



College of Occupational Therapists of Ontario  
Ordre des ergothérapeutes de l'Ontario

Bylaws

# Bylaws

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# Official Bylaws of the College of Occupational Therapists of Ontario

Revised January 26, 2017

All previous bylaws relating to the administration of the affairs of the College are hereby repealed and replaced with this bylaw.

## Part 1: Definitions and Application

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### 1.01 Definitions

The following definitions shall apply to all parts of these bylaws unless otherwise defined or required by the context:

#### **Annual Fee**

Means the fee payable for the annual renewal of a certificate of registration of any class.

#### **Act**

Means the *Occupational Therapy Act* (1991, S.O. 1991) and the regulations thereunder.

#### **Bylaws**

Means the bylaws of the College.

#### **CLEAR**

Means Council on Licensure, Enforcement and Regulation

#### **CNAR**

Means Canadian Network of Agencies for Regulation

#### **Code**

Means the *Health Professions Procedural Code* being Schedule 2 to the RHPA.

#### **College**

Means the College of Occupational Therapists of Ontario.

#### **Committee**

Means a committee of the College and includes statutory committees established under section 10 of the Code, standing committees, task forces, a Panel of a Committee and any other committee established by Council under these bylaws.

#### **Council**

Means the Council established under subsection 5(1) of the Act.

#### **Council Member** (sometimes referred to as a “member of Council”)

Means a Registrant elected to Council or a Public Member appointed to Council.

### **Informal Disposition or Resolution**

Means a negotiated or imposed conclusion to a concern about a Registrant that involves either one or both of the following:

- a. an obligation to complete measures for enhancement (e.g., an acknowledgement and undertaking, requirement to participate in a remediation program) or
- b. educational action (e.g., a caution, an admonishment, an opportunity to correct any deficiencies and to enhance his or her knowledge, skills and judgment)

For greater clarity, an informal disposition or resolution does not include a simple reminder, guidance or advice.

### **Non-Council member**

Means a Registrant of the College who is not a member of the Council who has been appointed to a Committee.

### **OSOT**

Means Ontario Society of Occupational Therapists

### **Public Member**

Means a person appointed by the Lieutenant Governor in Council as described in section 5(1)(b) of the Act;

### **Register**

Means the Register required to be kept pursuant to the Code.

### **Registrant**

Means a member of the College.

### **Registrar**

Means the person appointed by Council as Registrar or Interim Registrar of the College.

### **Registration Fee**

Means the fee for the issuance of a certificate of registration of any class.

### **RHPA**

Means the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18.

### **Regulations**

Means the regulations made under the Act.

### **Schedule I Banks**

Under the *Canadian Bank Act*, Schedule I are banks that are not a subsidiary of a foreign bank, i.e., domestic banks, even if they have foreign shareholders. They are authorized under the *Bank Act* to accept deposits, which may be eligible for deposit insurance provided by the Canadian Deposit Insurance Corporation.



### **Schedule II Banks**

These are foreign bank subsidiaries authorized under the *Bank Act* to accept deposits, which may be eligible for deposit insurance provided by the Canada Deposit and Insurance Corporation. Foreign bank subsidiaries are controlled by eligible foreign institutions.

### **Stakeholders**

In these bylaws, they include members of the public, other regulated health professions and occupational therapy regulators in other jurisdiction in Canada

#### **1.02 Changes of Number and Gender**

These bylaws are to be read with all changes of number and gender required by the context.

#### **1.03 Headings for Reference Only**

The headings in these bylaws are for ease of reference only and shall not affect in any way the meaning or interpretation of these bylaws.

## **Part 2: Head Office**

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The head office of the College shall be located within the city in which the Provincial Legislature sits. The physical premises occupied by the College shall be determined by Council.

## **Part 3: Financial Matters**

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### **3.01 Fiscal Year**

**3.01.1** The fiscal year of the College shall be from June 1st to May 31st in the next calendar year.

### **3.02 Signing Authorities**

The College shall have at least three persons authorized annually by Council to sign contracts, documents, cheques or any instruments in writing requiring the signature of authorized officers of the College. Two of the three authorized signing authorities will be the President and the Registrar.

### **3.03 Banking**

**3.03.1** All money belonging to the College shall be deposited in the name of the College with one or more banks (which shall be a Schedule 1 or Schedule 2 bank under the *Bank Act*).

**3.03.2** The Registrar may endorse any cheque or other negotiable instrument for collection on the College's account through the bank or for deposit to the credit of the College with the bank, in accordance with any applicable policy of the College.

### **3.04 Investment Funds**

All monies belonging to the College may only be deposited or invested according to Registrar Limitations Investments policy, and in one or more of the following:

**3.04.1** A bank or trust company or brokerage house.

**3.04.2** Securities of the Government of Canada, the Government of any Province of Canada, or any municipal corporation in any Province of Canada.

**3.04.3** Securities, the payment of principal and interest of which is guaranteed by the Government of Canada, or the Government of a Province of Canada.

### **3.05 Execution of Deeds, Mortgages and Real Property Leases**

**3.05.1** Deeds, mortgages and real property leases requiring the signature of the College shall be signed by the President or the Vice-President together with the Registrar and shall be binding upon the College without any further authorization or formality. Council may by resolution appoint any officer or officers or any person or persons on behalf of the College either to sign deeds, mortgages and real property leases.

**3.05.1.1** Subject to section 3.05.1, all cheques and contracts may be signed by the Registrar alone in compliance with policies approved by Council from time to time.

**3.05.2** Except where otherwise provided by law, the Registrar may sign summonses, notices and orders on behalf of any committee of the College.

**3.05.3** The seal of the College shall, when required, be affixed to contracts, documents, or instruments in writing, signed as aforesaid, or by any other person or persons appointed as authorized to sign on behalf of Council.

The seal of the College is the seal depicted below.



**3.05.4** The Registrar, or such other officer or officers or person or persons as may, from time to time be authorized by resolution of the Council, are authorized to sell, assign, transfer, charge, convert, or convey any and all shares, bonds, debentures, rights, warrants, or other securities owned by or registered in the name of the College and to sign and execute all assignments, transfers, conveyances, powers of attorney and other instruments that may be necessary for the foregoing purposes in compliance with policies approved by Council from time to time.

### **3.06 Retain Valuable Documents**

**3.06.1** The Registrar shall at all times keep and maintain for the benefit of the College copies of all contracts, agreements, certificates, approvals and all other documents to which the College is a party or which are otherwise pertinent to the administrative and domestic affairs of the College.

## Part 4: Indemnity

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### 4.01 Indemnity

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

- (i) all costs, charges, expenses, awards and damages whatsoever that he or she sustains or incurs in any action, suit or proceeding that is brought, commenced or prosecuted against him or her in respect of any act, deed, matter or thing whatsoever made, done or permitted by him or her in or about the execution of the duties of his or her office; and
- (ii) all other reasonable costs, charges, expenses, awards and damages that he or she sustains or incurs in or about or in relation to the affairs of the College; except such costs, charges, expenses, awards and damages as are occasioned by his or her own wilful neglect or default. Where the person is a commercial service provider (e.g., a private investigator hired to conduct an investigation), the College has discretion as to whether or not to provide indemnity.

## Part 5: Election of Council Members

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### 5.01 Electoral Districts

**5.01.1** The following electoral districts are established for the purpose of the election of members to the Council:

- a. Electoral district 1 (Central East) composed of the Municipality of Toronto, the counties of Haliburton, Northumberland, Peterborough, Simcoe and Kawartha Lakes, and the regional municipalities of Durham, Peel and York.
- b. Electoral district 2 (Central West) composed of the counties of Brant, Dufferin and Wellington, and the regional municipalities of Haldimand, Norfolk, Halton, Hamilton, Niagara and Waterloo.
- c. Electoral district 3 (South West) composed of the counties of Essex, Bruce, Grey, Chatham-Kent, Lambton, Elgin, Middlesex, Oxford, Huron and Perth.
- d. Electoral district 4 (Eastern) composed of the united counties of Prescott and Russell, Stormont, Dundas & Glengarry, Lennox & Addington, Leeds & Grenville, the Municipality of Ottawa, the counties of Hastings, Prince Edward, Frontenac, Renfrew and Lanark.
- e. Electoral district 5 (North East) composed of the districts of Sudbury, Parry Sound, Timiskaming, Nipissing, Algoma, Cochrane and Manitoulin and Muskoka.
- f. Electoral district 6 (North West) composed of the territorial districts of Kenora, Rainy River and Thunder Bay.

**5.01.2** The electoral district in which a Registrant is eligible to vote is the district in which, on the date of the election, the Registrant principally practises, or if the Registrant is not engaged in the practise of occupational therapy, is the district in which, on that day, the Registrant principally resides.

**5.01.3** Subject to 5.01.2, a Registrant is entitled to vote in an election if the Registrant holds a valid general practising or provisional practising certificate of registration.

**5.01.4** The number of Registrants to be elected in an electoral district is as follows:

- |                                     |                           |
|-------------------------------------|---------------------------|
| a. Electoral district 1             | 3 Registrants             |
| b. Electoral district 2             | 2 Registrants             |
| c. Electoral district 3, 4, 5 and 6 | 1 Registrant per district |

## **5.02** Year of Elections

**5.02.1** An election of members to the Council was held in the month of March 1996 and shall be held in every third year after that for electoral districts 2 and 4.

**5.02.2** An election of members to the Council was held in the month of March 1997 and shall be held in every third year after that for electoral districts 3, 5 and 6.

**5.02.3** An election of members to the Council was held in March 1998 and shall be held in every third year after that for electoral district 1.

