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

Approved by Council March 22, 2017, Revised December 14, 2017,
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Made pursuant to section 94 of the Health Professions Procedural Code (being Schedule 2 of the
Regulated Health Professions Act, 1991)
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Official By-Laws of the College of Physiotherapists of Ontario


All previous by-laws relating to the administration of the affairs of the College are hereby repealed and replaced with this by-law.

Part 1—Definitions

DEFINITIONS

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

(a) “Academic Councillor” means a Councillor who is selected from a faculty of physiotherapy or physical therapy of a university in Ontario in accordance with section 3.2 of these By-laws and section 6(1)(c) of the Act;

(b) “Act” means the Physiotherapy Act, 1991;

(c) “Associate Registrar” means a senior employee of the College with signing authority as set out in the By-laws and policies of the College;

(d) “Auditor” means the person or firm appointed under subsection 2.7 (1) of the By-laws;

(e) “By-laws” means the By-laws of the College;

(f) “Chair” means the person designated to preside over meetings of Committees or panels of Committees of the College;

(g) “Code” means the Health Professions Procedural Code, being Schedule 2 to the RHPA;

(h) “College” means the College of Physiotherapists of Ontario (l’Ordre des Physiothérapeutes de l’Ontario);

(i) “Committee” means a committee mentioned in Part 7 of these By-laws and includes those committees set out in section 10 of the Code;

(j) “Council” means the Council of the College established by section 6 of the Act;

(k) “Councillor” means a member of Council and includes an Elected Councillor, an Academic Councillor and a Publicly-Appointed Councillor;

(l) “Elected Councillor” means a Councillor who is a Member and who is elected or appointed in accordance with section 3.1 of these By-laws;

(m) “Fiscal Year” means April 1 to March 31;

(n) “Mail” means regular postal mail, courier mail, facsimile, or email;

(o) “Member” means a member of the College as set out in section 13 of the Code;

(p) “Minister” means the Minister of Health and Long-Term Care;

(q) “Non-Council Committee Member” means a person who is not a Councillor and who is appointed to serve on a Committee in accordance with section 7.5 of these By-laws;
“Place of Practice” means any location where the Member practises physiotherapy;

“President” means the President of Council and Chair of the Executive Committee;

“Publicly-Appointed Councillor” means a Councillor who is appointed by the Lieutenant Governor in Council in accordance with section 6(1)(b) of the Act;

“Registrar” means the Registrar of the College as required by the Code and as further described in section 2.10 of these By-laws;

“Regulations” mean the regulations under the RHPA and the Act;

“RHPA” means the Regulated Health Professions Act, 1991, and includes the Code;

“Signing Officer” means the Registrar, Associate Registrar(s), President and Vice-President; and

“Vice-President” means the Vice-President of Council.
Part 2—College Administration

SEAL

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

BANKING

2.2. (1) Council shall appoint one or more Canadian banks chartered under the Bank Act (Canada) for the use of the College.

(2) All money belonging to the College shall be deposited in the name of the College, at such banks without deduction for any purpose whatsoever.

(3) A staff member designated by a Signing Officer of the College may endorse a negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank.

BORROWING

2.3. (1) The President or Vice-President, together with the Registrar and such other officer or person as may be authorized by resolution of Council, may:

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

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

(c) issue, sell or pledge debt obligations of the College, including without limitation bonds, debentures, notes or similar obligations of the College, whether secured or unsecured; and

(d) charge, mortgage, hypothecate or pledge all or any currently owned or subsequently acquired real or personal, moveable or immovable property of the College, including book debts, rights, powers, franchises and undertakings, to secure any such debt obligations or any money borrowed or other debt or liability of the College.

INVESTMENT

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

2.5. (1) Council shall approve annually,
   (a) an operating budget for the College for each Fiscal Year; and
   (b) a capital budget for the College for each Fiscal Year.

(2) One or more Signing Officers may obtain services for the benefit of the College as set out in the financial policies of the College.

(3) One or more Signing Officers may authorize the purchase or lease of capital goods for the benefit of the College as set out in the financial policies of the College.

(4) One or more Signing Officers may sign or authorize a cheque, electronic funds transfer or other document with financial implications for the College as set out in the College’s financial policies as approved by Council.

(5) A Signing Officer of the College must conduct his or her duties as set out in the College’s financial policies as approved by Council.

OTHER DOCUMENTS

2.6. (1) A Signing Officer may impress the seal of the College upon a document if the seal is required.

(2) The Registrar, or one of the College’s Associate Registrars when designated by the Registrar, may sign notices and other documents on behalf of any Committee of the College, except where otherwise provided by law.

(3) No person shall sign or seal a document affecting the College unless authorized by the Act, the Regulations or these By-laws.

AUDIT

2.7. (1) Council shall appoint annually one or more Auditors who are licensed under the Public Accounting Act, 2004 to audit the College’s financial statements.

(2) Financial statements for the College shall be prepared at the close of each Fiscal Year and audited financial statements, together with the Auditor’s report, shall be presented annually to Council.

(3) The Auditor shall serve for a term of one year, but if an appointment is not made the Auditor shall continue to serve until a successor is appointed.

(4) The Auditor may be re-appointed provided that the Auditor does not serve for more than five consecutive one-year terms.

(5) If the Auditor is unable to continue his or her duties or in the event Council is dissatisfied with the Auditor, Council may appoint a new Auditor.

(6) Council shall cause the performance of the Auditor to be evaluated on an annual basis and shall take such evaluation into account when considering the re-appointment of the Auditor.

(7) Council shall set the remuneration of the Auditor and confirm the appointment and remuneration in writing.
(8) The Auditor has a right of access at all reasonable times to all records, documents, books, accounts and vouchers of the College and is entitled to require from the Councillors, officers and employees and relevant payees of the College such information as in his or her opinion is necessary to enable him or her to report as required by law or under this section.

(9) The Auditor is entitled to attend any meeting of Council and to be heard at any such meeting that he or she attends on any part of the business of the meeting that concerns him or her as Auditor. The Registrar shall provide reasonable notice of every Council meeting to the Auditor for this purpose.

BY-LAWS

2.8. (1) The making, amending or revoking of a by-law shall be determined by a majority vote of the Councillors present and voting. Advance notice is required for all motions or resolutions applying to the making, amending or revoking of a by-law.

(2) Proposed By-laws made under the authority of clauses (l.2), (l.3), (s), (t), (v), (w) or (y) of subsection 94 (1) of the Code shall be circulated to every Member at least 60 days before they are approved by Council.

(3) Every by-law shall be signed by the President or Vice-President and by the Registrar.

(4) Every by-law, including every amendment and revocation, shall be maintained in the College’s records.

(5) The College shall provide copies of By-laws to the Minister and each Member and make them available to the public during normal business hours as set out in section 94 of the Code.

MEMBERSHIP IN ASSOCIATIONS

2.9. (1) The College shall maintain membership in the Canadian Alliance of Physiotherapy Regulators to ensure opportunity for networking and issue development related to national physiotherapy regulatory matters. This shall include,

(a) payment of the annual or other fees,

(b) regular representation at business meetings by a person designated in accordance with the governance policies of the College, and

(c) representation on working groups and at meetings by College members, College staff and Councillors as permitted by the by-laws of the Alliance and in keeping with conflict of interest provisions.

(2) The membership referred to in subsection (1) shall not include representation on the Evaluation Services Committee or any related subcommittees.

(3) The College may maintain memberships in any organizations that are of benefit to the College, and shall pay the annual fees and other fees required for the memberships.

THE REGISTRAR

2.10. (1) The Registrar is the chief executive officer of the College.
(2) The Registrar is subject to the direction of Council and between meetings, the related guidance of the Executive Committee and the President.

(3) If the office of the Registrar becomes vacant, Council or the Executive Committee shall appoint an employee of the College to act as interim Registrar.

(4) In circumstances where Council or the Executive Committee is not able to meet promptly to make the appointment referred to in subsection (3) the President may appoint an employee of the College to act as interim Registrar. This appointment is subject to the ratification of Council or the Executive Committee.

(5) During absences, the Registrar may appoint, in writing, a senior employee of the College to act as the interim Registrar.

(6) The Registrar has the powers and responsibilities and shall perform the duties set out in the RHPA, the Act, the Regulations and the By-laws and the policies approved by Council.

(7) An interim Registrar has all of the powers and responsibilities and shall perform all of the duties of the Registrar.

