



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

Bylaws

Bylaws

Amended October 2021

Originally Issued September 1994

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Official Bylaws of the College of Occupational Therapists of Ontario

Revised June 27, 2018

All previous bylaws relating to the administration of the affairs of the College are hereby repealed and replaced with this bylaw.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

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.

Board or Board of Directors

Means the Council of the College within the meaning of section 1(1) of the Code and section 5 of the Act.

Bylaws

Means the bylaws of the College.

Chair

Means the Chair of the Board of Directors of the College.

CLEAR

Means Council on Licensure, Enforcement and 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 the Board under these bylaws.

Community Appointee

Means an individual appointed to serve as a member of a Committee who is neither a Director nor a

Registrant.

Director

Means an individual elected or appointed to be a member of the Board of Directors of the College.

Elected Director

Means a registrant elected to the Board in accordance with the bylaws and includes a Registrant elected in a by-election or appointed to fill a vacancy.

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 their knowledge, skills and judgment)

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

Professional Committee Appointee

Means a Registrant of the College who is not a member of the Board, who has been appointed to a Committee

Public Director

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

Register

Means the person appointed by the Board as Registrar or Interim Registrar of the College, in the case of the absence or inability of the Registrar or Interim Registrar, the Deputy Registrar.

Registrant

Means a member of the College.

Registrar

Means the person appointed by the Board 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

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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.

Vice-Chair

Means the Vice-Chair of the Board of Directors of the College.

1.02 Changes of Number

These bylaws are to be read with all changes of number 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

Repealed - effective October 28, 2021

Part 3: Financial Matters

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 the Board 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 Chair 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 Chair or the Vice-Chair together with the Registrar and shall be binding upon the College without any further authorization or formality. The Board 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 the Board 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 the Board.

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 Board, 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 the Board 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.

3.07 Accounts

The Board 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 Board otherwise decides, be the responsibility of the Registrar.

3.08 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 Finance, Audit and Risk Committee;
- b. presented annually to the Board;
- c. provided to the Minister of Health; and
- d. made available to the public in the College's annual report.

3.09 Auditor

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

3.09.1 Audit

The auditor shall make such examinations as will enable them to report to the Board as required by law and under these bylaws. Without limiting the generality of the foregoing, the auditor shall report to the Finance, Audit and Risk Committee before the Board meeting at which the financial statements of the College are to be submitted. The auditor of the College shall report in writing to the Board 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.

3.10 Borrowing Funds

The Chair or Vice-Chair, together with the Registrar and such other officer or person as may be authorized by resolution of the Board 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.

Part 4: Indemnity

4.01 Indemnity

Every Director, Committee member, officer, employee or appointee of the College, including assessors, investigators and inspectors, and each of their heirs, executors, 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 they sustain or incur in any action, suit or proceeding that is brought, commenced or prosecuted against them in respect of any act, deed, matter or thing whatsoever made, done or permitted by them in or about the execution of the duties of their office; and
- (ii) all other reasonable costs, charges, expenses, awards and damages that they sustain or incur in or about or in relation to the affairs of the College; except such costs, charges, expenses, awards and damages as are occasioned by their own willful 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 Board Members

5.01 Electoral Districts

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

- 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 Directors to the Board shall be held in 2023 and in every third year after that for electoral districts 2 and 4.

5.02.2 An election of Directors to the Board and shall be held in 2021 and in every third year after that for electoral districts 3, 5 and 6.