## **5.03** Eligibility for Election

**5.03.1** A Registrant is eligible for election to the Council in an electoral district if, on the date of election:

- a. the Registrant is entitled to vote in an election in accordance with Bylaw 5.01.2 and 5.01.3;
- b. the Registrant is not in default of payment of any fees required under these bylaws;
- c. the Registrant is not the subject of any disciplinary or incapacity proceeding inside or outside Ontario;
- d. the Registrant's certificate of registration has not been revoked or suspended in the six years preceding the date of the election as a result of a professional misconduct, incompetence or incapacity proceeding;
- e. the Registrant's certificate of registration is not subject to a term, condition, or limitation imposed by a panel of the Discipline or Fitness to Practise Committee;
- f. the Registrant has not been the subject of an Informal Disposition or Resolution with the College in the six years preceding the date of the election;
- g. the Registrant has not been disqualified pursuant to section 8.02.1 in the three years preceding the date of the election;
- h. the Registrant is not a director, officer, or employee of a voluntary organization of occupational therapists;
- i. a court or other lawful authority (unless it has been reversed on appeal or judicial review) has not made a finding of guilt against the Registrant in respect of:
  - i. a criminal offence;
  - ii. any offence relating to the prescribing, compounding, dispensing, selling, or administering of drugs; or
  - iii. any offence that relates to the Registrant's practice of occupational therapy;

- j. is not subject to any existing conditions or restrictions (such as bail conditions) imposed by a court or other lawful authority that relate to or otherwise impact the Registrant's practice; and
- k. on or after April 1, 2016, the Registrant is not, and has not been within the previous six years, an employee of the College.

#### **5.04 Terms of Office**

- 5.04.1** The term of office of a Registrant elected to the Council is three years, commencing with the Council meeting where the election of officers takes place.
- 5.04.2** A Registrant who has served on Council for more than nine consecutive years is not eligible for election until at least three years have passed since the Registrant last served on the Council as an elected member.

#### **5.05 Nominations**

- 5.05.1** The Registrar shall supervise the nomination of candidates including determining the eligibility for election of a nominated candidate.
- 5.05.2** No later than 60 days before the date of an election, the Registrar shall notify every Registrant who is eligible to vote, of the date, time, and place of the election and of the nomination procedure.
- 5.05.3** The nomination of a candidate for election as a member of the Council shall be in writing and shall be submitted by the candidate to the Registrar at least 30 days before the election.
- 5.05.4** A candidate for election as a member of the Council shall be nominated by at least three Registrants who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.
- 5.05.5** A candidate may withdraw his or her nomination for election to the Council by notifying the Registrar in writing at least 20 days before the election.

#### **5.06 Acclamation**

- 5.06.1** If the number of candidates nominated in an electoral district is less than or equal to the number of Registrants to be elected in the electoral district, the Registrar shall declare the candidates to be elected by acclamation.

#### **5.07 Additional Calls for Nominations**

- 5.07.1** If there are no candidates or an insufficient number of candidates in an electoral district who are eligible for election, there shall be additional calls for nominations, as required, throughout the nomination period.
- 5.07.2** If additional calls for nominations during the nomination period do not secure a sufficient number of eligible candidates, the Executive Committee shall nominate one or more Registrants who are eligible for election.
- 5.07.3** A person who consents to a nomination by the Executive Committee shall be deemed to be a validly nominated candidate when the nomination is received by the Registrar.

## 5.08 Voting Procedure

**5.08.1** Except for an election in which the Registrar has declared a candidate elected to the Council by acclamation, the Registrar shall, at least 15 days before the date of an election, send every Registrant entitled to vote in an electoral district in which an election is to take place:

- a. a list of eligible candidates;
- b. the means to cast a vote;
- c. instructions for voting; and
- d. biographical information about each candidate.

## 5.09 Voting

**5.09.1** A Registrant may cast as many votes in an election of members of the Council as there are members to be elected to the Council from the electoral district in which the Registrant is eligible to vote.

**5.09.2** A Registrant shall not cast more than one vote for any one candidate.

**5.09.3** Votes must be received in the manner specified at or before the date and time specified for the election in order to be counted.

## 5.10 Exceptional Circumstances

**5.10.1** In exceptional circumstances, the Registrar may modify any time period respecting elections as the Registrar considers necessary to compensate for the exceptional circumstances.

## 5.11 Administration

**5.11.1** The Registrar shall be the Chief Returning Officer and shall supervise and administer the election of candidates and, for the purpose of carrying out that duty the Registrar may, subject to these bylaws:

- a. appoint returning officers and scrutineers;
- b. establish procedures and any necessary deadlines including procedures and deadlines relating to the receiving of nominations, biographies and personal statements and for the receiving of votes;
- c. establish procedures for the tabulation of votes;
- d. provide for the notification of all candidates and Registrants of the results of the election;
- e. provide for the destruction of voting information following an election; and
- f. do anything else that the Registrar deems necessary and appropriate to ensure that the election is fair and effective.

**5.11.2** If a returning officer or scrutineer refuses to act or to continue to act or is impaired in the opinion of the Registrar, the Registrar shall appoint another person as a returning officer or scrutineer.

**5.11.3** The returning officers and scrutineers shall honestly and accurately report the vote count in each election, record the results of each count and thereby determine the result of each election.

**5.11.4** Subject to these bylaws, all questions arising in the tabulation of votes, the recording of results or the determination of the result shall be decided by a majority of the returning officers or scrutineers as appropriate.

**5.12 Tie Vote**

**5.12.1** If two or more candidates receive the same number of votes in an election, the Registrar shall break the tie by lot.

**5.13 Results**

**5.13.1** As soon as practicable after the votes have been tabulated, the Registrar shall:

- a. advise each eligible candidate of the results of the election, the number of votes he or she received and the candidate's right to request a recount in accordance with article 5.14; and
- b. advise the Registrants and Council of the results of the election.

**5.14 Recounts**

**5.14.1** A candidate may require a recount by giving a written request to the Registrar no more than 15 days after the date of the election or recount and paying the fee of \$300.00 to the College seven days prior to the recount. This fee will be refunded if the recount changes the outcome of the election.

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

**5.14.3** If a candidate requests a recount, the Registrar shall preside over the recount, and shall:

- a. appoint scrutineers;
- b. arrange for the recount within 15 days from the receipt of the request;
- c. notify all candidates in the election of the fact and date of the recount;
- d. if two candidates receive an equal number of votes, the Registrar shall break the tie by lot; and
- e. declare the candidate who received the most votes to be elected to the Council for the pertinent electoral district.

**5.15 Referral of Disputes to Executive Committee**

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

**5.16 Report and Recommendation of Executive Committee**

**5.16.1** Where the Executive Committee initiates an inquiry under article 5.15, it shall hold an inquiry into the validity of the election of the member of Council in question and, following the inquiry, shall make a report and recommendation to Council.

**5.17 Options Available to Council**

**5.17.1** Council may, after reviewing the report and recommendation of the Executive Committee and subject to article 5.14, do one of the following:

- i. declare the election result in question to be valid; or
- ii. declare the election result in question to be invalid; and either
  - a. declare another candidate to have been elected; or
  - b. direct that another election be held.

## 5.18 Minor Irregularities Not Fatal

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

# Part 6: Academic Appointments to Council

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## 6.01 Academic Appointments

- 6.01.1** One or two person(s), at least one of whom will hold a full-time faculty appointment, shall be appointed to sit on the Council as an academic appointment.
- 6.01.2** The academic appointment shall be selected in the prescribed manner from members of the faculties of all programs in Ontario approved by the College of Occupational Therapists of Ontario.
- 6.01.3** For the purposes of clause 5(1) (c) of the *Act*, a Registrant is eligible for an academic appointment to the Council if, on the date of the appointment:
- a. the Registrant has a faculty appointment in an occupational therapy program in Ontario approved by the College of Occupational Therapists of Ontario;
  - b. the Registrant is not in default of payment of any fees prescribed in these bylaws;
  - c. the Registrant is not the subject of any disciplinary or incapacity proceeding, inside or outside Ontario;
  - d. the Registrant's certificate of registration has not been revoked or suspended in the six years preceding the date of the election as a result of professional misconduct, incompetence or incapacity proceeding;
  - e. the Registrant's certificate of registration is not subject to a term, condition or limitation imposed by a panel of the Discipline or Fitness to Practise Committees;
  - f. the Registrant has not been the subject of an Informal Disposition or Resolution with the College in the six years preceding the date of the appointment;
  - g. the Registrant is not a director, officer, or employee of a voluntary organization of occupational therapists;
  - h. a court or other lawful authority (unless it has been reversed on appeal or judicial review) has not made a finding of guilt against the Registrant in respect of:
    - i. a criminal offence;
    - ii. any offence relating to the prescribing, compounding, dispensing, selling, or administering of drugs; or
    - iii. any offence that relates to the Registrant's practice of occupational therapy;
  - i. is not subject to any existing conditions or restrictions (such as bail conditions) imposed by a court or other lawful authority that relate to or otherwise impact the Registrant's practice; and
  - j. on or after April 1, 2016, the Registrant is not, and has not been within the previous six years, an employee of the College.

## 6.02 Term of Office of Academic Appointment

- 6.02.1** The term of office for an academic appointment shall be three years.
- 6.02.2** An appointee who has served on Council for more than nine consecutive years is not eligible for re-appointment until at least three years have passed since the member has last served on the Council.



