a notation to that effect and the date upon which the person ceased to be a Registrant if that date is known to the College;

(ix) unless otherwise required by the Code, information required to be kept in the register with regard to a former Registrant who is deceased may be removed from the register two years after the date of the former Registrant's death;

(x) any language in which a Registrant is able to communicate and provide services to patients;

(xi) the name of any regulatory body involving the delivery of health care of which the Registrant is a member;

(xii) a notation, including the date of the referral, for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Fitness to Practice Committee under section 61 of the Code and has not been finally resolved, until the matter has been resolved;

(xiii) any information jointly agreed to be placed on the register by the College and the Registrant;

(xiv) where the Registrant's certificate of registration is subject to any terms, conditions and limitations, the reason for them, the date they took effect, and where applicable, the Committee responsible for the imposition of those terms, conditions and limitations;

(xv) where applicable, a summary of any restriction on a Registrant's right to practise:
   a. resulting from an undertaking given by the Registrant to the College or an agreement entered into between the Registrant and the College; or
   b. of which the College is aware and which has been imposed by a court or other lawful authority, in which event the summary of the restriction shall also include the source and nature of the restriction;

(xvi) where the Registrant's certificate of registration is subject to an interim order, a notation of that fact, the nature of the order and the date that the order took effect;

(xvii) where a suspension on a Registrant's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of that suspension and, where applicable, the Committee responsible for the lifting or removal of the suspension;

(xviii) where the Registrant'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;

(xix) where the Registrar confirms whether the College is investigating a Registrant because there is a compelling public interest in disclosing this information pursuant to 36(1)(g) of the RHPA, the fact that the Registrant is under investigation;

(xx) where a panel of the Investigations, Complaints and Reports Committee requires a Registrant to appear before a panel of the Committee to be cautioned,
   a. a notation of that fact,
   b. a summary of the caution,
   c. the date of the panel's decision, and
   d. if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of;

(xxi) where, a panel of the Investigations, Complaints and Reports Committee takes other action requiring a Registrant to complete a specified continuing education or remediation program,
   a. a notation of that fact,
   b. a summary of the continuing education or remediation program,
   c. the date of the panel's decision, and
   d. if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review is finally disposed of;

(xxii) for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and has not been finally resolved, until the matter has been resolved, provide:
   a. a notation of that fact, including the date of the referral,
   b. a summary of each specified allegation,

c. the notice of hearing,
d. any hearing dates, if the date has been set,
e. the status of the hearing, including the date of commencement, continuation or adjournment,
f. if the hearing has been adjourned and no future date has been set, the fact of the adjournment, and
g. if the hearing of evidence and arguments is completed and the parties are awaiting a decision of the Discipline Committee, a statement of that fact;

(xxiii) if a finding of professional misconduct or incompetence has been made,
a. the date of the finding, and
b. a summary of the facts on which the finding was based;

(xxiv) where the College is aware that a finding of professional misconduct or incompetence or similar finding has been made against the Registrant by a body that governs a profession, inside or outside of Ontario, and that finding has not been reversed on appeal,
a. a notation of the finding,
b. the name of the governing body that made the finding,
c. a summary of the facts on which the finding was based,
d. the penalty and any other orders made relative to the finding,
e. the date the finding was made, and
f. information regarding any appeals of the finding;

(xxv) where the College is aware that a finding of incapacity or similar finding has been made against the Registrant by a body that governs a profession, inside or outside of Ontario, and that finding has not been reversed on appeal,
a. a notation of the finding,
b. the name of the governing body that made the finding,
c. the date the finding was made,
d. a summary of any order made, and
e. information regarding any appeals of the finding, unless the body that governs a profession making the finding has not made the finding public;

(xxvi) where a decision of the Discipline Committee has been published by the College with the Registrant's name or former name including,
a. a notation of that fact, and
b. identification of the specific publication of the College which contains the information;

(xxvii) if an application to the Discipline Committee for reinstatement has been scheduled,
a. the dates on which the application is scheduled to be heard,
b. if the hearing has been adjourned and no future date has been set, the fact of that adjournment,
c. if the decision is under reserve, that fact, and
d. if an application to the discipline committee for reinstatement has been decided, the decision of the discipline committee;

(xxviii) where a Registrant agreed to resign to avoid a proceeding before the Discipline or Fitness to Practise Committee or resigned while a discipline or fitness to practise proceeding was outstanding, a notation of that fact;

(xxix) any of the information in respect of a former Registrant that was on the register just before the registration terminated, for a period of at least two years after the termination of registration, except for any information related to discipline proceedings in Ontario, in which case it shall be entered on the register for a period of fifty years after the termination of membership;

(xxx) in addition to the name of every health profession corporation of which the Registrant is a shareholder, the business address, business telephone number, business email address, if there is one, any operating names of the health profession corporation, the date of which the certificate of authorization was issued, and any revisions to the certificate of authorization;

(xxxi) where a certificate of authorization is revoked, suspended, cancelled or otherwise terminated, a notation of the effective date of every revocation, suspension, cancellation or other termination;

(xxxii) a summary of any findings against a Registrant of which the College is aware in respect of a federal or provincial offence that the Registrar believes is relevant to the Registrant's suitability to practise;

(xxxiii) a summary of any currently existing charges against a Registrant of which the College is aware in respect of a federal or provincial offence that the Registrar believes is relevant to the Registrant's suitability to practise;

(xxxiv) a summary of any currently existing conditions, terms, orders, directions or agreements relating to the custody or release of the Registrant in provincial or federal offence processes or subsequent to a finding of guilt and pending appeal, of which the College is aware and that the Registrar believes is relevant to the Registrant's suitability to practise;

(xxxv)a summary of any existing restriction on the Registrant's right to practise that has been imposed by a court or other lawful authority, if the College is aware of the restriction, including the name of the court or other lawful authority that imposed the restriction and the date the restriction was imposed; and

(xxxvi) information that is required to be kept in the register in accordance with the bylaws.

21.08 – Information to be Withheld from Public

All of the information referred to section 23 of the Code or as information recorded in the register in these bylaws is information designated to be withheld from the public pursuant to subsection 23(6) of the Code such that the Registrar may refuse to disclose to an individual or post on the College's website any or all of that information if the Registrar has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

21.09 – Providing Requested Information to the College

If requested, the Registrant shall immediately provide the College with the following information, in the form requested by the College

(i) information required to be maintained in the register in accordance with subsection 23(2) of the Code and these bylaws;

(ii) the address and telephone number of the Registrant's primary residence in Ontario and, if the Registrant does not reside in Ontario, the address and telephone number of the Registrant's primary residence;

(iii) the Registrant's business email address and the Registrant's preferred email address for communications with the College;

(iv) the Registrant's professional activities including the Registrant's areas of practice and categories of patients seen;

(v) information regarding the Registrant's employment including:
   a. the Registrant's title and position, and
   b. a description of the Registrant's role, duties, and responsibilities;

(vi) information about the Registrant's registration with any other body that governs a profession, whether inside or outside of Ontario, including the name of the governing body, the Registrant's registration or licence number and the date the Registrant first became registered;

(vii) information about the Registrant's participation in the quality assurance program;

(viii) information about the educational institution where the Registrant obtained any certificates, diplomas or degrees in homeopathy, the type of certificates, diplomas or degrees obtained and the date each was issued; and

(ix) information for the purpose of compiling statistical data.