5.02.3 An election of Directors to the Board shall be held in 2022 and 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 Board in an electoral district if, on the date of the deadline for nomination:

- a they are entitled to vote in an election in accordance with Bylaw 5.01.2 and 5.01.3;
- b they are is not in default of payment of any fees required under these bylaws;
- c they have completed the College's orientation program;
- d they are not the subject of any disciplinary or incapacity proceedings by a body that governs a profession, inside or outside Ontario;
- e their certificate of registration has not been revoked or suspended, inside or outside of Ontario in the six years preceding the date of nomination as a result of a professional misconduct, incompetence or incapacity proceeding;
- f their certificate of registration is not subject to any order, direction, or term, condition, or limitation imposed by a panel of the Discipline Committee, Fitness to Practise Committee or Quality Assurance Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;
- g a period of at least six years has elapsed since they complied with all aspects of any order imposed by a Discipline or Fitness to Practice Committee or by a similar committee of a body that governs a profession, inside or outside of Ontario;;
- h they have not been disqualified from the Board or a Committee in accordance with the bylaws in the six years preceding the date of nomination;
- i they have not at present nor has been at any time within the three years preceding the date of nomination a director, owner, board member, officer, or employee of any professional association;
- j they have not resigned from the Board in the three years preceding the date of

- nomination;
- k they do not have a conflict of interest to serve as a Board Director or has agreed to remove any such conflicts of interest before taking office.
- l a court or other lawful authority (unless it has been reversed on appeal or judicial review) has not made a finding of guilt against them 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 relevant to the Registrant's suitability to practise occupational therapy;
- m they are 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;
- n they have not initiated, joined, continued, or materially contributed to a legal proceeding against the College or any Committee or representative of the College; and,
- o they have not been an employee or paid consultant of the College in the six years preceding the date of nomination.

5.04 Terms of Office

- 5.04.1** The term of office of an Elected Director to the Board is three years, commencing with the Board meeting where the election of officers takes place.
- 5.04.2** An Elected Director who has served on Board for more than nine consecutive years is not eligible for election until at least three years have passed since the Director last served on the Board.

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 Director of the Board 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 Director of the Board 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 their nomination for election to the Board 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 Governance Committee shall nominate one or more Registrants who are eligible for election.
- 5.07.3** A person who consents to a nomination by the Governance 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 Board 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 Directors of the Board as there are Directors to be elected to the Board 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 they received and the candidate's right to request a recount in accordance with article 5.14; and
- b. advise the Registrants and the Board 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 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 Board for the pertinent electoral district.

5.15 Referral of Disputes to Governance Committee

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

5.16 Report and Recommendation of Governance Committee

5.16.1 Where the Governance Committee initiates an inquiry under article 5.15 into the validity of the election of the Board of Director in question and, following the inquiry, shall make a report and recommendation to the Board.

5.17 Options Available to the Board

- 5.17.1** The Board may, after reviewing the report and recommendation of the Governance 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** The Board 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 the Board

6.01 Academic Appointments

- 6.01.1** One or two Academic appointee(s), at least one of whom will hold a full-time faculty appointment, shall be appointed by the Board to sit on the Board as an academic appointment.
- 6.01.2** The Registrar shall consult with and obtain recommendations from the Program Directors or Chairs of approved Ontario universities that offer occupational therapy programs, no later than 90 days before the date the appointment takes effect.
- 6.01.3** The Governance Committee shall receive all recommendations and make such enquiries as it deems appropriate, before making a recommendation to the Board.
- 6.01.4** For the purposes of clause 5(1) (c) of the *Act*, a Registrant is eligible for an Academic appointment to the Board if, on the date of the appointment they meet the requirements in clauses (c) through (o) of Bylaw 5.03.1 and:
- a. they have a faculty appointment in an occupational therapy program in Ontario approved by the College of Occupational Therapists of Ontario;

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 the Board for more than nine consecutive years is not eligible for re-appointment until at least three years have passed since the Registrant has last served on the Board.

Part 7: Officers

7.01 Election of Officers

- 7.01.1** The Registrar or their designate shall conduct the election of Officers at the first meeting of a new Board.