## Part 7: Officers

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### 7.01 Election of Officers

- 7.01.1** The Registrar or his or her designate shall conduct the election of Officers at the first meeting of a new Council.
- 7.01.2** The election of President, Vice-President, Member-at-Large (Finance) and Member-at-Large (Education) shall be by secret ballot.
- 7.01.3** Two scrutineers for the election will be appointed from retiring Council members. If there are not enough retiring Council members, the Registrar shall appoint one or more College staff members as needed to act as a scrutineer(s). Additionally, one College staff member will be assigned to assist with the count.
- 7.01.4** If there are more than two candidates in an election, successive ballots shall be conducted until one candidate receives a majority of the votes cast. The candidate or candidates who receive the fewest votes in a ballot shall be dropped in the next ballot.
- 7.01.5** In the case of a tie, one scrutineer will be directed to cast a deciding vote by lot.
- 7.01.6** At the conclusion of the full election of officers the newly elected President will chair the remainder of the meeting
- 7.01.7** The term of office for the officers shall be one year.
- 7.01.8** The President may be removed from office by a two-thirds vote of the Council and the Council shall elect a new President from its members to hold office for the remainder of the year.
- 7.01.9** In the event an officer resigns, dies, or otherwise ceases to act, the Council shall elect a new officer from among its members to hold office for the remainder of the year.

### 7.02 President

- 7.02.1** The President of the College shall provide leadership for Council to ensure that strategic plans, objectives and policies are developed and implemented in accordance with the mandate of the College. The President is the chief spokesperson for the Council.
- 7.02.2** The duties of the President include:
- a. convening and chairing all meetings of Council and the Executive Committee;
  - b. receiving and reviewing all matters directed to the attention of the Council;
  - c. receiving, reviewing and bringing to the attention of the Executive Committee matters related to College governance;
  - d. conducting evaluation of each Council meeting; in conjunction with Council, leading an annual evaluation of the Council's goals and activities for the purpose of future planning;
  - e. facilitating communication of issues and concerns raised by statutory committee Chairpersons to the Executive Committee and Council;

- f. collaborating with the Registrar in:
  - i. identification of issues for Council consideration;
  - ii. development of objectives and long-range plans for Council;
  - iii. establishment of priorities for deliberation by Council and the Executive Committee;
  - iv. development of a suitable public relations program for the College.
- g. representing the College at official liaison and public functions such as, OSOT, annual CLEAR conference, annual CNAR conference and Federation of Health Regulatory Colleges of Ontario;
- h. contributing to College publications and annual report;
- i. annual review of the credit card expenses of the Registrar;
- j. conducting an annual performance appraisal of the Registrar, following discussion with the Executive Committee; and
- k. representing the Executive Committee in negotiation of the Registrar's contract.

### **7.03 Vice-President**

**7.03.1** The primary function of the Vice-President is to collaborate with the President on the activities of the Council and College. The Vice-President assumes the responsibilities of the President in his or her absence.

**7.03.2** The duties of the Vice-President include:

- a. chairing Council and the Executive Committee in the absence of the President;
- b. receiving, reviewing and bringing to the attention of the Executive Committee matters related to College governance;
- c. identifying issues of particular concern to the Council members and bringing them to the attention of the President;
- d. coordination and monitoring of Council evaluation; and
- e. representing the College at official liaison functions, as required.

### **7.04 Appointment of Committee Chairs**

**7.04.1** The Executive Committee shall annually, at their first meeting after the election of officers appoint the statutory committee Chairs for the other statutory committees.

**7.04.2** The terms of office for the statutory committee Chairs is one year.

**7.04.3** In the event a statutory committee Chair resigns, dies or otherwise ceases to act, the Executive Committee shall appoint a new statutory committee Chair from among Council members to hold office for the remainder of the year.

## **Part 8: Council**

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### **8.01 Duties of Council Members**

**8.01.1** The primary function of Council members is to make decisions in the public interest, balancing this responsibility with an understanding of the occupational therapy profession and the environments in which it is practised. Council members establish the goals and policies of the College in accordance with the relevant legislation.

**8.01.2** The duties of Council members include:

- a. serving on Council and at least one statutory committee to which they are appointed;
- b. serving on additional committees, task forces, standing committees or advisory groups from time to time;
- c. reviewing all material sent in advance for Council and committee meetings;
- d. developing and maintaining a knowledge of College functions and issues facing Council;
- e. contributing constructively to Council and committee discussions, and understanding and respecting the rules of order as prescribed by Council;
- f. identifying relevant expertise or contacts as resources;
- g. acquiring a working knowledge of policies and procedures relating to their specific statutory committee(s);
- h. communicating with Registrants, stakeholders and other interested parties in a manner consistent with confidentiality requirements and Council policy; and
- i. identifying issues to be added to the Council or committee agenda in advance of any meeting.

**8.01.3** Council members must also:

- a. demonstrate accountability to the public through decision-making in the public interest;
- b. abide by the Council code of conduct;
- c. identify and address conflict of interest situations as set out in the bylaws, including understanding and identifying cases in which prior knowledge may affect the ability to function on committee;
- d. recognize and respect confidential information learned in the course of College activities;
- e. understand the role of staff as resources to committees;
- f. resolve any concerns with the committee Chairperson, Council President or Vice-President;
- g. maintain good public relations with membership, the public, health care organizations, educational groups, and government bodies in their regions; and
- h. attend Council and committee meetings regularly.

**8.02 Disqualification of Council Members**

**8.02.1** The Council shall disqualify an elected member or an appointed Academic member if the member:

- a. resigns from Council;
- b. ceases to hold a certificate of registration;
- c. is in default of any fees prescribed by these bylaws for a period of more than 60 days;
- d. is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;
- e. is found to be an incapacitated member by a panel of the Fitness to Practise Committee;
- f. is the subject of an Informal Disposition or Resolution with the College;
- g. is found by a majority of Council members to have seriously or consistently violated the Code of Conduct for Council Members;
- h. fails, without cause, to attend two consecutive meetings of the Council;
- i. fails, without cause, to attend three consecutive meetings of a committee of which he or she is a member;
- j. fails, without reasonable cause, to attend hearing or a review by a panel for which he or she has been selected;

- k. in the case of an elected member, ceases to either practise or reside in the electoral district for which the member was elected;
- l. in the case of an Academic member, ceases to either practice or reside in Ontario;
- m. is convicted of a federal or provincial offence which, in the opinion of Council, is of such a nature that it warrants disqualification;
- n. breaches section 36 of the RHPA which, in the opinion of Council, is of such a nature that warrants disqualification;
- o. has breached the conflict of interest provisions of these bylaws which, in the opinion of Council, is of such a nature that warrants disqualification;
- p. fails, in the opinion of Council, to discharge properly or honestly any office to which he or she has been elected or appointed.
- q. becomes a director, officer, or employee of a voluntary organization of occupational therapists; or
- r. becomes a member of a council of any other college regulated under the RHPA.

**8.02.2** An elected member or appointed Academic member who is disqualified from sitting on the Council ceases to be a member of the Council.

**8.02.3** If the Registrar receives information which suggests that a Council member meets one or more of the criteria for disqualification set out in section 8.02.1, other than paragraphs a, b, k and l in which case Council shall immediately disqualify the elected member or appointed Academic member, the Registrar shall follow the procedure set out in section 8.02.4. Where the Registrar has reasonable and probable grounds to believe that a member of Council meets the criteria for disqualification and no one has made a complaint in writing, the Registrar shall make a complaint in writing.

**8.02.4** The following procedure shall be followed in the event that a member of Council member is alleged to have contravened the duties of a member of Council meets the criteria for disqualification set out in section 8.02.1 other than paragraphs a, b, k and l.

- i. A written complaint shall be filed with the Registrar. A complaint can be made by a member of the public, a Council or Committee member or the Registrar. If a member of Council or a Committee receives such a complaint, he or she shall immediately file it with the Registrar.
- ii. The Registrar shall report the complaint to the President or the Vice-President who shall bring the complaint to the Executive Committee if he or she believes that the complaint may warrant formal action. If the Executive Committee is unable to address the complaint it may appoint another Committee to fulfill its duties under this section.
- iii. If the Executive Committee or any Committee appointed by the Executive Committee, after any investigation it deems appropriate, believes that the complaint may warrant formal action, it shall call a meeting of Council. Council shall determine whether there has been a breach of duties or whether the criteria for disqualification have been met and, if so, impose the appropriate sanction. The appropriate sanction can include one or more of the following:
  - a. censure of the member orally or in writing,
  - b. removal of the member from any Committee on which he or she serves, or
  - c. disqualification of an Elected Member from Council, or a report to the Public Appointments Secretariat requesting removal of the Public Member concerned from Council.
- iv. A decision finding that there has been a breach of duties or that a Council member meets the criteria for disqualification set out in section 8.02.1, and a decision to impose a particular sanction must be approved by a two-thirds majority affirmative vote of Council Members present and voting.

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

### 8.03 Vacancies on Council

**8.03.1** If the seat of an elected Council member becomes vacant in an electoral district not more than twelve months before the expiry of the member's term of office, the Council may:

- a. leave the seat vacant;
- b. appoint as an elected member, the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of the Council members for that electoral district; or
- c. direct the Registrar to hold an election in accordance with these bylaws for that electoral district.

**8.03.2** If the seat of an elected Council member becomes vacant in an electoral district more than twelve months before the expiry of the member's term of office, the Council shall direct the Registrar to hold an election in accordance with these bylaws for that electoral district.

**8.03.3** The term of a member appointed under clause 8.03.1 (b) or elected under an election under clause 8.03.1 (c) or section 8.03.2 shall continue until the time the former Council member's term would have expired.

### 8.04 Employment of Agents

The Registrar may employ for and on behalf of the College, any agents or employees as the Registrar thinks fit in connection with the control, management and administration of the College, and in that respect may authorize those persons to assist the Council in exercising the powers of, and carrying out the duties of the College.

**8.04.1** In addition to any other qualification for a position of employment with the College that Council may deem appropriate, it shall be a qualification that the employee not be a member of Council, or if a member of Council, that he or she resign as a member of Council prior to applying for employment with the College.

### 8.05 Appoint Members to Committees

**8.05.1** The Executive Committee shall, at its first meeting, appoint members to the committees.

**8.05.2** Subject to the *Act*, Regulations and bylaws, the President may attend and participate in meetings of all committees. The President does not have a vote.