21.10 – Notification of Changes

The Registrant shall notify the College, in writing, of any changes to the following information within 30 days of the effective date of the change:

(i) the Registrant's name,

(ii) the address and telephone number of the Registrant's primary residence in Ontario and, if the Registrant does not reside in Ontario, the address and telephone number of the Registrant's primary residence,

(iii) the Registrant's business address or business telephone number,

(iv) the name, address or telephone number of any business or entity that employs the Registrant as a practitioner of homeopathy, and, if the Registrant is self-employed as a practitioner of homeopathy, any changes to the address or telephone number of the location where the Registrant practises other than addresses of individual patients, and

(v) the Registrant's business email address and the Registrant's preferred e-mail address for communications with the College.

21.11 – Immediate Notification to College

A Registrant shall immediately notify the College in writing or electronically of any currently existing conditions of release (not including any information subject to a publication ban) following a charge for a federal or provincial offence or subsequent to a finding of guilt and pending appeal and any variations to those conditions.

22. PROFESSIONAL CORPORATIONS

22.01 - Duty to Provide Information

Every Registrant shall, for every professional corporation of which the Registrant is a shareholder, provide in writing the following information on the application and annual renewal forms for a certificate of authorization, upon the written request of the Registrar within 30 days and upon any change in the information within 30 days of the change:

(i) the name of the professional corporation as registered with the Ministry of Government Services;

(ii) any business names used by the professional corporation;

(iii) the name, as set out in the register, and registration number of each shareholder of the professional corporation;

(iv) 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;

(v) the principal practice address, telephone number, facsimile number and email address of the professional corporation;

(vi) 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

(vii) a brief description of the professional activities carried out by the professional corporation.

23. FUNDING FOR THERAPY AND COUNSELLING FOR SEXUAL ABUSE

23.01 - Funding

The Patient Relations Committee may require therapists and counsellors who provide therapy or counselling funded through the program and persons who are receiving such therapy or counselling to provide a written statement, signed in each case by the therapist or counsellor and by the person which statement shall contain:

(i) details of the therapist or counsellor's training and experience;

(ii) confirmation that the therapy or counselling is being provided to the client;

(iii) confirmation that the funds received shall be devoted only to therapy or counselling that is related in whole or in part to the sexual abuse by the Registrant; and

(iv) any other information that the Patient Relations Committee determines demonstrates that the person satisfies the eligibility requirements.

24. CODE OF ETHICS

Schedule 4 of the bylaws sets out the Code of Ethics for the profession.

25. BYLAWS AND AMENDMENTS

25.01 – Effective Date

These bylaws shall become effective as soon as they have been approved by the Council.

25.02 – Amendments

The bylaws of the College or any section thereof may be enacted, amended, or revoked by a simple majority of the Council Members present and voting at a meeting of Council called for that purpose.

SCHEDULE 1 TO THE BYLAWS

Process for Election of Officers

The elections shall be supervised by the Registrar. The Registrar may be assisted by scrutineers.

Before the first regular meeting of the newly elected Council each year or any other Council meeting designated for the purpose by Council resolution, the Registrar shall send an invitation to all Council Members requesting any person wishing to stand for election to the offices of the President, Vice-President, Treasurer and Executive Committee member to indicate so, in writing, to the Registrar.

A Member's written intent must be supported by the signatures of two other Council Members and be returned to the Registrar no later than 5:00 p.m. on the day before the meeting of Council when the election of officers shall take place.

At the meeting of Council when the election of officers shall take place, the Registrar shall present the names of eligible candidates who have indicated their interest for the position of President.

Where there is only one nominee for a position, that person shall be elected by acclamation. In the event that there is more than one candidate for the office, the voting shall be conducted by ballot, with the result being tabulated and then recorded and reported by the Registrar. Where there are insufficient nominations for a position, nominations can be made from the floor.

Before the vote, candidates shall be given the opportunity to speak briefly (order to be determined by lot). The election of a candidate shall be confirmed by a majority vote of those present and voting. Where no candidate receives a majority vote, the candidate receiving the fewest votes shall be disqualified and the Council shall, by ballot, vote on the remaining candidates until one candidate receives a majority vote.

In the event of a tie, a second ballot shall take place. Candidates shall have an opportunity to speak briefly before the vote. If the second ballot also results in a tie, the winning candidate shall be determined by lot.

The results of each election shall be tabulated and reported by the Registrar, with the number of votes accorded to each candidate to remain confidential.

Once the President is elected, the Vice-President shall be elected in a similar manner. Once the Vice-President has been elected, the remaining Executive Committee positions shall be filled in a similar manner ensuring that there are an appropriate number of Registrants and Public Members.

Once the election is completed, the Registrar shall call for a motion to destroy the ballots.

The elected members of the Executive Committee may then speak briefly.

SCHEDULE 2 TO THE BYLAWS

Rules of Order of the Council

1. Each agenda topic shall be introduced briefly by the person or Committee representative raising it. Council Members may ask questions of clarification, then the person introducing the matter shall make a motion and another Council Member must second the motion before it can be debated.

2. When any Council Member wishes to speak, he or she shall so indicate by raising his or her hand and shall address the presiding officer and confine himself or herself to the matter under discussion.

3. Staff persons and consultants with expertise in a matter may be permitted by the presiding officer to answer specific questions about the matter.

4. Observers at a Council meeting are not allowed to speak to a matter that is under debate.

5. A Council Member may not speak again on the debate of a matter until every other Council Member who wishes to speak to it has been given an opportunity to do so. The only exception is that the person introducing the matter or a staff person may answer questions about the matter. Council Members shall not speak to a matter more than twice without the permission of the presiding officer.

6. No Council Member may speak longer than five (5) minutes upon any motion except with the permission of Council.

7. When a motion is under debate, no other motion can be made except to amend it, to postpone it, to put the motion to a vote, to adjourn the debate or the Council meeting or to refer the motion to a Committee.

8. A motion to amend the motion then under debate shall be disposed of first. Only one motion to amend the motion under debate can be made at a time.

9. When it appears to the presiding officer that the debate on a matter has concluded, when Council has passed a motion to vote on the motion or when the time allocated to the debate on the matter has concluded, the presiding officer shall put the motion to a vote.

10. When a matter is being voted on, no Council Member shall enter or leave the Council room, and no further debate is permitted.

11. No Council Member is entitled to vote upon any motion in which he or she has a conflict of interest, and the vote of any Council Member so interested shall be disallowed.

12. Any motion decided by the Council shall not be re-introduced during the same meeting except by a two-thirds vote of the Council Members then present.

13. Whenever the presiding officer is of the opinion that a motion offered to the Council is contrary to these rules or the bylaws, he or she shall rule the motion out of order and give his or her reasons for doing so.

14. The presiding officer shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council without debate.

15. The above rules may be relaxed by the presiding officer if it appears that greater informality is beneficial in the particular circumstances, unless the Council requires strict adherence.

16. Council Members are not permitted to discuss a matter with observers while it is being debated including during any recess of the debate.

17. Council Members shall turn off cell phones during Council meetings and, except during a break in the meeting, shall not use a cell phone, blackberry or other electronic device. Laptops shall only be used during Council meetings to review materials related to the matter under debate (e.g., electronic copies of background documents) and to make personal notes of the debate.

18. Council Members shall be silent while others are speaking.

19. In all cases not provided for in these rules or by other rules of Council, the current edition of “Robert's Rules of Order” shall be followed so far as they may be applicable.