- 7.01.2** The election of the Chair, Vice-Chair, and remaining Executive Committee positions shall be by secret ballot.
- 7.01.3** The Registrar or their designate shall, with the concurrence of the Board, appoint three scrutineers to count the ballots and report the results to the Board.
- 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 Chair will preside over the remainder of the meeting.
- 7.01.7** The term of office for the officers shall be one year.
- 7.01.8** The Chair or Vice-Chair may be removed from office by a two-thirds vote of the Board and the Board shall elect a new Chair 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 Board shall elect a new officer from among its members to hold office for the remainder of the year.

7.02 Chair

- 7.02.1** The Chair of the College shall provide leadership for the Board to ensure that strategic plans, objectives and policies are developed and implemented in accordance with the mandate of the College. The Chair is the chief spokesperson for the Board.
- 7.02.2** The duties of the Chair include:
 - a. convening and chairing all meetings of the Board and the Executive Committee;
 - b. receiving and reviewing all matters directed to the attention of the Board;
 - c. receiving, reviewing and bringing to the attention of the Governance Committee matters related to College governance;
 - d. conducting evaluation of each Board meeting; in conjunction with the Board, leading an annual evaluation of the Board's goals and activities for the purpose of future planning;
 - e. facilitating communication of issues and concerns raised by Committee Chairs to the Governance Committee and the Board;
 - f. collaborating with the Registrar in:
 - i. identification of issues for the Board's consideration;
 - ii. development of objectives and long-range plans for the Board;
 - iii. establishment of priorities for deliberation by the Board;
 - iv. development of a suitable public relations strategy for the College.
 - g. representing the College at official liaison functions as required;
 - 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-Chair

7.03.1 The primary function of the Vice-Chair is to collaborate with the Chair on the activities of the Board and College. The Vice-Chair assumes the responsibilities of the Chair in their absence.

7.03.2 The duties of the Vice-Chair include:

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

7.04 Appointment of Committee Chairs

7.04.1 The Governance Committee shall annually, at their first meeting after the election of officers appoint the statutory committee Chairs for the other 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 Board shall appoint a new statutory committee Chair to hold office for the remainder of the term.

Part 8: Board

8.01 Duties of Directors

8.01.1 The primary function of Directors 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. Directors establish the goals and policies of the College in accordance with the relevant legislation.

8.01.2 The duties of Directors include:

- a. serving on the Board 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 the Board and committee meetings;
- d. developing and maintaining a knowledge of Board functions and issues facing the Board;
- e. contributing constructively to Board and committee discussions, and understanding and respecting the rules of order as prescribed by the Board;
- 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 Board policy; and
- i. identifying issues to be added to the Board or committee agenda in advance of any meeting.

8.01.3 Directors must also:

- a. demonstrate accountability to the public through decision-making in the public interest;
- b. abide by the 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, Board Chair or Vice-Chair;
- g. maintain good public relations with membership, the public, health care organizations, educational groups, and government bodies in their regions; and
- h. attend Board and committee meetings regularly.

8.02 **Disqualification of Directors**

8.02.1 An Elected Director or an Academic Appointee shall be automatically disqualified from the Board if they:

- a. resign from the Board;
- b. no longer meet the requirements for appointment;
- c. are in default of any fees prescribed by these bylaws for a period of more than 30 days;
- d. are found by a panel of the Discipline Committee to have committed an act of professional misconduct or are found to be incompetent;
- e. are found by a panel of the Fitness to Practise Committee to be incapacitated;
- f. are found guilty by a court or other lawful authority (unless it has been reversed on appeal or judicial appeal) 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 relevant to their suitability to practise occupational therapy;
- g. become a director, owner, board member, officer, or employee of any professional association;
- h. become a member of a Board of any other college regulated under the RHPA.
- i. cease to hold a certificate of registration;
- j. remain, thirty days after notice, in default of providing any information required by the College; or
- k. initiate, join, materially contribute or continue a legal proceeding against the College or any committee or representative of the College.