### 8.06 Minutes

The Council shall cause minutes to be kept of its proceedings and meetings to form a record of all motions and decisions, which shall be kept at the College office unless the Council otherwise decides.

The written record of the proceedings of a Council meeting when confirmed at a subsequent Council meeting, subject to any corrections made at such subsequent meeting, is conclusive proof of the accuracy of the contents of every such record.

**8.07 Accounts**

The Council shall cause proper books of account to be kept in respect of all sums of money received and expended by the College which shall, unless the Council otherwise decides, be the responsibility of the Registrar.

**8.08 Financial Records**

Financial statements for the College shall be prepared promptly at the close of each fiscal year. The audited financial statements of the College, together with a signed and certified copy of the Auditor's report, shall be

- a. reviewed by the Executive Committee;
- b. presented annually to Council;
- c. provided to the Minister of Health and Long-Term Care; and
- d. made available to the public in the College's annual report.

**8.09 Auditor**

The Council shall appoint a licensed public accountant as auditor of the College at least every fifth year for a term not exceeding five years.

**8.09.1 Audit**

The auditor shall make such examinations as will enable them to report to Council as required by law and under these bylaws. Without limiting the generality of the foregoing, the auditor shall report to the Executive Committee before Council meeting at which the financial statements of the College are to be submitted. The auditor of the College shall report in writing to Council at the meeting at which the financial statements of the College are to be submitted and shall state in the report whether, in their opinion, the financial statements present fairly the financial position of the College and the results of its operations for the period under review in accordance with Canadian accounting standards for not-for-profit organizations.

**8.10 Borrowing Funds**

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

- a. borrow money upon the credit of the College;
- b. 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
- c. charge, mortgage, hypothecate, or pledge all or any currently owned or subsequently acquired real or personal, movable 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.

**8.11 Compensation**

Elected members of Council when attending Council or committee meetings or otherwise conducting the business of the Council or any of the committees, shall be paid a stipend at a daily rate and travelling and maintenance expenses necessarily incurred, in accordance with policies approved by Council.

**8.12 Making, Amending and Revoking Bylaws**

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

- 8.12.1.1** The repeal of any bylaw in whole or part shall not in any way affect the validity of any act done or right, privilege, obligation or liability acquired or incurred thereunder or the validity of any contract or agreement made pursuant to any such bylaw prior to such repeal. All members of Council and other persons acting under any bylaw so repealed in whole or in part shall continue to act as if elected or appointed under the provisions of these bylaws.
- 8.12.2** Every bylaw and every amendment and revocation thereof shall be maintained in the College's records.
- 8.12.3** Notice of any proposed addition, amendment, or revocation of a Bylaw shall be provided to Council members at least two weeks prior to the date of the Council meeting at which these will be considered.
- 8.12.4** The requirement for notice under paragraph 8.13.3 of this section may be waived by unanimous vote of all the members of the Council.
- 8.12.5** A bylaw made pursuant to the authority of clauses (l.2), (l.3), (s), (t), (v), (w) or (y) of subsection 94(1) the Code must be circulated to every Registrant at least 60 days before it is approved by Council.

## Part 9: Registrar and Interim Registrar

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### 9.01 Registrar

- 9.01.1** The Council shall appoint one of its employees as a Registrar.
- 9.01.2** The Registrar shall:
- a. be responsible for the daily operations of the College including the management of all resources;
  - b. keep the register in the form required by these bylaws and the Code;
  - c. carry out such duties as authorized or required by the Code, including the appointment of investigators authorized under s. 75;
  - d. give all notices required to be given to Council members and Registrants;
  - e. be the custodian of the seal of the College and of all books, papers, records, contracts and other documents belonging to the College;
  - f. supervise the nomination and election of Council members and non-Council members as described in these bylaws;
  - g. represent the College and its positions to stakeholders;
  - h. provide leadership to Council and staff, related to College operations, Council directives and emerging issues in the practice and regulation of occupational therapy provincially, nationally and internationally; and
  - i. perform such other duties as may be determined from time to time, by Council.

### 9.02 Interim Registrar

The Council may appoint an interim Registrar to exercise the powers and to perform the duties, powers and functions of the Registrar when the Registrar is absent or unable to act or when there is a vacancy in the office of the Registrar.

## Part 10: Communications

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### 10.01 Media Contacts

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

### 10.02 College Communications

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

- i. are the authorized spokespersons of the College but either of them may request a member of Council, a College employee or a consultant to perform this function, as appropriate, under the circumstances; and
- ii. may communicate with the media to provide interviews, respond to inquiries or comment on issues concerning regulation of the profession or the operation of the College. A member of Council or a Committee member shall not perform such communications unless authorized by the Registrar, the President or, in the absence of the President, the Vice-President.

### 10.03 Consistent Messaging

All messages to the media and to the public must be consistent with the approved policies and positions of the College.

## Part 11: Meetings of Council

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### 11.01 Regular Meetings

**11.01.1** A regular meeting of Council shall be called by the President.

**11.01.2** A regular Council meeting may only consider or transact:

- a. matters brought by the Executive Committee;
- b. recommendations in reports by committees;
- c. routine and procedural matters in accordance with the rules of order.

### 11.02 Special Meetings

**11.02.1** A special meeting of Council may be called by the President or the majority of Council members, who submit to the Registrar a written request for the meeting containing the matter or matters for decision at the meeting.

**11.02.2** A Notice of Special Meeting shall state the business for which the meeting is called and contain sufficient information to permit the Council member to form a reasoned judgement on the decision to be taken. No subject shall be considered at the meeting unless specifically mentioned in the notice.



**11.03 Convening of Meetings**

The President may at any time, or the Vice-President shall at the request of any 4 members of Council, convene a meeting of the Council.

**11.04 Notice of Meeting**

**11.04.1** A Notice of a Regular Meeting shall be given in writing to all Council members at least 14 days prior to the proposed date and, where possible, sent by mail, electronic mail, or similar method.

**11.04.2** A Notice of a Special Meeting shall be given in writing to all Council members at least five days prior to the proposed date, and where possible, sent by mail, electronic mail, or similar method.

**11.04.3** No regular or special meeting shall be made void because of an inadvertent or accidental error or omission in giving notice. Any Council members may waive notice of a meeting and ratify, approve and confirm any proceedings taken at the meeting.

**11.05 Parliamentary Procedure**

The Council shall be entitled to adopt, from time to time, such rules of order as it deems appropriate to govern the conduct of each Council meeting; provided that, in the event of a conflict between such rules of order and one or more provisions of the RHPA, the Act or these bylaws, the provisions of the RHPA, the Act, or the bylaws shall prevail.

**11.06 Chairperson**

The President of the Council and in the President's absence the Vice-President of the Council shall act as Chairperson of the meeting of the Council. In the absence of both the President and the Vice-President, a Chairperson shall be elected at the commencement of the meeting.

**11.07 Majority Vote**

Unless otherwise specified in these bylaws, matters considered at any meeting of the Council shall be decided by a majority vote cast upon each matter by the members present at Council. Voting by proxy is not permitted at meetings of members of Council.

**11.08 Tie Vote**

In cases of an equality of votes, the Chairperson shall have a deciding vote to break the tie.

**11.09 Written Resolutions**

A resolution in writing, signed by all persons entitled to vote on that resolution at a meeting of the Council or a committee of the College, is as valid as if it had been voted on at a meeting except where the Act requires a meeting or a hearing.

**11.10 Adjournment**

Any meeting of the Council may be adjourned at any time in order to later complete the business of that adjourned meeting.

**11.11 Electronic Communication**

Meetings of Council may be held in any manner that allows all persons participating to communicate with each other simultaneously and instantaneously.

**11.12 Quorum**

Pursuant to section 6 of the Code, a majority of the members of the Council constitute a quorum.

## Part 12: Non-Council Members of Committees

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### 12.01 Non-Council Members of Committees

**12.01.1** A non-Council member is eligible for appointment to a committee of the College or, subject to Bylaw 12.03.2, is eligible for re-appointment to a committee of the College if, on the date of the appointment or re-appointment:

- a. the Registrant practises occupational therapy in Ontario or resides in Ontario;
- b. the Registrant is not in default of payment of any fees required under these bylaws;
- c. the Registrant is not the subject of any disciplinary or incapacity proceeding, inside or outside of Ontario;
- d. the Registrant's certificate of registration has not been revoked or suspended in the six years preceding the date of the appointment as a result of a professional misconduct, incompetence or incapacity proceeding;
- e. the Registrant has not been disqualified pursuant to section 12.04.1 in the three years preceding the date of the appointment;
- f. the Registrant has not been the subject of an Informal Disposition or Resolution with the College in the six years preceding the date of the appointment;
- g. the Registrant's certificate of registration is not subject to a term, condition or limitation imposed by the Registrar at the direction of a panel of the Discipline Committee or Fitness to Practise Committee;
- h. the Registrant is not a director, officer or employee of a voluntary organization of occupational therapists;
- i. a court or other lawful authority (unless it has been reversed on appeal or judicial review) has not made a finding of guilt against the Registrant in respect of:
  - i. a criminal offence;
  - ii. any offence relating to the prescribing, compounding, dispensing, selling, or administering of drugs; or
  - iii. any offence that relates to the Registrant's practice of occupational therapy;
- j. is not subject to any existing conditions or restrictions (such as bail conditions) imposed by a court or other lawful authority that relate to or otherwise impact the Registrant's practice; and
- k. on or after April 1, 2016, the Registrant is not, and has not been within the previous six years, an employee of the College.

### 12.02 Appointment of Non-Council Members

**12.02.1** A general call for individuals interested in appointments to committees will be made from time to time as determined by the Registrar in order to create a pool of eligible candidates. Specific requests will be made non-Council members are required for specific committees.