MANAGEMENT OF COLLEGE PROPERTY

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

RELATIONSHIPS WITH EXTERNAL ORGANIZATIONS

2.12. (1) Any proposal for a relationship with an external organization, grant proposal or funding request made by the College shall be consistent with the RHPA, the Act, the Regulations and the By-laws and the policies approved by Council.

(2) The Registrar shall assume responsibility for monitoring relationships with external organizations and for the use of any grant or other money received.
Part 3—Election or Appointment of Councillors

ELECTIONS

Electoral Districts

3.1. (1) The following electoral districts are established for the purpose of the election of members to Council:

(a) Electoral district 1 (the south western electoral district): composed of the counties of Bruce, Elgin, Essex, Grey, Huron, Lambton, Middlesex and Oxford and Perth, and the municipality of Chatham-Kent.

(b) Electoral district 2 (the central western electoral district): composed of the counties of Dufferin and Wellington, the regional municipalities of Niagara and Waterloo, and the municipalities of the City of Hamilton, Halimand County, Norfolk County, the County of Brant, and Brantford.

(c) Electoral district 3 (the central eastern electoral district): composed of the counties of Haliburton, Northumberland and Peterborough, the regional municipalities of Durham and York, and the municipality of the City of Kawartha Lakes.

(d) Electoral district 4 (the eastern electoral district): composed of the counties of Frontenac, Hastings, Lanark, Lennox and Addington, Renfrew, Leeds and Grenville, Prescott and Russell and Stormont, Dundas and Glengarry, and the municipalities of the City of Ottawa and Prince Edward County.

(e) Electoral district 5 (the northern electoral district): composed of the city of Greater Sudbury, the districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming and the District Municipality of Muskoka.

(f) Electoral district 6 (the Toronto west electoral district): composed of the City of Toronto to the west of the centre of Yonge Street.

(g) Electoral district 7 (the Toronto east electoral district): composed of the City of Toronto to the east of the centre of Yonge Street.

(h) Electoral district 8 (the central electoral district): composed of the county of Simcoe and the regional municipalities of Halton and Peel.

(2) If it is unclear to which electoral district a Member should be assigned, the Registrar may assign the Member to one of the electoral districts.

(3) The counties, regional municipalities, districts, district municipalities, and single-tier municipalities described in this section are those that existed as of October 19, 2016 and the geographical territory of each electoral district shall be interpreted to ensure that all parts of Ontario fall into one of the above counties, united counties, regional municipalities, district municipalities, cities and districts. For greater certainty, separated municipalities found within the geographical territory of counties will fall within the electoral district of the county.
Entitlement to Vote

(4) A Member is entitled to vote in an election if, 90 days before the election:

(a) the Member is registered with the College;
(b) the Member practises or resides in Ontario; and
(c) the Member’s home address registered with the College is in the electoral district for which an election is being held or, if the Member resides outside Ontario, the Member’s primary business address is in the electoral district for which an election is being held.

Number of Members Elected

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

Term of Office

(6) The term of office of an Elected Councillor is approximately three years, commencing with the first regular Council meeting after the election and expiring when his or her successor takes office after the next election in his or her electoral district, unless the Councillor resigns, dies, is disqualified as set out in subsection (25) or is removed from office in accordance with the Code of Conduct.

Election Date

(7) (a) There shall be an election,

(i) for south western and central western electoral districts, in 2019 and every third year thereafter,
(ii) for central, eastern and northern electoral districts, in 2017 and every third year thereafter, and
(iii) for central eastern and Toronto east and west electoral districts, in 2018 and every third year thereafter.

(b) An election shall be held on the third Wednesday in April.

(c) If there is an interruption in Mail service or in access to the electronic voting system during a nomination or election, the Registrar shall extend the holding of nominations and the election for such minimum period of time as the Registrar considers necessary to compensate for the interruption.

Eligibility for Election

(8) A Member is eligible for election to Council for an electoral district if:

(a) the Member is entitled to vote in an election in accordance with subsection (4);
(b) at all times between the 90th day before the election and the date of the election:

(i) the Member continues to be registered for practise or reside in Ontario;
(ii) the Member’s home address registered with the College continues to be in the electoral district for which the election is being held or, if the Member resides outside Ontario, the Member’s primary business address is in the electoral district for which an election is being held;

(iii) the Member is not in default of any obligation to the College under the Regulations or the By-laws; and

(iv) the Member is not the subject of Discipline or Fitness to Practise proceedings;

(c) the Member has not been found guilty of professional misconduct, to be incompetent, or to be incapacitated in the six years before the election;

(d) the Member’s certificate of registration has not been revoked or suspended for professional misconduct, incompetence or incapacity at any time in the six years immediately before the election;

(e) the Member has not been found to be mentally incompetent under the Substitute Decisions Act, 1992, or the Mental Health Act;

(f) the Member’s certificate of registration has not been subject to a term, condition or limitation other than a term, condition or limitation prescribed by the Regulations in the six years before the election;

(g) the Member has not been found guilty of an offence under the Criminal Code or the Health Insurance Act that is relevant to the Member’s suitability to serve as a Councillor, unless a pardon or record suspension has been granted with respect to the finding;

(h) the Member has not been disqualified or removed from Council in the three years before the election;

(i) the Member is not and has not been in the 12 months before the election, a director, officer, committee member, employee, or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;

(j) the Member does not hold and has not held in the 12 months before the election, a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College;

(k) the Member is not a participant (other than on behalf of the College) in a legal action or application against the College;

(l) the Member does not have a current notation on the register of an interim order, caution, undertaking or specified continuing education or remediation program directed by the Inquiries, Complaints or Reports Committee;

(m) the Member is not and has not been in the 12 months before the election an employee of the College; and

(n) the Member discloses all potential conflicts of interest in writing to the Registrar within five business days of being nominated and either does not have a conflict of interest to serve as a Councillor or has agreed to remove any such conflict of interest before taking office.
Any disputes about a person’s eligibility for election shall be determined by the Executive Committee. If the Executive Committee determines that a Member is ineligible for election, the Member may appeal that decision to Council and Council’s determination shall be final, without appeal.

Notice of Election and Nominations

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

Nomination Procedure

A Member who is eligible for election to Council may be nominated for election in an electoral district if the Member:

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

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

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

(ii) consents to the nomination.

A candidate in an election may withdraw his or her candidacy by notifying the Registrar of the withdrawal in writing within ten days of the date set by the Registrar.

At the close of the nomination period, if no candidates eligible to be nominated in an electoral district have been nominated, the Registrar shall establish a new election schedule, including, where necessary, a new date for the election.

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

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

The Registrar shall supervise the nomination and election of Elected Councillors.

The Registrar shall appoint an independent electronic voting organization to administer the voting process and the counting of electronic ballots.

All questions arising in the counting of ballots, the recording of results or the determination of the result shall be decided by the Registrar.

Where the By-laws do not address an issue, the Registrar shall use his or her best judgment to ensure that the election is fair and democratic.
Voting

(15) (a) Except for an election in which the Registrar has declared a candidate elected to Council by acclamation, the Registrar shall, at least 30 days before the date of an election, send by Mail to every Member entitled to vote in the election:

(i) access to an electronic ballot listing all eligible candidates;

(ii) instructions for voting, including information on the electronic voting process; and

(iii) suitable biographical information about each candidate and any statement from each candidate in accordance with the College’s governance policies as approved by Council.

(b) The electronic ballot shall contain the name of each candidate in random order.

(c) A Member entitled to vote in the election and who does not, for any reason, obtain access to an electronic ballot may ask the Registrar for replacement access to an electronic ballot and the Registrar shall provide the Member with such access provided the request is received at least 48 hours before the election day.

(16) A Member may cast only one vote in an election for the electoral district in which the Member is entitled to vote.

(17) Only electronic ballots cast by two o’clock in the afternoon Eastern Standard Time shall be counted.

Counting Votes

(18) (a) The electronic voting organization appointed by the Registrar shall accept electronic ballots until two o’clock in the afternoon Eastern Standard Time on the election day and, promptly after that time, shall:

(i) count and record the total number of votes cast and the number of votes cast for each candidate in each election;

(ii) subject to paragraph (b), determine the candidates who received the highest number of votes in each election; and

(iii) provide a report of the voting results to the Registrar.

(b) If two or more candidates receive the same number of votes in an election, the Registrar shall have the votes recounted.

(c) The counting of the electronic votes shall be secret and conducted so that no person knows for whom any Member voted.