20. These Rules shall apply, with necessary modifications, to meetings conducted by teleconference or any other electronic means permitted by the bylaws, including audio or video conferencing.

SCHEDULE 3 TO THE BYLAWS

Code of Conduct

(1) This Schedule applies to members of Council and members of all Committees of the College.

(2) Council and Committee members must, at all times, maintain high standards of integrity, honesty and loyalty when discharging their College duties. They must act in the best interest of the College. They shall:

(a) be familiar and comply with the provisions of the *Regulated Health Professions Act, 1991* and its regulations, the *Health Professions Procedural Code*, the *Homeopathy Act, 2007* and its regulations, and the bylaws and policies of the College;

(b) be prepared to participate in Council meetings and Committee work including reading background materials and briefing documents;

(c) diligently take part in Committee work and actively serve on Committees as appointed by the Council;

(d) regularly attend meetings on time (including not missing two (2) or more consecutive meetings without reasonable cause) and participate constructively in discussions;

(e) offer opinions and express views on matters before the College, Council and Committee, when appropriate;

(f) participate in all deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council and Committee members;

(g) uphold the decisions made by a majority of Council and Committees, regardless of the level of prior individual disagreement;

(h) place the interests of the College, Council and Committee above other interests;

(i) avoid and, where that is not possible, declare any appearance of or actual conflicts of interest;

(j) refrain from including or referencing Council or Committee titles or positions held at the College in any personal or business promotional materials, advertisements and business cards (although referencing one's titles or positions held at the College in one's curriculum vitae is acceptable so long as the curriculum vitae is not overtly used in a promotional manner);

(k) preserve confidentiality of all information before Council or Committee unless disclosure has been authorized by Council or is otherwise exempted under s. 36(1) of the *RHPA*;

(l) refrain from attempting to influence a statutory decision unless one is a member of a Panel of the Committee or, where there is no Panel, of the Committee dealing with the matter;

(m) respect the boundaries of staff whose role is not to report to or work for individual Council or Committee members including not contacting staff members directly, except on matters where the staff member has been assigned to provide administrative support to that Committee or the Council or where otherwise appropriate;

(n) be respectful of others and not engage in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment.

SCHEDULE 4 TO THE BYLAWS

Code of Ethics for the Homeopathy Profession

Note to Readers: In the event of any inconsistency between this document and the legislation that affects homeopathic practice, the legislation governs.

College publications contain practice parameters and standards which should be considered by all Ontario homeopaths in the care of their patients and in the practice of the profession. College publications are developed in consultation with the profession and describe current professional expectations. It is important to note that these College publications may be used by the College or other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained.

INTENT

This schedule is intended to outline, in broad fashion, the obligations to which Registrants of the College of Homeopaths of Ontario (hereafter referred to as the College) are expected to adhere in their relationships with the public, patients, fellow practitioners and other health care professionals.

PREAMBLE

The College recognizes that:

- One of the underlying principles of the *Regulated Health Professions Act, 1991* (RHPA) is to permit the public to exercise freedom of choice of health care provider within a range of safe options.
- Registrants are required to practise within the Homeopathic scope of practice set out in the *Homeopathic Act, 2007*, in providing ethical and competent patient centred care.

Through individual practitioners and the collective work of the College, professional associations, and homeopathic schools, there is an increasing awareness by the public, employers and other healthcare professionals of the practice of homeopathy as a primary health-care option in Ontario's integrated healthcare system. The public is entitled to safe, effective and ethical care performed by knowledgeable, skilled, and accountable practitioners in accordance with the professional standards of the College. Each Registrant will provide individualized and competent care, recognizing the patient's particular needs, and respecting their cultural background.
Each homeopath acts, at all times, in a manner as to justify public trust and confidence, to uphold and enhance the good standing and reputation of the profession, to serve the interest of society, and above all to safeguard the best interests of individual patients.

In all professional undertakings, including but not limited to the therapeutic relationship, Registrants respect the practice of homeopathy and adhere to the characteristics of an ethical homeopath. Within the context of these values and principles, registrants fulfill their professional obligations.

The Principles of Professional Ethics is a set of values intended to provide all registrants with information about the College's expectations of ethical conduct. It is a framework that describes the boundaries of acceptable professional practice. The Principles of Professional Ethics is a critical and enforceable element of the College's programs and as such, it is crucial that all registrants are knowledgeable about the contents of this document. Additionally, this document is intended to assist patients and other members of the public to better understand the components of ethical care that they should expect from a homeopath.

DESCRIPTION OF STANDARD

A. VALUES

The body of work of Aristotle holds that the virtues (such as justice, charity, and generosity) are dispositions to act in ways that benefit both the person possessing them and that person's society. Accordingly, the following represent a set of qualities desirable for an ethical homeopath to have in order to protect the public.

Altruistic:	Unbiased, impartial and unselfish concern for the well-being of others.
Competent:	Having the necessary ability, knowledge, or skill to do something successfully.
Courteous:	Polite, considerate in manner and respectful, showing deference, respect and due regard for the feelings, wishes, rights, or traditions of others.
Responsible:	Having an obligation to do something, or caring for someone, as part of one's job or role.
Trustworthy:	Able to be relied on as honest or truthful.
Unprejudiced:	Not having or showing a dislike or distrust based on fixed or preconceived ideas.

B. ETHICAL OBLIGATION

While the practice of homeopathy includes a number of qualities to be considered ethical, those qualities need be demonstrated. This demonstration transpires in fulfilling one's duties and obligations to society in general, individual patients, professional colleagues, the public and regulatory bodies. The following outlines the specific expectations for an ethical homeopath.

Section 1: General

The ethical homeopath:

1. Provides patient-centred care within the scope of homeopathic practice as per the *Homeopathy Act, 2007*.
2. Maintains standards of professional competence and ethics including the principles of altruism, courteousness, responsibility, trustworthiness, and being non-judgmental.
3. Acts in accordance within the scope and standards of practice of the College including regulations, guidelines, policies and programs.
4. Clearly informs all interested parties of scope and limitations of practice;
5. Commits to the highest level of effective homeopathic treatment through the maintenance and application of relevant knowledge and skill;
6. Acts within the individual's level of competence and recognizes limitations;
7. Does not exploit any relationship, established as a homeopath, to further his/her own physical, psychological, emotional, financial, political, or business interests that could be considered as a conflict of interest and at the expense of the best interest of the patient and the public;
8. Openly acknowledges any conscientious objection or conflict of interest, which may affect professional practice;
9. Keeps confidential and private all information received except when reporting is required by law (i.e. RHPA, etc);
10. Implements safety measures to protect patients, self and colleagues from injury and hazards.
11. Acts without discrimination or prejudice in a manner consistent with the Canadian Human Rights Act and the Ontario Human Rights Code;
12. Conducts him/her self with dignity so as to bring honour to the profession.

Section 2: Obligations to the Patient

The ethical homeopath:

1. Has as the first consideration the well being of patients and acts in the best interest of their welfare;
2. Demonstrates respect for the physical, emotional, and spiritual well-being of patients;
3. Demonstrates sensitivity to and respects each patient's rights, autonomy, dignity and uniqueness;
4. In the case of emergency, provide care or refer the patient to the most appropriate health care provider;
5. Clearly informs and educates patients as to the role, function, standards and philosophy of homeopathic practice;
6. Respects patients' right to informed choice, to request opinions from other homeopaths regarding a treatment plan; acknowledges patients' right to consult with other health professionals or integrate

other therapeutic modalities in combination with homeopathic treatment;
7. Ensures that his/her conduct in the practice of the homeopathic profession is above reproach;
8. Does not practice under conditions which may adversely affect the quality of services including when impaired or ill with any illness that could put patients at risk;
9. Is responsible in setting a reasonable value for their services;
10. Posts a schedule of service fees in a prominent and visible location in the office.