**12.02.2** Each applicant must submit a current curriculum vitae and a letter indicating her/his areas of interest.

**12.02.3** The Registrar will review applications in accordance with Bylaw 12 and/or applicable College policy. Applicants will be notified whether or not her/his application was confirmed.

**12.02.4** All eligible applications will be kept on file for one year after which the candidate will be asked to re-establish her/his interest and update her/his application.

### 12.03 Terms of Office of Non-Council Members

- 12.03.1** The term of office of a member of a committee of the College who is a non-Council member is three years from the date of appointment or re-appointment to the committee.
- 12.03.2** No non-Council member may be a member of the same committee of the College for more than six consecutive years.
- 12.03.3** A Registrant who has served as a non-Council member for more than six consecutive years is not eligible for appointment as a non-Council member until at least one year has passed since the Registrant last served as a non-Council member.

### 12.04 Disqualification of Non-Council Members

- 12.04.1** The Council shall disqualify a non-Council member appointed to a committee of the College from sitting on the committee if the member:
- a. resigns from a committee;
  - b. ceases to hold a certificate of registration;
  - c. is in default of any fees prescribed by these bylaws for a period of more than 60 days;
  - d. ceases to either practise or reside in Ontario;
  - e. is found by a panel of the Discipline Committee to have committed an act of professional misconduct or to be incompetent;
  - f. is found by a panel of the Fitness to Practise Committee to be an incapacitated member;
  - g. is the subject of an Informal Disposition or Resolution of the College;
  - h. fails, without cause, to attend three consecutive meetings of the committee or one of its subcommittees of which she or he is a member;
  - i. fails, without reasonable cause, to attend a hearing or review by a panel for which he or she has been selected;
  - j. is convicted of a federal or provincial offence which, in the opinion of Council, is of such a nature that it warrants disqualification;
  - k. breaches section 36 of the RHPA which, in the opinion of Council, is of such a nature that warrants disqualification;
- has breached the conflict of interest provisions of these bylaws which, in the opinion of Council, is of such a nature that warrants disqualification: or
- m. becomes a director, officer or employee of a voluntary organization of occupational therapists.

- 12.04.1.1** The following procedure shall be followed in the event that a non-Council member is alleged to have contravened the duties of a Committee member or meets the criteria for disqualification set out in section 12.04.1 other than paragraphs a, b, and d.
- i. A written complaint shall be filed with the Registrar. A complaint can be made by a member of the public, a Council or non-Council member or the Registrar. If a member of Council or a non-Council member receives such a complaint, he or she shall immediately file it with the Registrar.
  - i. The Registrar shall report the complaint to the President or the Vice-President who shall bring the complaint to the Executive Committee if he or she believes that the complaint may warrant formal action. If the Executive Committee is unable to address the complaint it may appoint another Committee to fulfill its duties under this section.
  - ii. If the Executive Committee or any Committee appointed by the Executive Committee, after any investigation it deems appropriate, believes that the complaint may warrant formal action, it shall determine whether there has been

a breach of duties or whether the criteria for disqualification have been met and, if so, impose the appropriate sanction. The appropriate sanction can include one or more of the following:

- (a) censure of the non-Council member verbally or in writing,
  - (b) removal of the non-Council member from any Committee on which he or she serves,
  - (c) disqualification of the non-Council member from serving on any committee.
- iv. A decision finding that there has been a breach of duties or that a non-Council member meets the criteria for disqualification set out in section 12.04.1, and a decision to impose a particular sanction must be approved by a two-thirds majority affirmative vote of Council Members present and voting.
  - v. The non-Council member whose conduct is the subject of concern shall not take part in the deliberation of Council, however, he or she shall be given a reasonable opportunity to respond to the allegation

**12.04.2** A non-Council member who is disqualified under s. 12.04.1 from sitting on a committee of the College, ceases to be a member of the committee, and the Council shall appoint a successor as soon after the disqualification as feasible.

**12.04.3** The term of office of a person who is appointed as a successor under s. 12.04.2 shall be three years.

## Part 13: Statutory Committees & Standing Committees

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### 13.01 Executive Committee

**13.01.1** The Executive Committee shall be composed of:

- a. the President, the Vice- President, the Member-at-Large (Finance) and the Member-at-Large (Education);
- b. the Executive Committee includes two professional members of the Council and two Public Members.

**13.01.2** The President of the Council shall be the Chair of the Executive Committee.

**13.01.3** The Executive Committee is responsible for enhancing the effectiveness of Council by:

- a. conducting business between meetings, on behalf of Council with the exception of making, amending or revoking a regulation or bylaw;
- b. assisting in the development of Council agendas to reflect Council priorities;
- c. confirming background material to be presented by the Committee at each meeting to inform Council decision-making;
- d. recommending which, if any, agenda items to be closed to observers;
- e. serving as a Governance Committee of Council to make recommendations to Council with respect to:
  - i. the structure and functioning of Council;
  - ii. the role and function of statutory committees;
  - iii. composition of committees;

- iv. the appointment process for Committee Chairs;
- v. the College's governance structure and governance policies; and
- vi. an annual Council evaluation process.
- f. Monitoring the finances of the College, including:
  - i. monitoring the College's financial status;
  - ii. reviewing the annual operating and capital budgets;
  - iii. approving the audited statement;
  - iv. annually reviewing the College investment plan;
  - v. reviewing terms of office lease agreements as required;
  - vi. assisting in the development of a policy framework related to compensation & salary administration; and
  - vii. monitoring the compliance with financial policies.
- g. providing oversight to the strategic planning process for the College;
- h. conducting an annual performance review of the Registrar, including contract (re)-negotiation;
- i. providing development opportunities and learning activities for council members;
- j. conducting special projects as designated by the Council;
- k. assigning of Executive members to subcommittees of the committee; and
- l. assigning of a Public Member of the Committee to liaise with the Public Appointment Secretariat.

**13.01.4** Executive shall report to the Council at each Council meeting. All recommendations and decisions are to be reported and/or approved by the Council.

### **13.02 Registration Committee**

**13.02.1** The Registration Committee shall be composed of at least:

- a. two members of the Council who are members of the College;
- b. two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- c. one non-Council member.

### **13.03 Inquiries, Complaints and Reports Committee**

**13.03.1** The Inquiries, Complaints and Reports Committee shall be composed of at least:

- a. two members of the Council who are members of the College;
- b. two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- c. four non-Council members.

### **13.04 Discipline Committee**

**13.04.1** The Discipline Committee shall be composed of at least:

- a. two members of the Council who are members of the College;
- b. two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
- c. one non-Council member.

### **13.05 Fitness to Practise Committee**

**13.05.1** The Fitness to Practise Committee shall be composed of at least,

- a. two members of the Council who are members of the College;
- b. two members of the Council appointed to the Council by the Lieutenant Governor in Council;  
and
- c. one non-Council member.

### 13.06 Hearings Core Group

Council may establish a Hearings Core Group of members of the Discipline Committee and Fitness to Practise Committees who may do the following:

- a. oversee administrative rules of procedure for the Discipline and Fitness to Practise Committees (Hearings Committees) and ensure that they are current and publicly available;
- b. are available for frequent selection for hearing panels by the chair of the respective Hearings Committees.

### 13.07 Quality Assurance Committee

**13.07.1** The Quality Assurance Committee shall be composed of at least:

- a. two members of the Council who are members of the College;
- b. two members of the Council appointed to the Council by the Lieutenant Governor in Council;  
and
- c. two non-Council members.

### 13.08 Patient Relations Committee

**13.08.1** The Patient Relations Committee shall be composed of at least:

- a. two members of the Council who are members of the College;
- b. two members of the Council appointed to the Council by the Lieutenant Governor in Council;  
and
- c. one non-Council member.

### 13.09 Vacancies on Statutory Committees

**13.09.1** Where a vacancy arises in a statutory committee of Council, the committee Chair will review the applications with committee members. The committee will select an applicant(s) of choice and provide a recommendation to Council for approval at the next Council meeting. If, in the view of the Committee, there is an urgent need to fill a vacancy in order for a Committee to meet its statutory requirements, the committee will select an applicant(s) of choice and provide a recommendation to the Executive Committee for approval at the next Executive Committee meeting.

**13.09.2** Where one or more vacancies occur in the membership of a statutory committee, the committee members remaining in office constitute the committee so long as their number is not fewer than the quorum prescribed by the *Act*.

### 13.10 Standing Committees

**13.10.1** There are hereby established the following standing committees, in addition to those statutory committees required by the *Regulated Health Professions Act*.

- a. Nominations Committee.

### 13.11 Nominations Committee

**13.11.1** The Nominations Committee shall include at least two (2) retiring Council members, or, if fewer than two members are retiring, then the Nominations Committee shall include one or two members who do not intend to stand for election as an officer.

### 13.12 Vacancies on Standing Committees

**13.12.1** Where a vacancy arises or a new standing committee, working group or task force is created, the standing committee Chair, or, in the case of working groups or task forces, the statutory committee Chair will review the applications with committee members. The committee will select an applicant(s) of choice and provide a recommendation to the Council for their approval at the next Council meeting.

**13.12.2** Where one or more vacancies occur in the membership of a standing committee, the committee members remaining in office constitute the committee so long as their number is not fewer than the prescribed quorum.

## Part 14: Provisions Applicable to All Committees

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### 14.01 Committee Procedures

**14.01.1** Unless otherwise prescribed in these bylaws, the Executive Committee shall appoint a Chairperson for each committee.

**14.01.2** The Executive Committee may and, if necessary for a committee to achieve its quorum shall, appoint members of the Council to fill any vacancies which occur in the membership of a committee.

**14.01.3** Every appointment to a committee with the exception of non-Council committee appointments automatically expires at the meeting held in conjunction with the annual election of officers.

**14.01.4** Each committee shall meet from time to time at the direction of the Council or the Executive Committee or at the call of the Chair at a place in Ontario, date and time designated by the Chair.