8.02.2 The Board may disqualify an Elected Director or an Academic Appointee from the Board if they:

- a. are found by two-thirds majority of Directors to have breached the Code of Conduct;
- b. fail to attend two consecutive meetings of the Board or of a Committee, of which they are a member, without reasonable cause in the opinion of the Board;
- c. fail to attend a hearing or proceeding, or part thereof, of a panel on which they sit;
- d. fail to attend, without cause, Director education hosted by the College annually;
- e. breach section 36 of the RHPA, in a manner that in the opinion of the Board, warrants disqualification;
- f. breach the conflict of interest provision(s) of these bylaws in a manner that in the opinion of the Board warrants disqualification; or
- g. fail, in the opinion of the Board, to discharge properly or honestly any office to which they have been elected or appointed.

- 8.02.3** If the Registrar receives information which suggests that a Director meets one or more of the criteria for disqualification set out in section 8.02.1, the Registrar shall follow the procedure set out in section 8.02.5. Where the Registrar has reasonable and probable grounds to believe that a Director 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 Director is alleged to have contravened the duties of a Director and is alleged to meet the criteria for disqualification set out in section 8.02.2.
- 8.02.5** Temporary Suspension
(1) A Director who becomes the subject of a complaint, mandatory report, disciplinary or incapacity proceeding, shall not serve on the Board or on any Committee until a final decision (including any appeal) has been rendered.
(2) A Director who fails to pay any fees owing to the College or fails to provide any information required by the College shall not serve on the Board or any Committee until the failure is remedied unless the failure resulted in their disqualification.
- 8.02.6** An Elected Director of Academic Appointee who is disqualified from sitting on the Board ceases to be a Director.

8.03 Vacancies on the Board

- 8.03.1** If the seat of an Elected Director becomes vacant in an electoral district not more than twelve months before the expiry of the Director's term of office, the Board may:
- a. leave the seat vacant;
 - b. appoint as an Elected Director, the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of Directors 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 Director becomes vacant in an electoral district more than twelve months before the expiry of the member's term of office, the Board 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 Elected Director'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 Board 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 the Board may deem appropriate, it shall be a qualification that the employee not be a Director, or if a member of the Board, that they resign as a Director prior to applying for employment with the

College.

8.05 **Appoint Members to Committees**

8.05.1 The Governance Committee shall recommend to the Board, appointments to all the committees.

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

8.06 **Minutes**

The Board 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 Board otherwise decides.

The written record of the proceedings of a Board meeting when confirmed at a subsequent Board 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 **Compensation**

Elected Directors of the Board when attending Board or committee meetings or otherwise conducting the business of the Board 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 the Board.

8.08 **Making, Amending and Revoking Bylaws**

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

8.08.1.2 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 Directors 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.

8.08.2 Every bylaw and every amendment and revocation thereof shall be maintained in the College's records.

8.08.3 Notice of any proposed addition, amendment, or revocation of a bylaw shall be provided to Directors at least one week prior to the date of the Board meeting at which these will be considered, unless such notice is waived by unanimous vote of all the Board Directors.

8.08.4 A bylaw that is required under the Code to be circulated to the profession must be circulated to every Registrant at least 60 days before it is approved by the Board.

Part 9: Registrar, Interim Registrar and Deputy Registrar

9.01 **Registrar**

9.01.1 The Board 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 by the Act, regulations or bylaws;
 - 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 Directors and appointment of Professional Committee Appointees as described in these bylaws;
 - g. represent the College and its positions to stakeholders;
 - h. provide leadership to the Board and staff, related to College operations, Board 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 the Board.

9.02 Interim Registrar

The Board 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.

9.03 Deputy Registrar

The Deputy Registrar of the College may exercise the powers and perform the duties, powers and functions of the Registrar when delegated to the Deputy Registrar by the Registrar or Interim Registrar.

Part 10: Communications

Repealed - effective October 28, 2021

Part 11: Meetings of the Board

11.01 Regular Meetings

11.01.1 A regular meeting of the Board shall be called by the Chair.

11.01.2 A regular Board 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 the Board may be called by the Chair or the majority of Directors, 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 Director 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 Chair may at any time, or the Vice-Chair shall at the request of the majority of Directors, convene a meeting of the Board.