By-election Where a Tie Occurs

(19) (a) If following the recount in subsection (18) (b), two or more candidates have received the same number of votes in an election, the Registrar will hold a by-election in the electoral district in which the tie occurred.

(b) The candidates in the by-election shall be only those candidates who were tied.
(c) The by-election shall be held in accordance with the procedures for a general election, with necessary modifications as determined by the Registrar.

(d) In the event that the by-election results in a tie, the Registrar shall select by random draw one name from the names of the candidates who were tied and the Registrar shall declare that person to be elected.

Documentation and Notification of Results

(20) (a) Promptly after receiving the report of the voting results from the electronic voting organization, the Registrar shall:

(i) sign a copy of the report and retain the report in the College’s records;

(ii) declare the name of the candidate elected in each election; and

(iii) inform:

(A) each candidate of the results of the election and the right to seek a report from the electronic voting organization in accordance with subsection (21);

(B) Council and the Members of the results of the election; and

(C) each elected candidate of the time and place of the first regular Council meeting following the election.

(b) For each election, the Registrar shall require the electronic voting organization to retain an electronic record of all electronic ballots.

(c) Unless the results of an election are challenged, the Registrar shall direct the electronic voting organization to destroy all ballots and other material from the election 31 days after the election.

Validity of Election and Inquiries

(21) (a) Within 30 days of being notified of the results of the election, a candidate may make a written request to the Registrar, together with a payment of $150 to the College, to obtain a report from the electronic voting organization to review the validity of the voting and counting process.

(b) The Registrar shall report to Council at its first meeting following any request for a report under paragraph (a), and Council shall,

(i) if satisfied with the results, take no further action; or

(ii) decide to hold an inquiry under subsection (22).

(22) (a) If Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election of any Councillor, Council shall hold an inquiry and decide whether the election of the Councillor is valid and, if an election is found to be invalid, Council shall direct another election to be held.

(b) No election is invalid merely because a person has not strictly complied with a requirement of this by-law.
Vacancies

(23)  (a) If an Elected Councillor dies, resigns, is disqualified or is otherwise removed from Council, the President shall declare the office of the Councillor to be vacant.
(b)  If, during an election for Council, no candidates eligible for nomination in an electoral district have been nominated after two additional calls for nominations, despite subsection (7) (d), the President shall declare the office of the Councillor to be vacant.

Filling Vacancies

(24)  (a) If the office of an Elected Councillor is declared to be vacant and the remainder of that Councillor’s term is less than one year, Council shall:
(i)  leave the office vacant; or
(ii)  appoint a successor from among the Members who would be eligible for election if an election were held.
(b)  If the office of an Elected Councillor is declared to be vacant as a result of subsection (23) (b), Council shall appoint a successor from among the Members who would be eligible for election if an election were held.
(c)  If the office of an Elected Councillor is declared to be vacant as a result of subsection (23) (a) and the remainder of the term of the Councillor whose office became vacant is more than one year, the Registrar shall hold a by-election for the electoral district.
(d)  A by-election to fill a vacancy on Council shall be held on a date set by the Registrar and the President.
(e)  A by-election shall be held in accordance with the procedures for a general election, with necessary modifications as determined by the Registrar.

Disqualifications

(25)  (a) An Elected Councillor is disqualified from sitting on Council if the Councillor:
(i)  ceases to be a Member;
(ii)  no longer practises physiotherapy in Ontario or is no longer a resident of Ontario;
(iii)  is in default of any obligation to the College under the Regulations or the By-laws for over 60 days;
(iv)  becomes the subject of Discipline or Fitness to Practise proceedings;
(v)   is found guilty of professional misconduct, to be incompetent, or to be incapacitated;
(vi)  is found guilty of an offence under the Criminal Code or the Health Insurance Act that is relevant to the Elected Councillor’s suitability to serve as a Councillor, unless a pardon or record suspension has been granted with respect to the finding;
(vii) remains or becomes a director, officer, committee member, employee, or holder of any position of decision-making influence of any organization of
physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;

(viii) is found to be mentally incompetent under the Substitute Decisions Act, 1992 or Mental Health Act;

(ix) continues to hold or assumes a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College;

(x) becomes a participant (other than on behalf of the College) in a legal action or application against the College;

(xi) has a notation posted on the register of an interim order, caution, undertaking or specified continuing education or remediation program directed by the Inquiries, Complaints or Reports Committee;

(xii) fails to attend two consecutive regular meetings of Council without good reason in the opinion of Council; or

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

(b) An Elected Councillor does not become disqualified from sitting on Council merely because his or her home address registered with the College ceases to be in the electoral district for which he or she was elected.

(c) Subsections (25) (a) (i), (iv), (vi) and (viii) shall result in automatic disqualification.

(d) Subsections (25) (a) (ii), (iii), (vii), (ix), (x), (xi) and (xii) and (xiii) shall result in a vote by Council regarding disqualification of the Councillor.

ACADEMIC COUNCILLORS

3.2. (1) For the purposes of section 6 (1) (c) of the Act, two Members who are members of a faculty of physiotherapy or physical therapy of a university in Ontario shall be selected in accordance with this section to serve on Council as Academic Councillors.

(2) A Member is eligible to serve on Council as an Academic Councillor if:

(a) the Member holds a certificate of registration authorizing independent practice;

(b) the Member is not in default of any obligation to the College under the Regulations or the By-laws;

(c) the Member is not the subject of a Discipline or Fitness to Practise proceeding;

(d) the Member has not been found guilty of professional misconduct, to be incompetent, or to be incapacitated at any time in the six years before the date of the selection;

(e) the Member’s certificate of registration has not been revoked or suspended for professional misconduct, incompetence or incapacity at any time in the six years immediately before the selection;

(f) the Member has not been found to be mentally incompetent under the Substitute Decisions Act, 1992 or the Mental Health Act;
(g) in the six years before the selection, the Member’s certificate of registration has not been subject to a term, condition or limitation other than one prescribed by regulation;
(h) the Member has not been found guilty of an offence under the Criminal Code or the Health Insurance Act that is relevant to the Member’s suitability to serve as a Councillor, unless a pardon or record suspension has been granted with respect to the finding;
(i) the Member has not been disqualified or removed from Council in the three years before the selection;
(j) the Member is not and has not been in the last 12 months before the appointment a director, officer, committee member, employee or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;
(j.1) the Member does not hold and has not held in the last 12 months before the appointment, a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College;
(k) the Member is not a participant (other than on behalf of the College) in a legal action or application against the College;
(l) the Member does not have a current notation on the register of an interim order, caution, undertaking or specified continuing education or remediation program directed by the Inquiries, Complaints or Reports Committee;
(m) the Member does not hold a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College; and
(n) the Member discloses all potential conflicts of interest in writing to the Registrar within five business days of being nominated and either does not have a conflict of interest to serve as a Councillor or has agreed to remove any such conflict of interest before taking office.

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queen’s University</td>
<td>2017 and thereafter every 7 and 8 years alternatively</td>
</tr>
<tr>
<td>University of Ottawa</td>
<td>2018 and thereafter every 8 and 7 years alternatively</td>
</tr>
<tr>
<td>University of Toronto</td>
<td>2020 and thereafter every 8 and 7 years alternatively</td>
</tr>
<tr>
<td>University of Western Ontario</td>
<td>2014 and thereafter every 7 and 8 years alternatively</td>
</tr>
<tr>
<td>McMaster University</td>
<td>2015 and thereafter every 8 and 7 years alternatively</td>
</tr>
</tbody>
</table>

(4) An Academic Councillor shall be selected by Council in accordance with the above schedule at the first regular Council meeting following an election of Council and the Academic Councillor shall serve for a three-year term of office.

(5) In a selection year for a university, the physical therapy or physiotherapy faculty at that university shall submit for Council approval the name of a Member who is willing and eligible to serve as a Councillor. The candidate may be any member of the physical therapy or
physiotherapy faculty. If the university does not submit a name of an eligible candidate for Council’s approval in accordance with this section, Council may nevertheless select a Member that meets the above eligibility requirements from any faculty of physiotherapy or physical therapy of a university in Ontario.

(6) If an Academic Councillor dies, resigns, is disqualified or otherwise removed from Council, an eligible replacement shall be selected to serve the remainder of the term of office from among the members of the faculty of physiotherapy or physical therapy from which the former Academic Councillor was selected.