**14.01.4.1** Meetings of any committee or of panels that are held for a purpose other than conducting a hearing may be held in any manner that allows all persons participating to communicate with each other simultaneously and instantaneously.

**14.01.5** No formal notice is required for a meeting of the committee but the Chair of the committee or delegate shall notify members at least two (2) weeks in advance of the meeting date and time, unless all members waive notice.

**14.01.6** Unless the *Act* provides otherwise, a majority of members of a committee constitutes a quorum.

**14.01.7** In cases of an equality of votes, the Chair shall have a deciding vote to break the tie vote except at hearings.

**14.01.8** The Chair or her/his appointee for the purpose shall preside over meetings of the committee.

- 14.01.9** The terms of reference for committees must be approved by the Council and such terms of reference shall include the following:
- a. the overall purpose of the committee;
  - b. the responsibilities of the committee;
  - c. the relationship (if any) to other committees, including reporting structure;
  - d. the composition of the committee;
  - e. the frequency of meetings; or
  - f. any other matters that Council deems appropriate.
- 14.01.10** The presiding officer shall record the proceedings of every committee meeting, or cause them to be recorded, and the written record of every committee meeting when confirmed at a subsequent committee meeting, subject to any corrections made at such subsequent meeting, is conclusive proof of the accuracy of the contents of every such record.
- 14.01.11** The written record of every committee meeting shall be deposited with the Registrar promptly after it has been approved by the Committee.
- 14.01.12** An annual report will be submitted, in writing, by each statutory and standing committee to Council in October of each year.
- 14.01.13** When required by the Registrar, each committee Chair will submit an accounting of anticipated committee expenditures and revenues for the upcoming fiscal year.

## Part 15: Conflict of Interest

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### 15.01 Conflict of Interest - General

- 15.01.1** Every member of Council shall act in the best interests of the public receiving occupational therapy services in Ontario, and no member by reason of her/his appointment shall conduct herself/himself as a representative of any professional, socioeconomic, cultural or geographic group or other constituency.
- 15.01.1.1** It is expected that all members of Council will speak with a united voice after a decision has been made or a policy has been set.
- 15.01.2** For the purposes of these bylaws and all matters of Council conduct, a conflict of interest is defined to include real, apparent potential conflicts.
- 15.01.3** Real, apparent and potential conflicts exist where a private or personal interest may be sufficient to influence the objective discharge of a person's official duties.
- 15.01.4** A real conflict exists when (1) the member has a private interest, (2) the member knows of the private interest, and (3) there is sufficient connection between the private interest and the member's public responsibilities to influence the performance of them.
- 15.01.5** An apparent conflict exists when there is a reasonable apprehension, which reasonably well-informed persons could properly have, that a conflict of interest exists.



**15.01.6** A potential conflict exists as soon as a real conflict is foreseeable.

**15.01.7** Financial conflicts include:

- a. interests in contracts which the College is considering entering into; and
- b. accepting benefits where the individual is exchanging the benefit for the individual's promise to influence College decision making.

**15.01.8** The misuse of information is considered a conflict where information acquired in the course of performing College duties, is used for personal gain or for the personal gain or for the benefit of someone else.

**15.01.9** Any member of Council or any non-Council member who recognizes that they are in a direct or indirect conflict of interest situation will declare a conflict in the following manner:

- a. If the conflict relates to the member's overall role, the member will notify the President or the Registrar as soon as possible.
- b. If the conflict relates to the member's role in the matter of a specific item on the Council agenda, the member will notify the President or the Registrar at the meeting(s) at which the item will be discussed or if the member is not present at such meeting, then at the first meeting held thereafter.
- c. If the conflict relates to the member's role on a committee, the member will notify the Chair of the committee, prior to any meeting or hearing related to the matter.

**15.01.10** The disposition of a conflict as reported above, will be done in the following manner:

If the conflict affects the member's overall role:

- i. the President will cause an investigation of the alleged conflict to be had through the Executive Committee; Council will be informed;
  - ii. the Executive Committee's findings will be presented to Council for resolution;
  - iii. the decision of Council will be considered final.
- a. If a conflict relates to a member's role pertaining to an item on the Council agenda, the member will declare the conflict and will be permitted to provide a brief explanation to Council. The member shall leave the meeting room during discussion of the agenda item giving rise to the conflict.
  - b. If the conflict relates to a member's role pertaining to a panel of a statutory committee, the Chair will appoint another member to the panel, if required.

**15.01.11** Any member who believes that another member has a conflict which has apparently not been declared, will, if possible, discuss the matter with the member. If the matter is not resolved to the satisfaction of the member who perceives the conflict, she/he will discuss it with the President.

- a. The President will cause an investigation of the alleged conflict to be had through the Executive Committee; Council will be informed.
- b. The Executive Committee's findings will be presented to Council for resolution.
- c. The decision of Council will be considered final.

**15.01.12** Where the Council decides to disqualify an elected member based on the findings of an investigation related to conflict of interest, the President will request her/his resignation.

**15.01.13** Where the Council decides to disqualify an appointed member based on the findings of an

investigation related to conflict of interest, the President will request the resignation of the member through the Minister of Health.

### **15.02 Conflict of Interest from an Involvement in a College Process**

- 15.02.1** member of the Council or committee also has a conflict of interest where she/he is the subject of a complaint, investigation or inquiry which has been referred to the Discipline committee or to a Board of Inquiry.
- 15.02.2** Where a member of the Council or a committee has a conflict of interest described in s.16.02.1, she/he shall automatically and immediately cease all activity at or on behalf of the Council, a committee or the College itself until the matter has been concluded. Where there is no finding against the member, they will return to all activity.
- 15.02.3** Where a member of the Council or a committee is required to cease an activity under s.16.02.2, the College shall proceed expeditiously to facilitate the conclusion of the process.
- 15.02.4** Nothing in this section prevents the use of other remedies for a conflict of interest by a member of the Council or a committee including disqualification from the Council or committee under these bylaws.

## **Part 16: Information to Be Provided by Registrants**

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### **16.01 Information to Be Provided by Registrants**

- 16.01.1** When requested, a Registrant shall promptly provide the College with the information required to be kept on the register pursuant to section 23 of the *Health Professions Procedural Code* and pursuant to section 17.01.01 of this bylaw and the following information in the manner determined by the Registrar:
- a. name(s), including previous name(s) and name(s) used professionally;
  - b. home address including postal code;
  - c. home telephone number;
  - d. home facsimile number (optional);
  - e. the Registrant's preferred electronic mail address for communications with the College;
  - f. birth date;
  - g. information regarding legal authorization to work in Canada;
  - h. gender;
  - i. professional examinations written or intending to write;
  - j. educational designations received;
  - k. currency hours;
  - l. business facsimile number(s);
  - m. employment status;
  - n. employment profile information;
  - o. information required for provincial and federal or College health human resource planning;
  - p. information on language fluency if any language other than the language with which they met the fluency requirement at initial registration is or could be used by the Registrant in their location(s) of practice;
  - q. proof of participation in a professional liability insurance policy acceptable to the College;

- r. information regarding the Registrant's participation in the College's Quality Assurance Program.

**16.01.2** In addition to providing the information when requested, a Registrant shall also inform the College in writing of a change in any of the following information within thirty (30) days of the change occurring:

- a. name, home address, business address, business phone number;
- b. preferred electronic mail address for communications with the College;
- c. employer, employment status or employment profile information;
- d. change in professional liability coverage;
- e. details about registration / membership or licensure with any other regulatory body in any jurisdiction;
- f. details about misconduct, incompetence or incapacity proceedings against the Registrant, whether completed or ongoing, by a regulatory body in any jurisdiction;
- g. details about any finding by a court or other lawful authority that the Registrant is guilty of any type of offence, with the exception of Highway Traffic Act offences or municipal bylaw infractions; and
- h. conditions or restrictions (such as bail conditions) imposed by a court or other lawful authority

## Part 17: Public Register

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### 17.01 Public Register

**17.01.1** In addition to the information set out in section 23 of the *Code*, the following information about each registrant shall be included in the public register:

- a. a Registrant's full name as used in their location(s) of practice;
- b. any changes in the Registrant's name since the beginning of her/his occupational therapy education;
- c. the Registrant's registration number;
- d. the current class of certificate of registration held by the Registrant and the date on which the certificate was first issued;
- e. the date and reason if a Registrant ceases to be registered;
- f. the business addresses of all places of practice of the Registrant including postal code and business telephone numbers;
- g. information from the Registrant's employer profile, except employment status category and hours;
- h. languages spoken by the Registrant;
- i. in addition to the name of every OT health corporation of which the Registrant is a shareholder, the business address, business telephone number, business electronic mail address, if there is one, and any operating names of the health profession corporation;
- j. any information agreed to be placed on the public register by the College and the Registrant;
- k. on or after January 1, 2016, details of the Registrant's registration, membership or licensure with any other regulatory body inside or outside of Ontario;
- l. details of allegations of professional misconduct or incompetence that have been referred to the Discipline Committee and not yet decided, including dates, times and locations of meetings.