11.04 Notice of Meeting

11.04.1 A Notice of a Regular Meeting shall be given in writing to all Directors 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 Directors 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 Director may waive notice of a meeting and ratify, approve and confirm any proceedings taken at the meeting.

11.05 Parliamentary Procedure

The Board shall be entitled to adopt, from time to time, such rules of order as it deems appropriate to govern the conduct of each Board 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 Chair of the Board and in the Chair's absence the Vice-Chair of the Board shall act as Chairperson of the meeting of the Board. In the absence of both the Chair and the Vice-Chair, 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 Board shall be decided by a majority vote cast upon each matter by the Directors present. Voting by proxy is not permitted at meetings of the Board.

11.08 Tie Vote

In cases of an equality of votes, the Board Chair 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 Board 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 Board may be adjourned at any time in order to later complete the business of that adjourned meeting.

11.11 Electronic Communication

Meetings of the Board 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 Directors constitute a quorum.

Part 12: Professional Committee and Community Appointees

Professional Committee Appointees

12.01.1 A Professional Committee appointee is eligible for appointment to a committee of the College as a Professional Committee appointee or, subject to Bylaw 12.04.2, is eligible for re-appointment if, on the date of the appointment or re-appointment they meet the requirements of clauses (c) through (o) of Bylaw 5.03.1:

- a. They practise occupational therapy in Ontario or reside in Ontario;
- b. They have completed the required orientation program.

12.02 Community Appointees

12.02.1 An individual is eligible for appointment to a committee of the College as a Community Appointee or, subject to Bylaw 12.04.2 is eligible for re-appointment if, on the date of the appointment or re-appointment they meet the requirements of clauses (c) through (o) of Bylaw 5.03.1 and:

- a. they reside in Ontario; and
- b. they have never been a registrant;
- c. they have no direct or indirect ownership interest in an occupational therapy clinic or practice; and
- d. they have completed the College orientation program.

12.03 Appointment to Committee

12.03.1 A general call for individuals interested in appointments to committees will be made from time to time as determined by the Governance Committee in order to create a pool of eligible candidates. Specific requests will be made when Professional Committee and/or Community Appointees are required for specific committees.

12.03.2 In making an appointment, the Board shall take into consideration the location of practice or residence, experience, expertise, availability and other qualifications and characteristics of the candidate for appointment, in order to complement the attributes of the other Committee members.

12.04 Terms of Office

12.04.1 The term of office of a member of a committee of the College who is a Professional Committee or Community Appointee is three years from the date of appointment or re-appointment to the committee.

12.04.2 No Professional Committee or Community Appointee may be a member of the same committee of the College for more than six consecutive years.

12.04.3 A person who has served as a Professional Committee or Community Appointee for more than six consecutive years is not eligible for appointment as a Professional Committee or Community Appointee until at least one year has passed since the person last served as a Professional Committee or Community Appointee

12.05 Disqualification of Committee Members

12.05.1 A Professional Committee Appointee or Community Appointee is automatically disqualified from being on a Committee if they:

- a. resigns from a committee;
- b. are in default of any fees prescribed by these bylaws for a period of more than 30 days;
- c. are found by a panel of the Discipline Committee to have committed an act of professional misconduct or to be incompetent;
- d. are found by a panel of the Fitness to Practise Committee to be incapacitated;
- e. are found by two-thirds majority of Board members to have breached the Code of Conduct;
- f. are found guilty by a court or other lawful authority (unless it has been reversed on appeal or judicial appeal) 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 relevant to the Registrant's suitability to practise occupational therapy;
- g. become a director, owner, board member, officer or employee of any professional association.
- h. become a member of a Board of any other College regulated under the RHPA
- i. cease to hold a certificate of registration;
- j. remain thirty days after notice, in default of providing any information required by the College;
- k. initiate, join, materially contribute or continue a legal proceeding against the College or any Committee or representative of the College; or
- l. no longer meets the eligibility requirements.