(7) An Academic Councillor selected under this section is disqualified from sitting on Council if the Academic Councillor:

(a) ceases to be a Member with a certificate of registration authorizing independent practice;
(b) no longer is a member of the faculty of physiotherapy or physical therapy from which he or she was selected;
(c) is in default of any obligation to the College under the Regulations or the By-laws for over 60 days;
(d) becomes the subject of a Discipline or Fitness to Practise proceeding;
(e) is found guilty of professional misconduct, to be incompetent, or to be incapacitated;
(f) is found guilty of an offence under the Criminal Code or the Health Insurance Act that is relevant to the Academic Member’s suitability to serve as a Councillor, unless a pardon or record suspension has been granted with respect to the finding;
(g) remains or becomes a director, officer, committee member, employee or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;
(h) is found to be mentally incompetent under the Substitute Decisions Act, 1992, or the Mental Health Act;
(i) continues to hold or assumes a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College;
(j) becomes a participant (other than on behalf of the College) in a legal action or application against the College;
(k) has a notation posted on the register of an interim order, caution, undertaking or specified continuing education or remediation program directed by the Inquiries, Complaints or Reports Committee;
(l) fails to attend two consecutive regular meetings of Council without good reason in the opinion of Council; or
(m) fails, in the opinion of Council, to discharge properly or honestly any office to which he or she has been selected or appointed.

(8) Subsections (7)(a), (b), (d), (e), (f) and (h) shall result in automatic disqualification.

(9) Subsections (7)(c), (g), (i), (j), (k), (l) and (m) shall result in a vote by Council regarding the disqualification of the Councillor.
DECLARATION OF OFFICE

3.3 (1) A person elected, appointed or selected to be a Councillor must sign for the records of the College a declaration of office in the form attached as Appendix A.

(2) A person cannot act as a Councillor unless and until he or she signs the declaration of office.

(3) Any suspected or actual breach by a Councillor of the declaration of office shall be addressed in the same manner as the College addresses a breach or suspected breach of the Code of Conduct.

REMUNERATION OF COUNCILLORS AND COMMITTEE MEMBERS

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

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

INDEMNIFICATION

3.5. (1) Every Councillor, Committee member, officer, employee, agent and appointee of the College, including assessors, investigators and inspectors, and each of his or her 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:

(a) 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, for or in respect of any act, deed, omission, matter or thing whatsoever, made done or permitted by him or her, in the execution of the duties of his or her office; and

(b) all other reasonable costs, charges, expenses, awards and damages that he or she sustains or incurs in or in relation to the affairs of the College, except such costs, charges, expenses, awards or damages as are occasioned by his or her own wilful neglect or default.

(2) The College will purchase and maintain insurance to protect itself and its Councillors, Committee members, officers, employees, agents or appointees and to provide coverage for the indemnity referred to in subsection (1).
Part 4—Meetings of Council and Committees

COMPOSITION AND DUTIES OF COUNCIL

4.1. (1) Council shall be composed of the Elected Councillors elected in accordance with section 3.1, the Academic Councillors selected in accordance with section 3.2, and the Publicly-Appointed Councillors appointed by the Lieutenant Governor in Council pursuant to section 6 of the Act.

(2) Council has the duties set out in section 2.1 of the Code and as set out in these By-laws and the policies of the College.

REGULAR MEETINGS

4.2. (1) Council shall hold at least four regular meetings in each Fiscal Year.

(2) A regular meeting of Council shall be called by the President.

(3) At a regular meeting, Council may only consider or transact:

(a) matters brought by the Executive Committee;
(b) recommendations and reports by Committees;
(c) motions or matters where notice was given by a Councillor at the preceding Council meeting or in writing to the Registrar at least 14 days before the meeting;
(d) matters which Council agrees to consider by a majority of those in attendance and voting; and
(e) routine and procedural matters in accordance with the rules of order.

SPECIAL MEETINGS

4.3. (1) A special meeting of Council may be called by the President or the majority of Councillors by submitting to the Registrar a written request for the meeting containing the matter or matters for decision at the meeting.

(2) At a special meeting, Council may only consider or transact the specific matter or matters referred to in subsection (1).

NOTICE OF MEETINGS

4.4. (1) The Registrar shall provide notice by Mail to all Councillors at least 30 days before a regular meeting of Council.

(2) The Registrar shall provide notice by Mail to all Councillors at least five days before a special meeting of Council.

(3) The notice of any meeting of Council shall state the date, time, and location of the meeting, and the nature of the matter or matters to be considered at the meeting. Where the meeting is held by technological means, the notice shall include details on how to access the meeting.
(4) A College employee involved in the activity of a Committee shall make reasonable efforts to notify all the Committee members of every Committee meeting and to arrange the meeting date and time based on the availability of the Committee members.

(5) The date of notice shall be the date on which the notice was sent if it was sent by email or five days after the notice was sent if it was sent by regular mail.

(6) Reasonable notice of every meeting of Council shall be given to the Members, the Minister and the public as set out in section 7 of the Code.

(7) Council meetings shall be open to the public except as provided in section 7 (2) of the Code.

(8) No Council or Committee meeting shall be made void because of an inadvertent or accidental error or omission in giving notice. In addition, any Councillor may waive notice of a meeting and ratify, approve and confirm any proceedings taken at the meeting.

MEETINGS HELD BY TECHNOLOGICAL MEANS

4.5. (1) Any meeting of Council or of a Committee or of a panel of a Committee may be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously. Meetings may be held wholly or partly by technological means.

(2) Persons participating in the meeting by such means are deemed to be present at the meeting.

(3) A vote called at a meeting under subsection (1) shall be taken in such a manner as determined by the President or Chair unless a member of Council, Committee or panel requests a roll call vote, in which case, a roll call vote shall be taken.

(4) This section does not apply to hearings before a Committee or a panel of a Committee.

WRITTEN RESOLUTIONS

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

MINUTES

4.7. (1) The President shall cause the proceedings of Council meetings to be recorded. The Chair shall cause the proceedings of Committee meetings to be recorded.

(2) The written record of the proceedings of Council or Committee meetings when approved at a subsequent Council or Committee meeting, subject to any corrections made at a subsequent meeting, is conclusive proof of the accuracy of the contents of every such record.

(3) After its approval, the written record of every Council or Committee meeting shall be retained in keeping with College policies.
RULES OF ORDER

4.8. Kerr and King’s Procedures for Meetings and Organizations, Third Edition, are the rules of order for meetings of Council and form part of these By-laws.
Part 5 — Conduct of Councillors and Committee Members

CONFLICT OF INTEREST - COUNCIL AND COMMITTEE MEMBERS

5.1. (1) A conflict of interest exists where a reasonable person would conclude that a Councillor or Committee member’s personal or financial interest may affect his or her judgment or the discharge of his or her duties to the College. A conflict of interest may be real or perceived, actual or potential, or direct or indirect.

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

(3) Without limiting the generality of subsection (1), a Councillor or Committee member’s personal or financial interests include the interests of the Councillor or Committee member’s spouse or relative. For the purposes of this section, the term “spouse” includes a person with whom the Councillor or Committee member has cohabited for at least one year and the term “relative” includes a person to whom the Councillor or Committee member is related by blood, marriage or adoption.

(4) Without limiting the generality of subsection (1), a Councillor or Committee member shall be perceived to have a conflict of interest in a matter and shall not serve on Council or its Committees at all if he or she is a director, officer, committee member, employee or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession.

(5) Without limiting the generality of subsection (1), a Councillor or Committee member shall be perceived to have a conflict of interest in a matter and should refrain from participating in any discussion or voting on that matter if he or she is a director, officer, committee member, employee or holder of any position of decision-making influence of an 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 Council or the Committee.

(6) An individual who has a conflict of interest in a matter before Council or a Committee shall:

(i) declare the conflict to the President, Registrar, Committee Chair or Chair of the panel at the time the individual identifies the conflict;

(ii) not participate in the discussion, consideration or voting on the matter;

(iii) withdraw from the meeting or portion of the meeting when the matter is being considered; and
(iv) not attempt in any way to influence the voting or do anything that may be perceived as attempting to influence the decision of other Councillors or Committee members on the matter.

(7) Every declaration of a conflict of interest shall be recorded in the minutes of the meeting.

CODE OF CONDUCT FOR COUNCILLORS AND NON-COUNCIL COMMITTEE MEMBERS

5.2. (1) Councillors and Non-Council Committee Members shall abide by the Code of Conduct for Councillors and Non-Council Committee Members that is attached as Appendix C and forms part of these By-laws.

(2) Councillors and Non-Council Committee Members may be sanctioned in accordance with the procedures set out in the Code of Conduct.