- m. if an allegation of incapacity against the Registrant has been referred to the Fitness to Practise Committee and not yet decided, an indication of the referral, and the date of referral;
- n. details of a finding of professional misconduct or incompetence or similar finding that has been made in or outside of Ontario by any other regulatory body on or after January 1, 2016 that has not been reversed on appeal or judicial review;
- o. details of a finding of incapacity or similar finding made in or outside of Ontario by any other regulatory body on or after January 1, 2016 that has not been reversed on appeal or judicial review;
- p. where a decision referred to in paragraph (n) or (o) is not available to the public in the originating jurisdiction, the information referred to in paragraph (n) or (o) may be removed from the register upon the written request of the Registrant if the Registrar believes there is no public interest served in maintaining the information on the register;
- q. details of any finding of guilt made by a court or other lawful authority (unless it has been reversed on appeal or judicial review) made on or after January 1, 2016, in respect of:
  - i. a criminal offence;
  - ii. any offence relating to the prescribing, compounding, dispensing, selling, or administering of drugs; or
  - iii. any offence that relates to the Registrant's practice of occupational therapy.
- r. details of any existing conditions or restrictions (such as bail conditions) imposed by a court or other lawful authority that relate to or otherwise impact the Registrant's practice, except if the publication of such information would violate any publication ban known to the College;
- s. details of any pending reinstatement applications/ hearings.
- t. Where, for a complaint filed on or after January 1, 2017 or for a report received on or after January 1, 2017 for which an investigator is appointed under 75(1)(a) or 75(1)(b) of the Code, a panel of the Inquiries, Complaints and Reports Committee requires a registrant to appear before a panel of the Committee to be cautioned in person, as authorized by paragraph 26(1)3 of the Code,
  - i. a notation of that fact,
  - ii. a summary of the caution-in-person,
  - iii. the date of the panel's decision,
  - iv. the date upon which the caution-in-person was administered by the Committee panel, and
  - v. if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review and any reconsideration by the Committee is finally disposed of.

The information about the caution-in-person referred to in paragraph (t) may be removed from the public register in the following circumstances:

(A) two (2) years have passed since the decision was made, unless a subsequent caution-in-person has been directed by the ICRC for the registrant, or the registrant has been required to undertake a specified continuing education or remediation program or the registrant has entered into an undertaking at the direction of the ICRC, in which case all records of cautions-in-person, specified continuing education or remediation programs and undertakings ordered after January 1, 2017 shall remain on the register for four (4) years after the most recent caution-in-person, specified continuing education or remediation program or undertaking was published on the register; and

(B) the registrant has made a written request to the Registrar for the removal of the information listed in paragraph (t) on the grounds that the information is no longer relevant to the member's suitability to practice, and the Registrar believes that the removal of the information from the public register outweighs the desirability of the public access to the information in the interest of any person affected or the public interest.

- u. Where, for a complaint filed on or after January 1, 2017 or for a report received on or after January 1, 2017 for which an investigator is appointed under 75(1)(a) or 75(1)(b) of the Code, a panel of the Inquiries, Complaints and Reports Committee requires a registrant to complete a specified continuing education or remediation program, as authorized by paragraph 26(1)4 and subsection 26(3) of the Code,
  - i. a notation of that fact,
  - ii. a summary of the specified continuing education or remediation program,
  - iii. the date of the panel's decision,
  - iv. the date that the specified continuing education or remediation program is successfully completed, and
  - v. if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review and any reconsideration by the Committee is finally disposed of.

The information about the specified continuing education or remediation program referred to in paragraph (u) may be removed from the public register in the following circumstances:

(A) two (2) years have passed since the decision was made, unless a subsequent caution-in-person has been directed by the ICRC for the registrant, or the registrant has been required to undertake a specified continuing education or remediation program or the registrant has entered into an undertaking at the direction of the ICRC, in which case all records of cautions-in-person, specified continuing education or remediation programs and undertakings ordered after January 1, 2017 shall remain on the register for four (4) years after the most recent caution-in-person, specified continuing education or remediation program or undertaking was published on the register; and

(B) the registrant has made a written request to the Registrar for the removal of the information listed in paragraph (u) on the grounds that the information is no longer relevant to the member's suitability to practice, and the Registrar believes that the removal of the information from the public register outweighs the desirability of the public access to the information in the interest of any person affected or the public interest.

- v. Where, for a complaint filed on or after January 1, 2017 or for a report received on or after January 1, 2017 for which an investigator is appointed under 75(1)(a) or 75(1)(b) of the Code, a panel of the Inquiries, Complaints and Reports Committee requests that a registrant enter into an undertaking with the College, as authorized by paragraph 26(1)4 and subsection 26(3) of the Code,
  - i. a notation of that fact,
  - ii. a summary of the undertaking,
  - iii. the date of the panel's decision,
  - iv. the date that the undertaking is successfully completed, and

- v. if applicable, a notation that the panel's decision is subject to review and therefore is not yet final, which notation shall be removed once the review and any reconsideration by the Committee is finally disposed of.

The information about the undertaking referred to in paragraph (v) may be removed from the public register in the following circumstances:

(A) two (2) years have passed since the decision was made, unless a subsequent caution-in-person has been directed by the ICRC for the registrant, or the registrant has been required to undertake a specified continuing education or remediation program or the registrant has entered into an undertaking at the direction of the ICRC, in which case all records of cautions-in-person, specified continuing education or remediation programs and undertakings ordered after January 1, 2017 shall remain on the register for four (4) years after the most recent caution-in-person, specified continuing education or remediation program or undertaking was published on the register; and

(B) the registrant has made a written request to the Registrar for the removal of the information listed in paragraph (v) on the grounds that the information is no longer relevant to the member's suitability to practice, and the Registrar believes that the removal of the information from the public register outweighs the desirability of the public access to the information in the interest of any person affected or the public interest.

- w. Notwithstanding paragraphs (t), (u) and (v), where after a review by the Health Professions Appeal and Review Board or a judicial review by an appellate court of the decision and reasons of the ICRC, the ICRC has been required to remove or vary a caution-in-person, a specified continuing education or remediation program or an undertaking, the notation and summary may be removed once the Committee makes a new decision. Where the original requirement to appear for a caution or to complete a specified continuing education or remediation program or undertaking has been varied, the Registrar may enter on the public register a summary of the process leading up to and the results of the variation.

**17.01.2** The Registrar may give a direction under subsection 23 (2) of the *Code* before or after the initial entry of the Registrant's name in the register.

## **17.02 Providing Information to the Public**

**17.02.1** The Registrar shall give any information contained in the register which is designated as public to any person in printed, oral or electronic form unless the information is subject to nondisclosure under either subsection 23(2) of the *Code*, or section 17.04.

## **17.03 Fees**

**17.03.1** The Registrar may set and charge a fee for obtaining such information.

## **17.04 Non-Disclosure**

**17.04.1** The Registrar may refuse to disclose information that is available to the public under these bylaws if the Registrar has reasonable grounds to believe that disclosure may jeopardize the safety of an individual or the information is subject to a publication ban.

## Part 18: Fees

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### 18.01 Application Fee

- 18.01.1** There shall be a non-refundable application fee of \$200.00 plus applicable taxes. No further application fee will be required if the applicant reapplies to the College or pursues further evaluation from the College within one year of payment of the application fee in question.
- 18.01.2** Despite bylaw 19.01, the reinstatement fee for an applicant who previously resigned his or her general practicing certificate of registration with the College and whose application does not involve a referral to the Registration Committee is \$40 plus applicable taxes.

### 18.02 Academic Equivalency Review Fee

An applicant for registration whose academic credentials must be assessed in order to determine equivalency with College requirements shall pay an academic equivalency review fee of \$150.00 plus applicable taxes in addition to the application fee.

### 18.03 Registration Fee

- 18.03.1** The registration fee is an amount equal to the annual fee.
- 18.03.2** The College registration year is from June 1 to May 31. Registration fees are pro-rated on a quarterly basis for new Registrants. Pro-rated fees for registration between the following dates are as follows:
- between June 1 and August 31, \$657.55 plus applicable taxes;
  - between September 1 and November 30, \$493.17 plus applicable taxes;
  - between December 1 and February 28, \$328.78 plus applicable taxes;
  - between March 1 and May 31, \$164.39 plus applicable taxes.
- 18.03.3** The Registrar shall rebate a Registrant who resigns between June 1 and August 31, \$328.78 plus applicable taxes.

### 18.04 Annual Fee

- 18.04.1** Every Registrant shall pay an annual fee in accordance with this section for each registration year.
- 18.04.2** A registration year begins on June 1 in one year and ends on May 31 in the following year.
- 18.04.3** The annual fee for a registration year must be paid on or before June 1 in the registration year.
- 18.04.4** The annual fee payable by a Registrant for a registration year is:
- \$657.55 plus applicable taxes for a Registrant holding a general practising certificate or a provisional practising certificate; and
  - \$65.76 plus applicable taxes for a Registrant holding a temporary certificate.
- 18.04.5** A Registrant shall not pay an annual fee for the registration year in which the Registrant is issued a certificate of registration and has paid the registration fee.

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- 18.04.6** On or before April 1 of any registration year, the Registrar shall notify each Registrant of the amount of their annual fee and of the fact that it is due on June 1.
- 18.04.7** If a person is first issued a certificate of registration between April 1 and June 1 of any registration year, the Registrar shall make reasonable efforts to notify the Registrant as soon as possible of the amount of her/his annual fee and of the fact that it is due on June 1.
- 18.04.8** The Registrar shall rebate a Registrant holding a general practicing certificate or a provisional practicing certificate who resigns between June 1 and August 31, \$328.78 plus applicable taxes.

### 18.05 Late Fee

A Registrant who fails to pay an annual fee on or before the day on which it is due shall pay a penalty of \$100.00 plus applicable taxes, in addition to the annual fee.

### 18.06 Fee for Returned Cheques

- 18.06.1** The fee for the first cheque submitted to the College and returned as non-cashable is \$25.00 plus applicable taxes.
- 18.06.2** Where a cheque has been returned, re-payment of the amount due, as well as the fee outlined in s. 19.06.1, shall be paid by money order or certified cheque.
- 18.06.3** When a returned cheque is tendered in relation to the annual fee and it is not remedied by the deadline for the payment of the annual fee, then in addition to the fee for returned cheques, the late fee is applicable.