Section 3: Obligations to Professional Colleagues

The ethical homeopath:

1. Speaks professionally of fellow practitioners or other health care professionals, their qualifications or the procedures they use;
2. Works collaboratively with other practitioners/team members/professionals and others, as appropriate, with a goal to enhancing patient care (e.g., information sharing, treatment, consultation and education) focused on the best interests of the patient;
3. Demonstrates respect for the physical, emotional, and spiritual well-being of colleagues, associates, or employees.

Section 4: Obligations to the Public

The ethical homeopath:

1. Claims only qualifications possessed;
2. Accurately represents the nature of homeopathic treatment;
3. Maintains a respectful relationship with members of the public in order to facilitate awareness and understanding of the profession of homeopathy;
4. Upholds the principle of informed consent, including the patient's right to choose from a range of options;
5. Reports to the respective College, where they have reason to believe sexual abuse of a patient by another registrant of any of the regulated health professions;
6. Reports to the College of Homeopaths of Ontario, where there is reason to believe incompetence, misconduct, incapacity, sub-standard and/or unethical behavior, or sexual abuse of a patient by another registrant.

Section 5: Obligations to the College

The ethical homeopath:

1. Maintains professional competency through ongoing self-assessment, intra-professional collaboration and professional development.
2. Maintains the Standards of Practice and conduct himself/herself in a professional, competent and ethical manner;
3. Complies with the Regulated Health Professions Act 1991 (RHPA), the Homeopathy Act 2007 and the Regulations, Bylaws, standards, guidelines, policies, procedures, and programs of the College;
4. Abides by the laws of the jurisdiction of the practice location and complies with all governing legislation relevant to the Registrant's practice;
5. Informs the College when serious incapacity affects or may affect, over time, the Registrant's continuing ability to practice safely and competently;
6. Recognizes that self-regulation is a privilege and that each registrant has a continuing responsibility to merit the retention of the privilege.

COLLEGE OF HOMEOPATHS OF ONTARIO
REPORT FORM

MEETING/DATE:	COUNCIL, SEPTEMBER 26, 2018	DECISION	X
		DISCUSSION	X
		INFORMATION	□
DATE:	SEPTEMBER 20, 2018		
ITEM NAME:	Consultation		
PRESENTED BY:	J BLANCHARD		

OBJECTIVE OF THIS REPORT (relevance to the business of the Panel, potential impact/outcome of decision):

1. To inform Council of the details contained under section 94 of the Health Professions Procedural Code (Schedule 2 of RHPA) in relation to public circulation of bylaws.
2. To determine the will of Council in relation to a 60-day public consultation on the additions/changes of bylaws for past president and treasurer.

STRATEGIC DIRECTIONS: This initiative fits with the strategic direction of the College, which is a reflection of the fundamental components of our mandate. In the public interest the CHO will:

X Infrastructure
Establish an infrastructure that allows for the efficient and effective regulation of the profession of homeopathy in Ontario.

□ Protection of Public
Protect, promote and advance homeopathy through the development of bylaws, regulations, standards, guidelines, etc.

X Membership
The College can only be truly effective if it has the support of the profession; something that requires consultation and communication. This priority addresses the need for the development of content, information and education to be provided to members.

X Transparency
Decisions must abide by the transparency principles adopted by the College in November 2014.

GUIDING LEGISLATION:
RHPA, the Code section 94.

LINK TO CURRENT/FUTURE OPERATIONAL STRUCTURE:
The College consults on most bylaw changes, however, in the past it has not consulted on changes to the Executive Committee as a stand-alone issue.

BACKGROUND (history/pertinent info/stakeholder groups consulted/government directives/research findings/best practices. When conducting research provide full references including web links, document title, author, source, page number).:

Section 94 of Schedule 2 the *Health Professions Procedural Code under the Regulated Health Professions Act (RHPA), 1991*, allows College Councils to create, amend, and implement bylaws without consultation provided they do not have a significant impact on the individual registrant or applicant.

Historically, the College consults on most bylaw changes; however, it has not consulted on changes to the Executive Committee as a stand-alone issue. i.e. when the transitional Council extended the maximum consecutive term of President from three years to four years it did not consult. The Council opted not to consult as time was of the essence and the changes was not believed to have a direct impact on future applicants (there were no registrants at that time).

In 2014 the transitional Council of the College of Homeopaths of Ontario adopted the transparency principles (see page 9 of this report) which encourages open, frank communication with stakeholders whenever possible especially on issues of public protection. In this discussion the following principles could be applied.

Principle 1: The mandate of regulators is public protection and safety. The public needs access to appropriate information in order to trust that this system of self-regulation works effectively.

In carrying out its legislated mandate, a regulator has a duty to "serve and protect the public interest".[1] Regulators must earn and maintain the trust and confidence of the public that they are working in their best interests.

Information needs to provide assurance to the public that practitioners are competent and that the public is safe. The public protection work of the regulator must not only be done, it must be seen to be done.

> "In judging whether to place our trust in others' words or undertakings, or to refuse that trust, we need information and we need the means to judge that information. We need to know what we are asked to accept and who is soliciting our trust".[2]

Principle 2: Providing more information to the public has benefits, including improved patient choice and increased accountability for regulators.

Public expectation about access to information about all public agencies has changed dramatically, particularly as a result of exponential increases in internet use.

Regulators must assume that the public is as capable of using regulatory information to make decisions as they are to make informed decisions about their health care treatment. This means that the public is entitled to make decisions others wouldn't agree with.

> "Respect for individual autonomy, responsibility and decision-making is deeply entrenched...we believe that people, given sufficient information, can make their own personal assessments of the risks and benefits of transactions".[3]

The more transparent an organization is, via its web site or other means, the more it is willing to allow citizens to monitor its performance and to participate in its policy processes.[4]

> "Transparency stimulates a 'culture of openness' within organizations, which is thought to have a positive effect on trust."[5]

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[1] Clause 3(2) *Health Professions Procedural Code*, under Schedule 2 of the RHPA.
[2] O'Neill, Onora (2002) "Trust and Transparency" Lecture four of the Reith Lectures 2002 – A Question of Trust by BBC Radio. Available at http://www.bbc.co.uk/radio4/reith2002/lecture4.shtml.
[3] Ripken, Susanna Kim. (2006). "The dangers and drawbacks of the disclosure antidote: toward a more substantive approach to securities regulation" *Baylor Law Review*, 58, 139-204 at p. 195. The author also notes evidence suggesting that when people are given too much information in a limited time, information overload can result in confusion, cognitive strain, and poorer decision-making. (pp. 159-160)
[4] Curtin, Deirdre, and Meijer, Albert Jacob. (2006) "Does transparency strengthen legitimacy?" *Information Policy* 11(2): 109-122.
[5] Grimmelikhuijsen, 51. In making this statement, the author refers to: Hood, C. (2006) "Beyond exchanging first principles? Some closing comments" In Hood, C. and Heald, D. (eds).

Principle 7: The greater the potential risk to the public, the more important transparency becomes.

Information about the most serious behaviour or clinical competence concerns is already available to the public as required by the Regulated Health Professions Act.