SEXUAL ABUSE PREVENTION TRAINING

5.3. (1) All Councillors and Non-Council Committee Members shall participate in sexual abuse prevention training as set out in the College’s governance policies approved by Council.
Part 6—Election of Executive Committee

ELECTION OF PRESIDENT AND VICE-PRESIDENT

6.1. (1) Council shall annually elect a President, a Vice-President and the three remaining members of the Executive Committee, who shall take office at the first regular Council meeting in the Fiscal Year and hold office until their successors take office.

(2) Only Councillors are eligible to be elected to the Executive Committee.

(3) The Registrar shall preside over the elections to the Executive Committee.

(4) The election of the President and Vice-President shall be conducted in the following manner:

(a) The Registrar shall call for nominations for the position of President.

(b) If only one candidate is nominated for the position of President, the Registrar shall declare that candidate elected by acclamation.

(c) If more than one candidate is nominated for the position of President, the Registrar shall conduct an election by secret ballot, which may be done electronically, as follows:

   (i) Councillors will vote by ranking the candidates in order of preference, i.e., by marking a 1 for their first choice, a 2 for their second choice, and progressively higher numbers for each of their subsequent choices.

   (ii) The Registrar will tabulate the scores given to each of the candidates.

   (iii) The Registrar will declare the candidate with the lowest total score (i.e., the highest level of support) to be elected.

   (iv) In the event of a tie for the lowest total score, a second vote will be conducted. The second vote shall only include the names of the candidates who tied for lowest total score. In the event of a tie following a second vote, the Registrar shall determine the election by a random draw from the names of the candidates who tied for lowest total score.

(d) Once the President has been elected, the process set out in paragraph (c) shall be followed for the election of the Vice-President.

(5) If the office of the President becomes vacant, the Vice-President shall become the President for the remainder of the term of the office and the office of the Vice-President becomes vacant.

(6) Council shall fill any vacancy in the office of Vice-President at a special meeting that the President shall call for that purpose as soon as possible after the vacancy is declared.

(7) The office of President or Vice-President becomes vacant if the holder of the office dies, resigns, ceases to be a Councillor, or is removed from office.
ELECTION OF REMAINING EXECUTIVE COMMITTEE MEMBERS

6.2. (1) Upon completing the election of the President and Vice-President, the Registrar will call for nominations for the remaining members of the Executive Committee. The election of the members of the Executive Committee shall be conducted in the following manner:

(a) If only three candidates are nominated for the remaining positions of the Executive Committee and the candidates meet the composition requirements set out in these By-laws, the Registrar shall declare those candidates elected by acclamation.

(b) If the candidates do not meet the composition requirements, the Registrar shall call for additional nominations.

(c) If more than three candidates are nominated for the remaining positions of the Executive Committee, then the Registrar shall conduct an election by secret ballot, which may be done electronically, as follows:

(i) Councillors will vote by ranking the candidates in order of preference, i.e., by marking a 1 for their first choice, a 2 for their second choice, a 3 for their third choice, and progressively higher numbers for each of their subsequent choices.

(ii) The Registrar will tabulate the scores given to each of the candidates.

(iii) The Registrar will declare the three candidates with the lowest total scores (i.e., the highest levels of support) to be elected to the remaining positions of the Executive Committee, unless the composition requirements set out in these By-laws are not met in which case the Registrar shall declare the candidate with the next lowest score who meets the composition requirements to be elected.

(iv) Subject to the composition requirements set out in these By-laws, in the event of a tie for one of the three lowest scores, a second vote will be conducted but the second vote will only include the names of the candidates who tied. In the event of a tie following a second vote, the Registrar shall determine the election by a random draw from the names of the candidates who tied for lowest total score.

DUTIES AND POWERS OF PRESIDENT AND VICE-PRESIDENT

6.3. (1) The duties of the President are to:

(a) be cognisant of the affairs of the College;

(b) give or cause to be given notice of all meetings of Council and the Executive Committee;

(c) preside or ensure that a designate presides at all meetings of Council and meetings of the Executive Committee;

(d) ensure that the College is represented at all relevant meetings;

(e) oversee the implementation of all orders and resolutions of the Executive Committee and Council;

(f) act as a liaison between the College and other professional organizations as appropriate; and
(g) perform other duties as outlined in the College’s governance policies as approved by Council.

(2) The duties of the Vice-President are to,

(a) act on behalf of the President in the President’s absence; and

(b) perform other duties as outlined in the College’s governance policies as approved by Council.

(3) The President is the most senior official and representative of the College and the Vice-President shall assist the President in the discharge of the President’s duties.
Part 7—Statutory and Non-statutory Committees

STATUTORY COMMITTEES

The Executive Committee

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

The Registration Committee

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

The Inquiries, Complaints and Reports Committee

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

The Discipline Committee

(4) (a) The Discipline Committee shall be composed of at least 10 persons of whom:
(i) at least two but no more than seven are Councillors who are Members;
(ii) at least three are Publicly-Appointed Councillors; and
(iii) at least one is a Non-Council Committee Member.

(b) Quorum for panels of the Discipline Committee is indicated in set out in subsection 38 (5) of the Code.

The Fitness to Practise Committee

(5) (a) The Fitness to Practise Committee shall be composed of at least 10 persons of whom:

(i) at least two but no more than seven are Councillors who are Members;

(ii) at least three are Publicly-Appointed Councillors; and

(iii) at least one is a Non-Council Committee Member.

(b) Quorum for panels of the Fitness to Practise Committee is set out in subsection 64 (3) of the Code.

The Quality Assurance Committee

(6) The Quality Assurance Committee shall be composed of at least six persons of whom:

(a) at least two are Councillors who are Members;

(b) at least two are Publicly-Appointed Councillors; and

(c) at least two are Non-Council Committee Members.

The Patient Relations Committee

(7) The Patient Relations Committee shall be composed of at least four persons of whom:

(a) at least two are Councillors who are Members;

(b) at least one is a Publicly-Appointed Councillor; and

(c) at least one is a Non-Council Committee Member.

EXECUTIVE DELEGATION

7.2. The Executive Committee may exercise all the powers and duties of Council with respect to any matter that, in the opinion of the Executive Committee, requires attention between meetings of Council except to make, amend or revoke a regulation or by-law or unless the Executive Committee is otherwise restricted by the Executive Committee limitations established in the College’s governance policies as approved by Council.

NON-STATUTORY COMMITTEES

The Finance Committee

7.3. (1) The Finance Committee shall be composed of at least five Councillors, being:

(a) the President and Vice-President; and

(b) at least three other Councillors, at least one whom shall be a Publicly-Appointed Member.
The Finance Committee shall have the duties set out in the College’s governance policies as approved by Council.

7.4. Council may, by resolution, establish non-statutory committees. For each non-statutory committee, Council shall specify in the resolution the duties and responsibilities of the committee, its composition and its termination date or event.

APPOINTMENT OF NON-COUNCIL COMMITTEE MEMBERS

7.5. (1) Council may appoint persons who are not Councillors to serve on both statutory and non-statutory Committees.

(2) A Member is eligible for appointment to a Committee under this section if, on the date of the appointment, the Member meets the eligibility requirements set out in section 3.1.(8) of these By-laws and any other criteria set out in the governance policies as approved by Council.

(3) A person who is not a Member is eligible for appointment to a Committee under this section if, on the date of the appointment:

(a) the person resides in Ontario;
(b) the person is not the subject of a discipline or fitness to practise proceeding before any regulator;
(c) the person has not been found guilty of professional misconduct, to be incompetent or to be incapacitated by any regulator in the preceding six years;
(d) the person has not had a certificate of registration revoked or suspended for professional misconduct, incompetence or incapacity at any time in the six years immediately before the appointment;
(e) the person has not been found to be mentally incompetent under the Substitute Decisions Act, 1992, or the Mental Health Act;
(f) the person has not been found guilty of an offence under the Criminal Code or the Health Insurance Act that is relevant to the person’s suitability to serve as a Committee member, unless a pardon or record suspension has been granted with respect to the finding;
(g) the person has not been disqualified or removed from Council or a Committee in the preceding three years;
(h) the person is not a director, officer, committee member, employee or holder of any position of decision-making influence of any organization of physiotherapists that has as its primary mandate the promotion of the physiotherapy profession;
(i) the person does not hold a responsible position with any organization or group whose mandate or interests conflict with the mandate of the College;
(j) the person is not an employee of the College;
(k) the person is not a participant (other than on behalf of the College) in a legal action or application against the College; and
(l) the person meets any other criteria set out in the governance policies as approved by Council.
(4) A Non-Council Committee Member is disqualified from serving on a Committee if the person ceases to meet the requirements in subsection (2) or (3) above or if the person:

(a) fails to attend two consecutive meetings of the Committee without good reason in the opinion of Council; or

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

(5) The determination of Council as to whether a person is eligible for appointment or becomes disqualified under this section is final and without appeal.