12.06 The Council Board may disqualify a Professional Committee Appointee or Community Appointee if it is alleged that they contravened the duties of a Committee member or it is alleged that they:

- a. Failed to attend a hearing, or proceeding, or part thereof, of a panel on which they sit;
- b. Failed to attend, without cause, Committee education hosted by the College from time to time;
- c. Breached section 36 of the RHPA, in a manner that in the opinion of the Board warrants disqualification;
- d. Breached the conflict of interest provisions of these bylaws in a manner that in the opinion of the Board warrants disqualification; or
- e. Failed to discharge properly and honestly any office to which they have been appointed.

12.07 The following procedure shall be followed in the event that a Professional Committee Appointee or Community Appointee is alleged to have contravened the duties of a Committee member or is alleged to meet one of the criteria for disqualification set out in section 12.

- i. A written complaint shall be filed with the Registrar. A complaint can be made by a member of the public, a Board, a Professional Committee Appointee, a Community Appointee or the Registrar. If a member of the Board or a Committee receives such a complaint, they shall immediately file it with the Registrar.
- ii. The Registrar shall report the complaint to the Chair or the Vice-Chair who shall bring the complaint to

the Governance Committee if the Registrar believes that the complaint may warrant formal action. If the Governance Committee is unable to address the complaint it may appoint another Committee to fulfill its duties under this section.

- iii. If the Governance Committee or any Committee appointed by the Governance Committee, after any investigation it deems appropriate, believes that the complaint may warrant formal action, it shall call a meeting of the Board. The Board 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 Committee orally or in writing,
 - b. removal of the Committee Member from any Committee on which they serve,
 - c. disqualification of the Committee Member from serving on any committee.
- iv. A decision finding that there has been a breach of duties or that a Committee Member meets the criteria for disqualification, and a decision to impose a particular sanction must be approved by a two-thirds majority affirmative vote of Directors present and voting.
- v. The Committee Member whose conduct is the subject of concern shall not take part in the deliberation of the Board, however, they shall be given a reasonable opportunity to respond to the allegation.

12.08 A Committee Member who is disqualified under the bylaws from sitting on a committee of the College, ceases to be a member of the committee, and the Board shall appoint a successor as soon after the disqualification as feasible.

12.08.1 The term of office of a person who is appointed as a successor to a disqualified Committee member shall be three years.

12.09 Temporary Suspension

(1) A Professional Committee Appointee who becomes the subject of a complaint, mandatory report, disciplinary or incapacity proceeding, shall not serve on any Committee until a final decision (including any appeal) has been rendered.

(2) A Professional Committee Appointee who fails pay any fees owing to the College or fails to provide any information required by the College shall not serve on the Board or any Committee until the failure is remedied unless the failure resulted in their disqualification.

Part 13: Committees

13.01 Executive Committee

13.01.1 The Executive Committee shall be composed of:

- a. the Chair, the Vice- Chair, and two additional Directors;
- b. the Executive Committee includes two Elected Directors of the Board and two Public Directors.

13.01.2 The Chair of the Board shall be the Chair of the Executive Committee.

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

13.02 Registration Committee

13.02.1 The Registration Committee shall be composed of at least:

- a. two Elected Directors;
- b. two Public Directors;
- c. one or more Professional Committee Appointee(s); and
- d. at the discretion of the Board, one or more Community Appointee(s).

13.03 Inquiries, Complaints and Reports Committee

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

- a. two Elected Directors;
- b. two Public Directors;
- c. four or more Professional Committee Appointees; and
- d. at the discretion of the Board, one or more Community Appointee(s).