It is critical for the most important information that patients use to assess risks be the easiest for the public to process and evaluate.

Direction from RHPA

Based on section 94(2)[6] of RHPA, *Schedule 2 of the Regulated Health Professions Code* certain bylaws must be circulated to every member at least 60 days before approval including bylaws the following matters:

94 (1) The Council may make by-laws relating to the administrative and internal affairs of the College and, without limiting the generality of the foregoing, the Council may make by-laws (see full text on page 5),

(l.2) specifying information as information to be kept in the register for the purposes of paragraph 20 of subsection 23 (2), designating information kept in the register as public for the purposes of subsection 23 (5), and designating information kept in the register as public for the purposes of subsection 23 (5) that may be withheld from the public for the purposes of subsection 23 (6);

(l.3) requiring members to give the College their home addresses and such other information as may be specified in the by-law about themselves and the places they practise the profession, the services they provide there, their participation in continuing education programs and the names, business addresses, telephone numbers and facsimile numbers of their associates, partners, employers and employees and prescribing the form and manner in which the information shall be given;

(s) requiring members to pay annual fees, fees upon application for a certificate and upon registration and fees for examinations, appeals from examinations, election recounts and continuing education programs and for anything the Registrar or a committee of the College is required or authorized to do and requiring members to pay penalties for the late payment of any fee;

(t) specifying the amount of any fee or penalty required under clause (s);

(t.1) prescribing the form and manner in which a health profession corporation shall notify the Registrar of a change in the shareholders of the corporation and the time period for doing so;

(t.2) requiring the payment of fees upon application for a certificate of authorization and for the issue or renewal of a certificate of authorization and specifying the amount of such fees;

(v) requiring members to pay specified amounts to pay for the program required under section 85.7, including amounts that are different for different members or classes of members and including amounts,

(i) that are specified in the by-law,

Transparency: The Key to Better Governance? Oxford: Oxford University Press, 211-226.

6 Circulation of certain by-laws

(2) A by-law shall not be made under clause (1) (l.2), (l.3), (s), (t), (v), (w) or (y) unless the proposed by-law is circulated to every member at least 60 days before it is approved by the Council. 1998, c. 18, Sched. G, s. 22 (5).

(ii) that are calculated according to a method set out in the by-law, or
(iii) that are determined by a person specified in the by-law;

(w) requiring members to participate in an arrangement set up by the College in which members pay a person such amounts as may be determined by the person for the members or for classes of members and the person pays amounts to the College to pay for the program required under section 85.7;

(y) requiring members to have professional liability insurance that satisfies the requirements specified in the by-laws or to belong to a specified association that provides protection against professional liability and requiring members to give proof of the insurance or membership to the Registrar in the manner set out in the by-laws;

Following discussion at its September 21, 2018 meeting, the Executive Committee proposed approving the bylaw changes related to the position of Past President and Treasurer for immediate implementation (without 60-day consultation). The rationale in their decision stems from the fact there is no impact on the financial or registration requirements of registrants or applicants.

Motion: Be it resolved that the proposed bylaws for Past President and Treasurer be approved by Council.
Moved by: A Cardozo Seconded by: G Kapelus
CARRIED

KEY CONSIDERATIONS

1. Legal requirement
2. Transparency
3. Perception of not consulting
4. Budget implications of adding one more position to Executive Committee
5. Human resources cost to undertake consultation

RESOURCE IMPLICATIONS:

1. Human resources to undertake consultation

DEADLINES AND NEXT STEPS:

1. The matter of bylaw additions for the positions of Past President and Treasurer needs to be resolved by Winter 18/19.

OPTIONS:

1. Following a successful vote on the proposed bylaw changes, direct staff to undertake a 60 day consultation of the proposed bylaw changes.
2. Following a successful vote on the proposed bylaw changes, opt for immediate adoption of the proposed bylaw changes.
3. Refer this matter to Governance Panel for further consideration and recommendation to Executive Committee/Council.

RECOMMENDATIONS: Following a successful vote on the proposed bylaw changes, opt for immediate adoption of the proposed bylaw changes.

RESOLUTION:

BE IT RESOLVED THAT the proposed bylaws for past president and treasurer by approved for immediate implementation.

Regulated Health Professions Act, 1991
S.O. 1991, CHAPTER 18

Consolidation Period: From May 1, 2018 to the e-Laws currency date.
Last amendment: 2017, c. 25, Sched. 9, s. 115.

By-laws

94 (1) The Council may make by-laws relating to the administrative and internal affairs of the College and, without limiting the generality of the foregoing, the Council may make by-laws,

(a) adopting a seal for the College;

(b) providing for the execution of documents by the College;

(c) respecting banking and finance;

(d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;

(d.1) respecting the election of Council members, including the requirements for members to be able to vote, electoral districts and election recounts;

(d.2) respecting the qualification and terms of office of Council members who are elected;

(d.3) prescribing conditions disqualifying elected members from sitting on the Council and governing the removal of disqualified Council members;

(e) providing procedures for the election of the President and Vice-President of the College, the selection of the chairs of the committees, the filling of a vacancy in those offices, and setting out the duties and powers of the President, Vice-President and the chairs;

(f) respecting the calling, holding and conducting of the Council meetings and respecting the duties of the Council's members;

(g) respecting the calling, holding and conducting of meetings of the members;

(g.1) providing that a meeting of the Council or of members or a meeting of a committee or of a panel that is held for any purpose other than for the conducting of a hearing may be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously;

(g.2) prescribing what constitutes a conflict of interest for members of the Council or a committee and regulating or prohibiting the carrying out of the duties of those members in cases in which there is a conflict of interest;

(h) providing for the remuneration of the members of the Council and committees other than persons appointed by the Lieutenant Governor in Council and for the payment of the expenses of the Council and committees in the conduct of their business;

(h.1) respecting the filling of vacancies on the Council or on committees;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.1) of Schedule 2 to the Act is repealed and the following substituted: (See: 2017, c. 11, Sched. 5, s. 30 (1))

(h.1) subject to the regulations made under clauses 43 (1) (p) to (s) of the *Regulated Health Professions Act, 1991*,

(i) respecting the filling of vacancies on the Council or on committees,
(ii) providing for the composition of committees,
(iii) respecting the qualification, selection, appointment and terms of office of members of committees required by subsection 10 (1) who are not members of the Council,
(iv) prescribing conditions that disqualify committee members from sitting on committees required under subsection 10 (1) and governing the removal of disqualified committee members;

(h.2) providing for the composition of committees;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.2) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))

(h.3) respecting the qualification, selection, appointment and terms of office of members of committees required by subsection 10 (1) who are not members of the Council;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.3) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))

(h.4) prescribing conditions disqualifying committee members from sitting on committees required under subsection 10 (1) and governing the removal of disqualified committee members;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 94 (1) (h.4) of Schedule 2 to the Act is repealed. (See: 2017, c. 11, Sched. 5, s. 30 (1))

(i) providing for the appointment, powers and duties of committees other than the committees required by subsection 10 (1);

(j) delegating to the Executive Committee powers and duties of the Council, other than the power to make, amend or revoke regulations and by-laws;

(k) providing for a code of ethics for the members;

(l) providing for the appointment of inspectors for the purposes of regulations made under clause 95 (1) (h);

(l.1) respecting the maintenance of the register kept by the Registrar and providing for the issuing of certificates when information contained in the register is made available to the public under section 23;