SELECTION OF STATUTORY AND NON-STATUTORY COMMITTEES AND COMMITTEE CHAIRS

7.6. (1) As soon as possible after the annual election of the President, the Vice-President and the Executive Committee, Council shall appoint the Chair and members of each Committee in accordance with the College’s governance policies as approved by Council.

(2) If any vacancies occur in the Chair or membership of any Committee, Council or the Executive Committee may appoint a replacement Chair or Committee member in accordance with the College’s governance policies as approved by Council.

(3) Where the Chair of a Committee is unable to act for a matter or a period of time, he or she shall appoint from the Committee a person to act on his or her behalf, failing which the President shall appoint an acting Chair from the Committee.

STATUTORY AND NON-STATUTORY COMMITTEE PROCEDURES

7.7. (1) Each Committee shall meet from time to time at the direction of Council or the Executive Committee or at the call of the Chair at a place in Ontario and at a date and time set by the Chair.

(2) Subject to subsection (3), unless otherwise provided in the RHPA, the Act or the Regulations, a majority of members of a Committee, or of a panel of a Committee, including at least one Publicly-Appointed Councillor constitutes a quorum.

(3) Unless otherwise provided in the RHPA, the Act or the Regulations, in exceptional circumstances, the Chair of a Committee may determine that a Committee meeting may proceed without the presence of at least one Publicly-Appointed Councillor.

(4) The Chair or a designate shall preside over meetings of the Committee.

(5) Every question which comes before the Committee may be decided by a majority of the votes cast at the meeting (including the Chair’s) and, if there is an equality of votes on a question, the question shall be deemed to have been decided in the negative.

(6) Every appointment to a Committee shall be made in accordance with the College’s governance policies as approved by Council.

(7) A Non-Council Committee Member is eligible for re-appointment to a Committee, except that a Non-Council Committee Member may not serve for more than nine consecutive years.
(8) Where one or more vacancies occur in the membership of a Committee, the Committee members remaining in office constitute the Committee as long as any composition or quorum requirements in the RHPA, the Act or the Regulations are satisfied.

(9) In addition to other provisions in these By-laws that permit the removal of a Committee member in specific circumstances, any Committee member may be removed from the Committee, with or without cause, by a two-thirds majority vote of the Councillors present at a Council meeting duly called for that purpose.
Part 8 — Members’ Obligations

THE REGISTER

8.1.  (1)  (a)  A Member’s name in the register shall be the Member’s full name and shall be consistent with the documentary evidence of the Member’s training.

(b)  The Registrar may direct a Member’s name in the register to be different than the documentary evidence of the Member’s training if the Member applies and satisfies the Registrar that the Member has validly changed his or her name since his or her training and that the use of the newer name is not for an improper purpose.

(c)  The Registrar may give a direction under paragraph (b) before or after the initial entry of the Member’s name in the register.

(2)  In addition to the information referred to in subsection 23 (2) of the Code, the following information shall be kept in the register:

(a)  the Member’s name and any changes in the Member’s name since his or her training;

(b)  the Member’s registration number;

(c)  if the Member ceases to be a Member or has died, a notation of the reason the registration terminated or a notation that the Member has died and the date of death if known;

(d)  information on a former Member that was on the register just before the registration terminated (including due to death);

(e)  the name of the school from which the Member received his or her degree or diploma in physiotherapy and the date the Member received the degree or diploma;

(f)  all classes of certificate of registration held by the Member and the dates that each started and terminated;

(g)  the name, business address, and business telephone number of each current and previous Place of Practice of the Member;

(g.1)  whether each current Place of Practice of the Member is barrier free;

(h)  a notation of which business address is the Member’s primary Place of Practice;

(i)  Rescinded March 20, 2018;

(j)  for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Fitness to Practise Committee under section 61 of the Code and has not been finally resolved, until the matter has been resolved:

(i)  a notation of that fact, including the date of the referral; and

(ii)  the status of the Fitness to Practise hearing;

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

provided that any such summary shall be removed upon the written request of the Member if the charges do not result in a finding of guilt against the Member;
(u) a summary of any existing restriction imposed on or after July 1, 2015, on a Member by a court or other lawful authority and of which the College is aware that, in the reasonable discretion of the Registrar, may restrict or otherwise impact the Member’s right or ability to practise, may prompt a regulatory action on the part of the College or is connected to an existing or ongoing regulatory action by the College. The summary shall include the name of the court or other lawful authority that imposed the restriction and the date on which it was imposed;
(v) where there has been a finding of guilt against a Member under the Criminal Code or the Health Insurance Act, made on or after July 1, 2015, if the person against whom the finding was made was a Member at the time of the finding, and if the finding is known to the College, a brief summary of:
  (i) the finding;
  (ii) the sentence, if any;
  (iii) where the finding is under appeal, a notation that it is under appeal until the appeal is finally disposed of; and
(iv) the dates of (i) – (iii), where known to the College;

provided that any such summary shall be removed upon the written request of the Member if the finding is reversed on appeal or if the Member receives a pardon or record suspension;

(w) whether, on or after July 1, 2015, the Member uses the services of physiotherapist assistants (whether employees or independent contractors) in the course of practising physiotherapy;

(x) on or after July 1, 2015, information about the Member’s registration with any other professions inside or outside of Ontario;

(y) on or after July 1, 2015, information about the Member’s registration in any other jurisdictions as a physiotherapist or physical therapist;

(z) where the College is aware, on or after July 1, 2015, that a finding of professional misconduct or incompetence or similar finding has been made against the Member by a body that governs a profession, inside or outside of Ontario, and that finding has not been reversed on appeal:

(i) information on the finding;

(ii) the name of the governing body that made the finding;

(iii) a brief summary of the facts on which the finding was based;

(iv) the penalty and any other orders made relative to the finding;

(v) the date the finding was made; and

(vi) information regarding any appeals of the finding;

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

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

(i) the undertaking;

(ii) a summary of the decision; and

(iii) where applicable, a notation that the decision has been appealed;

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

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

(i) a summary of the decision; and

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

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

(i) a summary of that decision;

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

(iii) a notation, if and when applicable, that the requirements of the specified continuing education or remediation program have been fulfilled or completed by the Member;

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

(3) All the information contained in the register is designated as public for the purposes of subsection 23 (5) of the Code.

(4) (a) The Registrar may give any information contained in the register that is designated as public to any person in printed or oral form.

(b) The Registrar may refuse to allow a person to obtain some or all of the information contained in the register that is designated as public if the Registrar has reasonable grounds to believe that the disclosure of the information may jeopardize the Member’s safety.

INFORMATION TO BE PROVIDED BY MEMBERS

8.2. (1) A Member shall provide the following to the College when requested to do so by the Registrar:

(a) information required to be contained in the register by subsection 23 (2) of the Code;

(b) information required to be contained in the register by section 8.1 of these By-laws;

(c) information that the College is required to collect for the purpose of health human resource planning by the Minister by section 36.1 of the RHPA;

(d) the Member’s date of birth;

(e) the Member’s electoral district;

(f) the Member’s home address;

(g) the Member’s home telephone number, if available;

(h) the Member’s mobile telephone number, if available;

(i) an email address for the Member that is distinct from the email address of any other Member;

(j) the mailing address, and if different, the street address of each current and previous Place of Practice of the Member (provided that no client home address is required where the Member provides home care) and if available, the business facsimile number of each current Place of Practice;
(k) the Member’s employment information including the name and business address (including the email address) of the Member’s employer, the name and business address (including the email address) of the Member’s direct supervisor, the Member’s job title, the Member’s area and focus of practice, the Member’s sector of practice, the Member’s employment status (such as full or part-time status), and a description of the Member’s place(s) of employment;

(k.1) the street address of any location or facility where records related to the Member’s practice are located;

(l) the Member’s practice hours, including the percentage of time spent in each area of practice;

(m) whether the Member’s preferred language of communication with the College is English or French;

(n) the following information about any finding of professional misconduct or incapacity or similar finding that has been made against the Member by a body that governs a profession, inside or outside of Ontario, provided that the finding has not been reversed on appeal:

(i) information on the finding;

(ii) the name of the governing body that made the finding;

(iii) the date the finding was made;

(iv) a summary of any order made; and

(v) information regarding any appeals of the finding;

(o) whether the Member successfully completed the examination required for registration and if so, the date;

(p) information required under section 85.6.1 of the Code about any finding of guilt of any offence against the Member made after June 3, 2009;

(q) information required under section 85.6.2 of the Code about any finding of professional negligence or malpractice by a court against the Member made after June 3, 2009; and

(r) information about any post-secondary education (full or partial degree, certificate or program courses) the Member has completed through a college or university, together with evidence of completion.