### 18.07 Fee for Replacement Documents

- 18.07.1** The fee for replacement tax receipt is \$10.00 plus applicable taxes.
- 18.07.2** The fee for a replacement wallet card is \$10.00 plus applicable taxes.
- 18.07.3** The fee for a replacement certificate of registration is \$25.00 plus applicable taxes.

### 18.08 Registrar's Fees

- 18.08.1** A person who requests the Registrar to do anything that the Registrar is required or authorized to do by statute, regulation or bylaw shall pay:
- if a fee is specified, the specified fee; or
  - if no fee is specified and if the Registrar has set a fee, the fee set by the Registrar.

### 18.09 Fees for Letters, Confirmations of Certified Documents

- 18.09.1** The fee for follow-up letters to a Registrant who has not complied with a request to which the Registrant must comply, such as a request to make available the Registrant's self-evaluation report to the Quality Assurance Committee or to provide a completed annual registration form is \$25.00 plus applicable taxes per letter.
- 18.09.2** The fee for confirming documents or information for the purposes of administering the Mutual Recognition Agreement, including a certified copy of proof of graduation, transcripts of studies, examination results, registration status or standing with the College, is \$40.00 plus applicable taxes per request. A request can include confirmation of multiple items of information.



## 18.10 Fees for Professional Corporations

- 18.10.1** The fee for the issuance of a certificate of authorization, including any reinstatement of a certificate of authorization, for a professional corporation is \$500.00 plus applicable taxes.
- 18.10.2** The fee for the annual renewal of a certificate of authorization is \$250.00 plus applicable taxes.
- 18.10.3** A professional corporation of a Registrant listed in the College's records as a shareholder of a professional corporation shall pay an administrative fee of \$25.00 plus applicable taxes for each notice sent by the Registrar to the corporation or Registrant for failure of the corporation to renew its certificate of authorization on time. The fee is due within 30 days of the notice being sent.
- 18.10.4** The fee for issuing a document or certificate respecting a professional corporation is \$25.00 plus applicable taxes.

# Part 19: Professional Liability Insurance

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## 19.01 Professional Liability Insurance

A Registrant must have professional liability insurance coverage and provide proof of such coverage to the Registrar, in the manner required by the Registrar, which meets the following requirements:

- a. a liability limit of at least \$5 million per incident;
- b. a minimum coverage of \$5 million for the annual policy period;
- c. no deductible to the coverage;
- d. at least one year of extension of the coverage for claims made when on an extended leave or after retirement or otherwise ceasing practice;
- e. no additional terms, conditions or exclusion, other than those standard to the insurance industry.

## 19.02 Sexual Abuse Therapy and Counselling Fund Endorsement

The professional coverage must include proof of a sexual abuse therapy and counselling fund endorsement that,

- a. provides coverage for therapy and counselling for every person eligible for funding under subsection 85.7(4) of the Code; and
- b. provides coverage, in respect of each such eligible person, for the maximum amount of funding that may be provided for the person under the *Regulated Health Professions Act, 1991*, for therapy and counselling as a result of sexual abuse by the Registrant.

# Part 20: Therapy and Counselling for Sexual Abuse

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## 20.01 Therapy and Counselling for Sexual Abuse

**20.01.1** A person receiving funding for sexual abuse counselling or therapy from a therapist or counsellor who is a Registrant of a regulated profession must sign a document:

- a. indicating that she/he is aware of the therapist's or counsellor's training and experience;
- b. confirming that the therapy or counselling is being provided;
- c. confirming that the funds received are being used only for therapy or counselling.

- 20.01.2** A person receiving funding for sexual abuse counselling or therapy from a therapist or counsellor who is not a Registrant of a regulated profession must sign a document:
- indicating that she/he understands that the therapist or counsellor is not subject to professional discipline;
  - indicating that she/he is aware of the therapist's or counsellor's training and experience;
  - confirming that therapy or counselling is being provided; and
  - confirming that the funds received are being used only for therapy or counselling.
- 20.01.3** The therapist or counsellor providing therapy to an individual who is eligible for funding must sign a document:
- indicating that she/he has not at any time or in any jurisdiction been found guilty of professional misconduct of a sexual nature or been found civilly or criminally liable for an act of a similar nature;
  - detailing his or her training and experience;
  - confirming that the therapy or counselling is being provided; and
  - confirming that the funds received are being used only for therapy or counselling.

## Part 21: Code of Ethics

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The *Code of Ethics* of the College is attached as Schedule "B" and forms part of these bylaws.

## Part 22: Affiliations

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### **22.01 Federation of Health Regulatory Colleges of Ontario**

The College shall maintain membership in the Federation of Health Regulatory Colleges of Ontario and actively participate in Federation activities as appropriate.

### **22.02 Association of Canadian Occupational Therapy Regulatory Organizations**

The College shall maintain membership in the Association of Canadian Occupational Therapy Regulatory Organizations and actively participate in Association activities as appropriate.

### **22.03 Other Organizations**

The College may maintain membership in additional organizations consistent with its objects as may seem appropriate to the Council from time to time.

## Part 23: Miscellaneous Provisions

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### **23.01 Severable**

The provisions of these bylaws hereof shall be deemed independent and severable and the invalidity in whole or in any part of these bylaws does not affect the validity of the remainder of these bylaws which shall continue in full force and effect as if such invalid portion had never been included herein.

## Schedule “B” Code of Ethics

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A Code of Ethics outlines a set of values and principles. This *Code of Ethics* provides Registrants with information about the College of Occupational Therapists of Ontario’s (the College’s) expectations for ethical practice.

The Code of Ethics is intended for use in all contexts and domains of occupational therapy practice, and in all levels of decision making. It outlines the values occupational therapists promote as members of a self-regulating profession and it can be used to help clients, colleagues and members of the public understand our ethical commitments. As a critical component of the College’s Complaints, Discipline and Quality Assurance Programs, the Code of Ethics provides information that is crucial to all Registrants.

Ethical practice defines what is **good** – which means, what is **right**. The College expects all practitioners to commit to good practice. This commitment requires occupational therapists to consciously consider what is right in furthering the interests of our clients and what is right in protecting the public interest.

The **Code of Ethics—Commitment to Good Practice** forms the foundation for occupational therapists’ ethical obligations. It is the framework for the professional and personal conduct expectations outlined in the laws, regulations, College standards and guidelines that govern the practice of occupational therapy. The Code of Ethics articulates the fundamental reference points that guide ethical practice and to which the profession aspires.

### Fundamental Values of Occupational Therapists

Values are the ethical building blocks of human behaviour and interaction. They are at the heart of all our everyday exchanges, and shape how we relate to and perceive others.

Occupational therapists are in a position of duty and authority. They have a duty to the individuals who rely on their knowledge, skill and judgment. Occupational therapists are in a position of authority because they have access to personal and sensitive information, and provide services to people who are vulnerable. Consequently, they have a professional responsibility to uphold the College’s fundamental values.

While practice can take many forms and take place in a variety of contexts, occupational therapists must always aim for the same common goal – to enable clients to engage in meaningful ways with their world.

### Core Values

Occupational therapists are guided by two fundamental values: **RESPECT** and **TRUST**. These core values are as important as the laws, regulations, and College standards and guidelines under which occupational therapists are governed.

Our values relate to the obligations occupational therapists have as self-regulated professionals in whom the public places its respect and trust. The values of respect and trust give rise to the **principles of practice** that underpin occupational therapy practice.

## Respect

An occupational therapist promotes **respect** by applying the principles of:

### Client-centred practice

- Determine what has meaning and purpose for the client;
- Recognize that clients are diverse and that each client is an individual;

### Respect for Autonomy

- Recognize each client's right to make choices for him or herself;
- Honour the dignity and worth of each individual;

### Collaboration and Communication

- Practise as a team member with clients and other professionals.

## Trust

An occupational therapist promotes **trust** by applying the principles of:

### Honesty

- Truthfulness is a cornerstone of trust;

### Fairness

- Practise justice and equity in dealings with others;

### Accountability

- Take responsibility for decisions, actions, professional competence and judgement;

### Transparency

- Full disclosure ensures integrity in relationships with clients, other professionals and society at large.

*The above lists of principles are neither definitive nor exhaustive. Additional principles may be needed in specific situations such as a pandemic or other emergency.*

## Regulating Practice

The Code of Ethics helps guide the College's judgement about the Registrant's conduct if a client files a complaint about the practice of an occupational therapist.

The College also considers the laws, regulations and its standards and guidelines to define the expectations of occupational therapists. In a situation in which these documents do not explicitly address a concern or complaint, the College would turn to the fundamental values and principles of practice for guidance on how to respond.

## Reflecting on Practice

Unexpected ethical issues can arise at any time. Therefore, it is imperative that all occupational therapists be aware of the core values and uphold them by applying the principles of practice in their everyday work. When

an ethical issue is difficult to resolve, an occupational therapist should consult with colleagues and relevant resources, such as the College, managers or leaders.

Occupational therapists need to reflect on what these ethical expectations mean day-to-day, and their commitment to good practice. Reflective practice is essential to ensuring occupational therapists preserve and promote the respect and trust required to achieve the common goal of enabling individuals to engage in meaningful ways in his or her life.

## Glossary

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<b>Client</b>	The client (also referred to as the patient in the RHPA) is the individual (or group of individuals) whose occupational performance issue(s) have resulted in a request for occupational therapy service. It is the client to whom the OT has a primary duty to apply the principles of practice.
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<b>Practice</b>	This term refers to the overall organizational and specific goal-directed tasks related to the provision of occupational therapy, including direct client care, research, consultation, education or administration.
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<b>Registrant</b>	A member of the College of Occupational Therapists of Ontario.
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**College of Occupational Therapists of Ontario**  
20 Bay St, Suite 900, PO Box 78, Toronto, ON M5J 2N8  
T 416.214.1177 • 1.800.890.6570 F 416.214.1173  
[www.coto.org](http://www.coto.org)

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