(l.2) specifying information as information to be kept in the register for the purposes of paragraph 20 of subsection 23 (2), designating information kept in the register as public for the purposes of subsection 23 (5), and designating information kept in the register as public for the purposes of subsection 23 (5) that may be withheld from the public for the purposes of subsection 23 (6);

(l.3) requiring members to give the College their home addresses and such other information as may be specified in the by-law about themselves and the places they practise the profession, the services they provide there, their participation in continuing education programs and the names, business addresses, telephone numbers and facsimile numbers of their associates, partners, employers and employees and prescribing the form and manner in which the information shall be given;

(l.4) respecting the duties and office of the Registrar;

(m) providing procedures for the making, amending and revoking of by-laws;

(n) prescribing forms and providing for their use;

(o) respecting the management of the property of the College;

(p) authorizing the College to make arrangements for the indemnity of members against professional liability and providing levies to be paid by members;

(q) respecting membership of the College in a national organization of bodies with similar functions, the payment of annual assessments and representation at meetings;

(r) authorizing the making of grants to advance scientific knowledge or the education of persons wishing to practise the profession, to maintain or improve the standards of practice of the profession or to provide public information about, and encourage interest in, the past and present role of the profession in society;

(s) requiring members to pay annual fees, fees upon application for a certificate and upon registration and fees for examinations, appeals from examinations, election recounts and continuing education programs and for anything the Registrar or a committee of the College is required or authorized to do and requiring members to pay penalties for the late payment of any fee;

(t) specifying the amount of any fee or penalty required under clause (s);

(t.1) prescribing the form and manner in which a health profession corporation shall notify the Registrar of a change in the shareholders of the corporation and the time period for doing so;

(t.2) requiring the payment of fees upon application for a certificate of authorization and for the issue or renewal of a certificate of authorization and specifying the amount of such fees;

(u) requiring persons to pay fees, set by the Registrar or by by-law, for anything the Registrar is required or authorized to do;

(v) requiring members to pay specified amounts to pay for the program required under section 85.7, including amounts that are different for different members or classes of members and including amounts,
(i) that are specified in the by-law,
(ii) that are calculated according to a method set out in the by-law, or
(iii) that are determined by a person specified in the by-law;

(w) requiring members to participate in an arrangement set up by the College in which members pay a person such amounts as may be determined by the person for the members or for classes of members and the person pays amounts to the College to pay for the program required under section 85.7;

(x) authorizing the Patient Relations Committee to require therapists and counsellors who are providing therapy or counselling that is funded through the program required under section 85.7 and persons who are receiving such therapy or counselling, to provide a written statement, signed in each case by the therapist or counsellor and by the person, containing details of the therapist's or counsellor's

training and experience, and confirming that therapy or counselling is being provided and that the funds received are being devoted only to that purpose;

(y) requiring members to have professional liability insurance that satisfies the requirements specified in the by-laws or to belong to a specified association that provides protection against professional liability and requiring members to give proof of the insurance or membership to the Registrar in the manner set out in the by-laws;

(z) respecting the designation of life or honourary members of the College and prescribing their rights and privileges;

(z.1) exempting any member or class of member from a by-law made under this section;

(z.2) specifying or setting out anything that is required to be specified or set out under this subsection. 1991, c. 18, Sched. 2, s. 94 (1); 1998, c. 18, Sched. G, s. 22 (1-4); 2000, c. 42, Sched., s. 40; 2007, c. 10, Sched. M, s. 73 (1, 2); 2017, c. 11, Sched. 5, s. 30 (2).

Circulation of certain by-laws

(2) A by-law shall not be made under clause (1) (l.2), (l.3), (s), (t), (v), (w) or (y) unless the proposed by-law is circulated to every member at least 60 days before it is approved by the Council. 1998, c. 18, Sched. G, s. 22 (5).

Exception

(2.1) Despite subsection (2), the Council may, with the approval of the Minister, exempt a by-law from the requirement that it be circulated or abridge the 60-day period referred to in subsection (2) to such lesser period as the Minister may determine. 1998, c. 18, Sched. G, s. 22 (5).

Copies of by-laws, etc.

(3) A copy of the by-laws and standards of practice made by the Council, and any documents that are referred to in the by-laws and regulations made by the Council shall be given to the Minister and to each member and shall be made available to the public during normal business hours in the office of the College. 2007, c. 10, Sched. M, s. 73 (3).

Public copies

(3.1) Any person is entitled to a copy of any by-law, standard of practice or other document mentioned in subsection (3) on the payment of a reasonable fee, if required, to the Registrar. 2007, c. 10, Sched. M, s. 73 (3).

Unanimous by-laws, etc.

(4) A by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council called, constituted and held for the purpose. 1991, c. 18, Sched. 2, s. 94 (4).

Application

(5) Subsections (3) and (4) apply to by-laws made under this section or under a health profession Act. 1998, c. 18, Sched. G, s. 22 (6).

College of Homeopaths of Ontario (CHO)
Governance Policy Binder

Title:	Transparency Principles
Subject:	Governance - Transparency
Policy Number:	GOV - 01
Status:	Approved by Council
Date:	November 17, 2014

This policy is applicable to situations, unless otherwise noted.

Policy

The following principles are the framework for future decisions by regulatory[7] colleges related to making more information available to the public.

Principle 1: The mandate of regulators is public protection and safety. The public needs access to appropriate information in order to trust that this system of self-regulation works effectively.

In carrying out its legislated mandate, a regulator has a duty to "serve and protect the public interest".[8] Regulators must earn and maintain the trust and confidence of the public that they are working in their best interests.

Information needs to provide assurance to the public that practitioners are competent and that the public is safe. The public protection work of the regulator must not only be done, it must be seen to be done.

> "In judging whether to place our trust in others' words or undertakings, or to refuse that trust, we need information and we need the means to judge that information. We need to know what we are asked to accept and who is soliciting our trust".[9]

Principle 2: Providing more information to the public has benefits, including improved patient choice and increased accountability for regulators.

Public expectation about access to information about all public agencies has changed dramatically, particularly as a result of exponential increases in internet use.

Regulators must assume that the public is as capable of using regulatory information to make decisions as they are to make informed decisions about their health care treatment. This means that

[7] Any reference to 'regulators', 'regulatory' or 'health professions' in this document refers to regulated health professions, health professionals and regulators as set out in the *Regulated Health Professions Act*, 1991 (RHPA).
[8] Clause 3(2) *Health Professions Procedural Code*, under Schedule 2 of the RHPA.
[9] O'Neill, Onora (2002) "Trust and Transparency" Lecture four of the Reith Lectures 2002 – A Question of Trust by BBC Radio. Available at http://www.bbc.co.uk/radio4/reith2002/lecture4.shtml.

the public is entitled to make decisions others wouldn't agree with.

> "Respect for individual autonomy, responsibility and decision-making is deeply entrenched...we believe that people, given sufficient information, can make their own personal assessments of the risks and benefits of transactions".[10]

The more transparent an organization is, via its web site or other means, the more it is willing to allow citizens to monitor its performance and to participate in its policy processes.[11]

> "Transparency stimulates a 'culture of openness' within organizations, which is thought to have a positive effect on trust."[12]

Principle 3: Any information provided should enhance the public's ability to make decisions or hold the regulator accountable. This information needs to be relevant, credible and accurate.

Any information, whether about processes, outcomes, or members, provided to the public should enhance public confidence and/or safety. A successful transparency policy will result in public trust in the organization that sorts, processes and assesses the information before any disclosure is made.[13]

The public needs enough information to understand how and why the regulator makes the decisions it does and to evaluate its performance. Patients also need information in order to make informed choices about health care professionals.