(s) the following information about charges laid against the Member under the Criminal Code or the Health Insurance Act:

(i) the charges;

(ii) the date the charges were laid; and

(iii) the status of the proceedings against the Member;

(t) the following information about any restriction imposed on the Member by a court or other lawful authority:

(i) the name of the court or other lawful authority that imposed the restriction;
(ii) the date on which it was imposed;
(u) the following information about a finding of guilt against the Member under the 
Criminal Code or the Health Insurance Act:
(vi) the finding;
(vii) the sentence, if any;
(viii) where the finding is under appeal, a notation that it is under appeal until the 
appeal is finally disposed of; and
(ix) the dates of (i) – (iii), where known to the College;

(2) A Member shall notify the Registrar in writing of any change to any previously provided 
information within 30 days of the change.

PROFESSIONAL LIABILITY INSURANCE

8.3. (1) All Members who provide patient care in the practice of physiotherapy, whether in a paid or 
voluteer capacity, must hold professional liability insurance in accordance with this section.

(2) The professional liability insurance coverage referred to in subsection (1) may be obtained by 
the Member directly or may be provided through the policy of an employing agency so long as 
it covers the Member’s entire practice of physiotherapy.

(3) The professional liability insurance referred to in subsection (1) must have:
(a) a liability limit of at least $5,000,000 for any one incident; and
(b) a $5,000,000 minimum for the annual policy period for each insured individual.

(4) The professional liability insurance referred to in subsection (1) must not be subject to a 
deductible.

(5) The professional liability insurance referred to in subsection (1) must provide coverage for 
incidents that occurred during the Member’s physiotherapy practice and must provide 
coverage for claims made up to 10 years after the Member ceases practice.

(6) The professional liability insurance referred to in subsection (1) shall be subject only to such 
exclusions and conditions and terms as are consistent with standard insurance industry 
practices.

(7) Within 30 days of any request by the College, a Member required to hold the professional 
liability insurance referred to in subsection (1) shall provide current documentary proof, 
acceptable to the Registrar, that his or her professional liability insurance coverage complies 
with the requirements set out in this section.

FEES – REGISTRATION

8.4. (1) (a) Upon application for registration, every applicant shall pay a non-refundable 
application fee and a non-refundable registration fee.

(b) The application and registration fees are as follows:
(2) (a) Every Member with a certificate of registration authorizing independent practice shall pay a non-refundable renewal fee as follows:

| Certificate of Registration Authorizing Independent Practice | For a certificate issued until the next March 31 (the College may in its discretion pro-rate registration fees for part year certificates or may bank registration fees for the future credit of a Member for part year certificates in accordance with Appendix B) | $595.00 |

(3) (a) The renewal fee is due on or before March 31 in each membership year.

(b) If a Member holding a certificate of registration authorizing independent practice fails to pay a renewal fee on or before the day on which the fee is due, the Member shall pay a penalty in addition to the renewal fee, as follows:

| Certificate of Registration Authorizing Independent Practice – Penalty | $225.00 |
(4) If the Registrar suspends a Member’s certificate of registration for failure to pay a prescribed fee in accordance with section 24 of the Code, the Registrar shall terminate the suspension on:

(a) completion of a new application form (in the form of an initial application form) and payment of a new initial application fee; and

(b) payment of:

(i) all outstanding amounts owing to the College, including the current renewal fee; and

(ii) any applicable penalties relating to such outstanding amounts.

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

FEES – REINSTATEMENT

8.5. A person whose certificate of registration was suspended or revoked by a panel of the Discipline Committee or the Fitness to Practise Committee and who applies for reinstatement of his or her certificate of registration pursuant to section 72 of the Code shall pay:

(a) at the time the person makes the first such application, a fee of 1.5 times the fee for a certificate of registration authorizing independent practice; and

(b) at the time the person makes the second or any subsequent application, a fee of 3 times the fee for a certificate of registration authorizing independent practice.

FEES – GENERAL

8.6. (1) The Registrar may charge a fee for anything he or she is required or authorized to do under the RHPA, the Code, the Act, the Regulations or the By-laws.

(a) The fees for anything the Registrar is required or authorized to do, except for the fees for those things that are set out in these By-laws, are the fees set by the Registrar.

(b) The fee for a report regarding the results of a Council election from the electronic voting organization is $150.00.

(c) The fee for a copy of any College information or documents required to be provided under sections 3.1(2) or 23(12) of the Code shall be the actual costs to the College of providing the copies.

(d) The fee for a letter of Professional Standing is $50.00.

(e) The fee for a returned cheque is $50.00.

(f) The fee for an official certificate of registration with embossed gold logo (also known as a “wall certificate”) is $25.00.

(2) The Registrar may charge Members a fee for anything that a Committee is required or authorized to do under the RHPA, the Code, the Act, the Regulations or the By-laws.

(a) The fees for the following programs or services that Committees are:
(i) for the College Review Program – the actual cost of the program to a maximum of $500.00;

(ii) for an Onsite Assessment – the actual costs of the assessment to a maximum of $500.00 (this does not apply to those Members who are randomly selected or volunteer for the annual Quality Assurance Program Competency Assessment process, or who are at the completion of a first cycle of remediation or enhancement at the direction of the Quality Assurance Committee);

(iii) for the first ten hours of the first cycle of any remediation or enhancement program that a Member volunteers for or undertakes at the direction of the Quality Assurance Committee – no charge. All successive hours are billed at the rate of $100.00 per hour;

(iv) for any course or program the College provides to a Member pursuant to an order of the Discipline Committee, Fitness to Practise Committee or Registration Committee – the cost associated with providing the program to the Member;

(v) for a specified continuing education or remediation program as required by the Inquiries, Complaints and Reports Committee – the cost associated with providing the program to the Member, and

(vi) for fees that the Member agrees to pay in relation to an Acknowledgement & Undertaking– the cost specified in the written agreement.
Part 9 – Professional Corporations

THE REGISTER

9.1. (1) In addition to the information referred to in subsection 23 (2) of the Code, the following information shall be kept in the register,

(a) the name of the professional corporation as registered with the Ministry of Government and Consumer Services;
(b) any business names used by the professional corporation,
(c) the name, as set out in the register, and registration number of each shareholder of the professional corporation;
(d) the name, as set out in the register, of each officer and director of the professional corporation, and the title or office held by each officer and director;
(e) the primary business address, telephone number, and email address of the professional corporation, and if available, the facsimile number;
(f) the address and telephone number of all other locations, other than residences of clients, at which the professional services offered by the professional corporation are provided; and
(g) a brief description of the professional activities carried out by the professional corporation.

(2) The information specified in subsection (1) is designated as public for the purposes of subsection 23 (5) of the Code.

(3) Every Member of the College shall, for every professional corporation of which the Member is a shareholder, provide in writing the information required for the register in subsection (1) on the application and annual renewal forms for a certificate of authorization, upon the written request of the Registrar within 30 days and upon any change in the information within 30 days of the change.

FEES – PROFESSIONAL CORPORATION

9.2. (1) The application fee for a certificate of authorization, including on any reinstatement of a certificate of authorization, for a professional corporation is $700.00.

(2) The fee for the annual renewal of a certificate of authorization is $250.00.
Part 10 — Council Approval

COUNCIL APPROVAL

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

________________________________________  _________________________________________
President                                                                                     Vice-President
Appendix A

DECLARATION OF OFFICE FOR COUNCILLORS

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

- Accept the office as a duly elected, selected or appointed Councillor of the College of Physiotherapists of Ontario;

- Act at all times, while serving as a Councillor, to fulfil the statutory duty of the Colleges “to work in consultation with the Minister to ensure, as a matter of public interest, that the people of Ontario have access to adequate numbers of qualified, skilled and competent regulated health professionals” (Section 2.1 of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991);

- Act at all times, while serving as a Councillor, to fulfil the statutory duty of the College to serve and protect the public interest while carrying out the objects of the College (Section 3 of the Health Professions Procedural Code, being Schedule 2 to the Regulated Health Professions Act, 1991. A copy of the objects are set out in Schedule 1 to this Declaration);

- Comply with the College’s Code of Conduct, as amended by Council from time to time, including the confidentiality obligations contained therein; and

- Comply with the other policies of the College applicable to Councillors, as amended by Council from time to time.

______________________________  ________________________________
[Councillor Signature]                Witness Signature

______________________________  ________________________________
Date                               Name of Witness
SCHEDULE 1 TO THE DECLARATION OF OFFICE FOR COUNCILLORS – OBJECTS OF THE COLLEGE

The College has the following objects:

1. To regulate the practice of the profession and to govern the members in accordance with the health profession Act, this Code and the *Regulated Health Professions Act, 1991* and the regulations and by-laws.

2. To develop, establish and maintain standards of qualification for persons to be issued certificates of registration.

3. To develop, establish and maintain programs and standards of practice to assure the quality of the practice of the profession.

4. To develop, establish and maintain standards of knowledge and skill and programs to promote continuing evaluation, competence and improvement among the members.

4.1 To develop, in collaboration and consultation with other Colleges, standards of knowledge, skill and judgment relating to the performance of controlled acts common among health professions to enhance interprofessional collaboration, while respecting the unique character of individual health professions and their members.

5. To develop, establish and maintain standards of professional ethics for the members.

6. To develop, establish and maintain programs to assist individuals to exercise their rights under this Code and the *Regulated Health Professions Act, 1991*.

7. To administer the health profession Act, this Code and the *Regulated Health Professions Act, 1991* as it relates to the profession and to perform the other duties and exercise the other powers that are imposed or conferred on the College.

8. To promote and enhance relations between the College and its members, other health profession colleges, key stakeholders, and the public.

9. To promote inter-professional collaboration with other health profession colleges.

10. To develop, establish, and maintain standards and programs to promote the ability of members to respond to changes in practice environments, advances in technology and other emerging issues.

11. Any other objects relating to human health care that the Council considers desirable.
Appendix B

REGISTRATION FEES DISCRETION

Pro-Rated Fees

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

Fee Credits - Effective April 1, 2014

- Physiotherapists who resign more than three months before the end of the registration year (that is a resignation that occurs prior to December 31st in any registration year) will be eligible to receive a fee credit if they are resigning for any of the following reasons:
  - Education leave;
  - Health-related leave;
  - Compassionate/Bereavement/Family-related leave;
  - Maternity/Parental leave
  - Moving out of province.

- The fee credit is based on the number of days not used in the registration year.

- The fee credit can be applied to future registration fees, up to one year from the date of registration or 18 months in the case of a maternity or parental leave.

- Physiotherapists resigning in the final three months of the registration year are not eligible for a fee credit.

- Fee credits will expire one year after the date of resignation if the resignation was for any of the following reasons:
  - Education leave;
  - Health-related leave;
  - Compassionate/Bereavement/Family-related leave;
  - Moving out of province; and
  - 18 months in the case of Maternity/Parental leave.

- Fee credits are transferable into the next registration year.

- There are no fee refunds.
Appendix C

CODE OF CONDUCT

Title: Code of Conduct
Applicable to Members of Council and Council Committees
Date approved: December 2003

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

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

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

Performance Expectations
In performing his/her role, each Councillor and Committee member will:

1. Promote the public interest in his/her contributions and in all discussions and decision-making.
2. Direct all activities toward fulfilling the College’s objects as specified in the legislation.
3. Comply with the provisions of the Regulated Health Professions Act, the Physiotherapy Act, the regulations made under these acts and the by-laws of the College.
4. Conduct him/herself in a manner that respects the integrity of the College by striving to be fair, impartial and unbiased in his/her decision making.
5. Refrain from engaging in any discussion with other Council or committee members that takes place outside the formal Council or committee decision making process and that is intended to influence the decisions that the Council or a committee makes on matters that come before it.
6. Respect the power, authority and influence associated with his/her role and not misuse this for personal gain.
7. Recognize, understand and respect the roles and responsibilities of Council, committees and staff and maintain respectful working relationships with other Council members, committee members and staff members. This includes acknowledging the appropriate authorities of the Registrar and the President.

8. Acquire, apply and maintain knowledge of Council and committee policies, procedures, relevant legislation, College functions and current issues facing the College and the committees he/she participates in.

9. When personal circumstances may affect his/her ability to function objectively in his/her role, address the conflict situation by complying with the College by-laws that govern conduct in this situation by, as a minimum, declaring the conflict, abstaining from discussing or voting on the matter and removing oneself from the meeting.

10. Maintain the confidentiality of information coming into his/her possession in keeping with the provisions set out in the RHPA and the confidentiality policies of the College.

11. Maintain appropriate decorum during all Council and committee meetings by adhering to the rules of order adopted by the Council.

12. Review and consider the information provided for Council and committee meetings and identify any information to enhance effective Council and committee decision-making as needed.

13. Respect the views and the expertise of other Council and Committee members and appreciate the opportunity for varied viewpoints to be brought forward, considered and resolved through robust discussion.

14. Publicly uphold and support the decisions of Council and respect the President’s role as Council spokesperson.

15. Attend meetings to the best of his/her ability and be available to mentor and assist new members.

16. Regularly evaluate his/her individual performance, and that of the collective to assure continuous improvement.

17. Promote general interest in the physiotherapy community for Council and non-Council positions.

Sanctions

1. All concerns related to the conduct or performance of a Councillor or of a Council committee member should be brought to the attention of the President of the College.

2. All concerns must be documented, specifically the questionable conduct or performance, in sufficient detail to enable it to be understood. The document should identify the element(s) of the Code that is of concern and include, where relevant, any supporting evidence.

3. After review of the material and dependent on the issue, the President has the discretion to either meet with the Councillor or Committee member and provide individual coaching, or to raise the matter for Council’s consideration. At any time the President may seek advice from the Executive Committee and/or the Registrar. All decisions taken are to be recorded and kept in the member’s corporate file.

4. When the President identifies that an alleged breach of this Code of Conduct may have occurred and raises it for Council’s consideration, Council shall adopt a process to deal with the alleged breach that is consistent with the rules of order of Council and that provides the person whose conduct has been called into question with an opportunity to explain his/her actions.
5. When Council determines that a breach of the Code of Conduct did take place, the Council may, on the basis of a resolution that has been properly moved, seconded and assented to by two thirds of Councillors, impose a sanction that may include one or more of the following:
   a. Requesting a change in the behaviour of the person;
   b. Requesting that the person apologize for his/her behaviour;
   c. Censuring the person for his/her behaviour;
   d. Declining to appoint a person to any committee or to a specific committee;
   e. Declining to provide confidential information to the person, in circumstances where concern over breach of confidentiality has occurred;
   f. Requesting the person’s resignation from the Council, committee or other activity in which he/she had been acting on behalf of the College;
   g. Removing an Elected Councillor or Academic Councillor from the Council, committee or other activity in which he/she had been acting on behalf of the College in accordance with the by-laws;
   h. Removing a Publicly-Appointed Councillor appointed by the Lieutenant Governor from the committee or other activity that he/she had been acting on, on behalf of the College in accordance with the by-laws; or
   i. Requesting that the Minister remove a Publicly-Appointed Councillor from the Council.

6. If the Council removes an Elected Councillor it shall treat the circumstances as if the vacancy was a result of the resignation of the Councillor.

Procedural and Other Safeguards

1. In determining whether to impose a sanction, and which sanction to impose, Council shall be mindful of the general principle that sanctions are to be remediative not punitive.

2. Council shall not consider whether to impose a sanction without first providing the person with an opportunity to address Council personally or through legal counsel.

3. A resolution of at least two thirds of the Councillors at a meeting duly called for that purpose shall be required to sanction a member.

4. A Councillor whose conduct or performance is the subject of concern may attend but shall not take part in any Council deliberation respecting his/her conduct or performance and if the person is the subject of a vote taken under this Code of Conduct, he/she shall not vote on the matter.

5. A Councillor whose conduct or performance is the subject of concern shall be excluded from other Council deliberations pending the decision on his or her conduct.

6. Any deliberation or vote taken under this Code of Conduct shall be public except in circumstances where information presented during the deliberation may be detrimental to the person whose conduct or performance is the subject of concern (e.g. information on his or her health status is presented).

7. The College will not be responsible for any costs of the Councillor or Committee member whose conduct is being examined.