More information does not always make it easier to make choices. If increased transparency is understood only to mean providing more and more information, it may lead to a flood of information that results in public uncertainty rather than trust.[14]

Because information about what is not available can be as important as what is available, it is important to be clear about what is not on the public register and why.

Principle 4: In order for information to be helpful to the public, it must:

- *be timely, easy to find and understand.*
- *include context and explanation.*

Transparency involves not only providing information, but doing so in a way that is helpful to the public.

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[10] Ripken, Susanna Kim. (2006). "The dangers and drawbacks of the disclosure antidote: toward a more substantive approach to securities regulation" *Baylor Law Review*, 58, 139-204 at p. 195. The author also notes evidence suggesting that when people are given too much information in a limited time, information overload can result in confusion, cognitive strain, and poorer decision-making. (pp. 159-160)

[11] Curtin, Deirdre, and Meijer, Albert Jacob. (2006) "Does transparency strengthen legitimacy?" *Information Policy* 11(2): 109-122.

[12] Grimmelikhuijsen, 51. In making this statement, the author refers to: Hood, C. (2006) "Beyond exchanging first principles? Some closing comments" In Hood, C. and Heald, D. (eds).
Transparency: The Key to Better Governance? Oxford: Oxford University Press, 211-226.

[13] Grimmelikhuijsen notes that "giving citizens 'good reasons' to trust is not only a matter of providing them with knowledge. We also need to develop a sense of realism about the effects of transparency." (Grimmelikhuijsen, 67). He also notes that "trust…is not only determined individually but is largely shaped in a broader societal context". (Grimmelikhuijsen, 67).

[14] Peters, E., Klein, W, Kaufman, A., Meilleur, L, and Dixon, A. (2013) "More is Not Always Better: Intuitions About Effective Public Policy Can Lead to Unintended Consequences" *Social Issues and Policy Review* 7(1):114-148.

Comprehensibility and timeliness are crucial elements of transparency.[15]

All information should be provided in an accessible way, for example, on websites, and be easy to find. Efforts should be made to simplify and clarify information in order to make it easy to understand. Information also needs to be available as soon as possible.

Context is extremely important. Limited information or information without explanation is potentially unhelpful and could be misleading. For example, single incidents relating to health care providers – even if they reflect a clinical or conduct error - do not necessarily provide information about the overall competence of a provider. Single events are also not necessarily predictive of future behaviour.

The Health Professions Regulatory Advisory Council, in its report "*Adjusting the Balance*" (March 2001), had concerns about the "quality and validity of some of the available information when used as an indicator of the quality or calibre of a health professional. Further, consumers will vary in their views as to what information is relevant."[16]

Regulatory information is complex. Regulators have a responsibility to provide information clearly and place it in the appropriate context. Otherwise transparency may have an effect on the public's behaviour, yet not be effective in terms of desired outcomes.[17] Regulatory bodies can help to provide context by providing clear information about what information may mean and does not mean.

Principle 5: Quality Assurance processes intended to improve competence may lead to better outcomes for the public if they happen confidentially.

Most people who come forward with a problem about a health care provider have a common objective: ensuring that the problem does not happen again to someone else.

Regulators share that objective. The goal of regulatory processes is to ensure, maintain and improve the quality of health care for the people of Ontario.

Regulatory functions, such as registration, quality assurance, and enforcement of professional conduct, are designed to protect the public and ensure patient safety. These functions are supported by many processes. Some of them are designed to enhance public protection through the use of confidential, remedial approaches. These processes are valuable and should not be lost in the pursuit of transparency.

Remediation is a critical component of public protection. Education, retraining, assessment and monitoring are the best methods to reduce the likelihood that past conduct/problems will be repeated.

Regulators strive to do this by improving the performance of individual members of the profession. Publishing the outcome of remedial processes may be perceived as punitive and diminish their educational effectiveness.

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[15] Grimmelikhuijsen, 53.

[16] Health Professions Regulatory Advisory Committee (HPRAC) (March 2001) *Adjusting the Balance: A review of the Regulated Health Professions Act* Available at http://www.hprac.org/en/reports/resources/RHPA_Review_2001_Report.pdf.

[17] Weil, David, Fund, Archon, Graham, Mary, and Fagotto, Elena (2006) "The Effectiveness of Regulatory Disclosure Policies" *Journal of Policy Analysis and Management* 25(1): 155-181, at pp. 165, 167.

Patient safety literature shows that identification of errors is most likely to occur, and in fact sometimes only occurs, when health professionals have a safe place to identify, discuss and address problems. These 'safe harbours' create an environment in which true improvement can occur.[18]

Regulators have reason to believe that a remedial approach works. Only a very small fraction of health care providers are the subject of multiple actions at the committee level.

Principle 6: Transparency discussions should balance the principles of public protection and accountability, with fairness and privacy.

A regulatory college's accountability to the public, and its public protection mandate, must be balanced with fairness and privacy principles. [19]

There may be unintended consequences and potential risks to the public of making more information available. These might include a reduced willingness for providers to acknowledge problems and significant delays in process, including the potential to delay important educational interventions. This needs to be explored.

While the protection of the public is paramount, regulators need to take into account their obligation to provide procedural fairness to members. Both duties are important and undermining one does not, in the long run, advance the other. [20]

> "What makes a profession is the public interest inherent in its operation. Many of the challenges in regulation stem from the reality that securing the public interest requires hard choices to be made:
>
> - limiting access does not secure a monopoly but ensures quality control;
> - protecting privacy helps ensure professionals can take certain risks and make unpopular decisions necessary for meeting their professional obligations and the public interest;
> - standards that are not black and white reflect the reality that some ethical questions truly involve "shades of grey" that cannot be solved through zero tolerance measures or absolute or inflexible rules." [21]

Principle 7: The greater the potential risk to the public, the more important transparency becomes.

Information about the most serious behaviour or clinical competence concerns is already available to the public as required by the Regulated Health Professions Act.

It is critical for the most important information that patients use to assess risks be the easiest for the public to process and evaluate.

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[18] Linthorst GE, Kallimanis-King BL, Douwes Dekker I, Hoekstra JB, de Haes JC, '*What contributes to internists' willingness to disclose medical errors?*' Neth J Med. 2012 Jun;70(5):242-8.

[19] HPRAC

[20] Steinecke, Richard. (July 2003) "Will the Real Public Interest Please Stand Up?" Grey Areas 65. Steinecke, Richard. (November 2004) "Too much Transparency?" Grey Areas 81.

[21] Anand, Raj (June 6, 2013). "Accountability, Transparency and Professional Ethics: Today's Challenges for the Ontario College of Teachers" Presentation at the Annual General Meeting of the Ontario College of Teachers.

Principle 8: Information available from Colleges about members and processes should be similar.

The public should be able to expect access to the same kind of information about any regulated health care professional in Ontario.

Consistency of information about professionals is critical for interprofessional care and for the maintenance of the integrity of self-regulation.

The RHPA is the legislative framework for all of Ontario's regulatory health professions. In addition to setting out general objects and specific processes, it governs what information is currently made public[22] or kept confidential[23]. Amendments made to the RHPA in 2009 made significant changes to increase information available to the public and make it accessible on College websites.

Definitions

Transparency[24]

A process is transparent if it is conducted in such a way that it is easy to see what actions are being taken to complete the process, why these actions are taken, and what results from these actions. In the regulatory context, transparency of process encompasses the following:

- Openness: having measures and structures in place that make it easy to see how the process operates;
- Access: making information easily available;
- Clarity: ensuring that information used to communicate is complete, accurate and easy to understand.

Related Documents

[22] s23(2)(14) *Health Professions Procedural Code*
[23] s36 *Regulated Health Professions Act*
[24] Adapted from the Ontario Office of the Fairness Commissioner

COLLEGE OF HOMEOPATHS OF ONTARIO
REPORT FORM

MEETING/DATE:	COUNCIL, SEPTEMBER 26, 2018	DECISION	X
		DISCUSSION	□
		INFORMATION	□
DATE:	SEPTEMBER 20, 2018		
ITEM NAME:	Council Self-Assessment		
PRESENTED BY:	G KAPELUS / A CARDOZO		

OBJECTIVE OF THIS REPORT (relevance to the business of Council, potential impact/outcome of decision):

1. To present the framework of Council Member self-assessment as the first step a Council/College assessment process.
2. To seek Council's support to commence with the introduction of the Council Self-Assessment Questionnaire effective March 2019 and annually thereafter.

STRATEGIC DIRECTIONS: This initiative fits with the strategic direction of the College, which is a reflection of the fundamental components of our mandate. In the public interest the CHO will:

X Infrastructure
Establish an infrastructure that allows for the efficient and effective regulation of the profession of homeopathy in Ontario.

□ Protection of Public
Protect, promote and advance homeopathy through the development of bylaws, regulations, standards, guidelines, etc.

□ Membership
The College can only be truly effective if it has the support of the profession; something that requires consultation and communication. This priority addresses the need for the development of content, information and education to be provided to members.

□ Transparency
Decisions must abide by the transparency principles adopted by the College in November 2014.

GUIDING LEGISLATION:

None

LINK TO CURRENT/FUTURE OPERATIONAL STRUCTURE:

The CSAQ is intended for the personal reflection of individual members to measure the effectiveness of the council. The output of this evaluation is to improve the orientation, education and member appointment processes.

BACKGROUND (history/pertinent info/stakeholder groups consulted/government directives/research findings/best practices. When conducting research provide full references including web links, document title, author, source, page number).:

The Governance Panel has looked at a number of initiatives to improve the effective and efficient management of Council Human Resources. The first step is the recommendation of a Council-Member Self-Assessment Questionnaire (CSAQ) to help individual Council members understand their current knowledge, skills and commitments against the requirements Council member of the roles and responsibilities.

At its September 18, 2018 meeting the Governance Panel made the following motion:

Motion: That the Governance Panel recommends to Executive Committee the adoption of Council self-assessment questionnaire to be implemented electronically in March 2019 and thereafter annually.
Moved by: A. Cardozo
Seconded by: G. Kapelus
CARRIED

At its September 21, 2018 meeting the Executive Committee accepted the Governance Panel recommendation.

Motion: That Executive Committee accepts the Governance Panel recommendation to adopt the Council Self-Assessment Questionnaire (CSAQ) to be implemented electronically in March 2019 and thereafter annually.
Moved by: G. Kapelus
Seconded by: S. Ampadi
CARRIED

KEY CONSIDERATIONS:

1. Assurance that all members of Council have the knowledge, skills and commitment
2. Ensure effectiveness in the governance of the Council
3. Effective decision-making and development roles of committees

RESOURCE IMPLICATIONS:

1. Human resources - Council

DEADLINES AND NEXT STEPS:

1. Prepare questionnaire for electronic launch in March 2019

OPTIONS:

1. Approve recommendation as presented.
2. Approve recommendation with amendment.
3. Send back to the Governance Panel with direction for re-consideration.
4. Reject the recommendation.

RECOMMENDATIONS:

1. Approve recommendation as presented.

RESOLUTION:

BE IT RESOLVED THAT Council adopt the Council self-assessment questionnaire (CSAQ) to be implemented electronically in March 2019 and thereafter annually.

Council Member Self-Assessment Questionnaire (CSAQ)

About the Framework

The Council of the College of Homeopaths of Ontario believes that an effective Council of directors is the result of a clear understanding of the College's mandate, responsibilities and accountabilities; adherence to policies and the College's Code of Conduct for Council members; constant diligence and vigilance in its work; and consistent improvement in how Council conducts its affairs at every level.

As such, Council is committed to reviewing periodically, not only the College's operations and finances, but also the performance of Council members, chairs and committees. This self-evaluation enables individuals who have accepted the responsibility of governance to identify and seek opportunities for improvement within their own participatory efforts.

The College has adopted a Self-Assessment Questionnaire to enable Council assure itself that all members of Council have the knowledge, skills and commitment to ensure effectiveness in the governance of the Council and the decision-making and development roles of committees.

Anonymous Council Member Self-Assessment Questionnaire

INSTRUCTIONS:

All Council and committee members participate by completing the component, anonymously.

College staff does not participate in the Council Self-Assessment Questionnaire (CSAQ).

Executive Committee of Council and the Board Chair of the Council are accountable for the CSAQ and must ensure that it is completed annually beginning in 2019. The Chair communicates the report to the Council Members.

The following questionnaire is intended for the personal reflection of individual members to measure the effectiveness of the council. The output of this evaluation is to improve the orientation, education and member appointment processes.

The scale used to complete the questionnaire is:

5 Strongly Agree
4 Agree
3 Disagree
2 Strongly Disagree
1 Comment

Date: _____

Length of time on Council: (Check one box only)

[ ] 0-2 years [ ] 3-4 years [ ] 5-6 years [ ] >6 years

Questions	Rating				
	5 Strongly agree	4 Agree	3 Disagree	2 Strongly disagree	1 Comments
1. I am aware of what is expected of me as a Council/committee member.					
2. I understand the statutory functions of the college.					
3. I understand and adhere to the College's Code of Conduct and Robert's Rules of Order in meetings.					
4. I have a good record of meeting attendance.					
5. I read the minutes, reports and other materials in advance of meetings and I am prepared for discussion and decisions where required.					
6. I am familiar with what is in the organization's by-laws and governing policies.					
7. I am a good listener at meetings. This enables me to contribute and advance discussion towards a decision.					
8. I express my views even when I may be in the minority. However, I also ensure that the points that I raise are on topic, and that once I have stated my view, I allow others to express their views without interruption.					
9. I support decisions once they are made even if I do not agree with them.					
10. I maintain confidentiality on human resources matters, on matters which have not been presented in the open forum of Council, and on discussions held in-camera.					
11. I understand the college's financial statements and current financial position.					
12. I declare professional and personal conflicts that would jeopardise my ability to act in the best interest of the college.					
13. I participate fully in the annual orientation program for Council members.					
14. I participate fully in council or committee educational activities.					
15. I volunteer to work on projects that advance the college's mandate and effectiveness.					
16. I actively work to inspire a collaborative work environment with those whom I work with at the Council.					
17. I understand the difference between the Governance role of Council members and the role of the managing staff.					

Questions	Rating				
	5 Strongly agree	4 Agree	3 Disagree	2 Strongly disagree	1 Comments
18. I understand the role and responsibilities of the Registrar.					
19. I understand the role and responsibilities of the Council staff and understand that they do not work for individual Council members.					
20. I have participated in providing performance feedback to the Registrar.					

FURTHER COMMENTS AND CLARIFICATIONS:

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