13.04 Discipline Committee

13.04.1 The Discipline Committee shall be composed of at least:

- a. two Elected Directors;
- b. two Public Directors;
- c. one or more Professional Committee Appointee(s); and
- d. at the discretion of the Board, one or more Community Appointee(s).

13.05 Fitness to Practise Committee

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

- a. two Elected Directors;
- b. two Public Directors;
- c. one or more Professional Committee Appointee(s); and
- d. at the discretion of the Board, one or more Community Appointee(s).

13.06 Hearings Core Group

The Board 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 Elected Directors;
- b. two Public Directors;
- c. one or more Professional Committee Appointee(s); and
- d. at the discretion of the Board, one or more Community Appointee(s).

13.08 Patient Relations Committee

- 13.08.1** The Patient Relations Committee shall be composed of at least:
- a. two Elected Directors;
 - b. two Public Directors;
 - c. one or more Professional Committee Appointee(s); and
 - d. at the discretion of the Board, one or more Community Appointee(s).

13.09 Governance Committee

- 13.09.1** The Governance Committee shall be composed of at least:
- a. two Elected Directors;
 - b. two Public Directors;
 - c. and at the discretion of the Board, one or more Community Appointee(s).

13.10 Finance, Audit and Risk Committee

- 13.10.1** The Finance, Audit and Risk Committee shall be composed of at least:
- a. two Elected Directors;
 - b. two Public Directors;
 - c. and at the discretion of the Board, one or more Community Appointee(s).

13.11 Appointment of Committee Members

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

Part 14: Provisions Applicable to All Committees

14.01 Committee Procedures

- 14.01.1** Unless otherwise prescribed in these bylaws, the Governance Committee shall recommend a Chairperson for each committee to the Board for approval.
- 14.01.2** The Governance Committee may and, if necessary for a committee to achieve its quorum shall, appoint Directors to fill any vacancies which occur in the membership of a committee.
- 14.01.3** Every appointment to a committee with the exception of Professional Committee and Community appointments automatically expires at the meeting held in conjunction with the annual election of officers.

14.02 Location and Frequency of Meetings

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

14.03 Manner of Meeting

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

14.04 Chair

14.04.1 In the event that the Chair of the Committee is unable or unwilling to preside at the meeting, the Chair shall designate an acting Chair from among the Committee members to preside at the meeting and if the Chair is unable to delegate their chairing duties, the Committee shall then select an acting Chair to preside at the meeting from among its members.

14.05 Minutes

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

14.06 Simple Majority

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

14.07 Chair Vote

14.07.1 If the Chair is a member of the Committee, the Chair may vote.

14.08 Tie Votes

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

Part 15: Conflict of Interest

15.01 Conflict of Interest - General

15.01.1 Every Board Director shall act in the best interests of the public, and no Director by reason of their appointment shall conduct themselves as a representative of any professional, socioeconomic, cultural or geographic group or other constituency.

15.01.1.1 It is expected that all Directors 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 Board conduct, a conflict of interest is defined to include real, apparent and 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 Director has a private interest, (2) the Director knows of the private interest, and (3) there is sufficient connection between the private interest and the Director'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 the Board or any Professional Committee or Community Appointee 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 Chair 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 Board agenda, the member will notify the Chair 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:

- a. if the conflict affects the member's overall role:
 - i. the Chair will cause an investigation of the alleged conflict to be conducted through the Governance Committee; the Board will be informed;
 - ii. the Governance Committee's findings will be presented to the Board for resolution;
 - iii. the decision of the Board will be considered final.
- b. If a conflict relates to a member's role pertaining to an item on the Board agenda, the member will declare the conflict and will be permitted to provide a brief explanation to the Board. The member shall leave the meeting room during discussion of the agenda item giving rise to the conflict.
- c. If the conflict relates to a member's role pertaining to a panel of any 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, they will discuss it with the Chair.

- a. The Chair will cause an investigation of the alleged conflict to be conducted through the Governance Committee; the Board will be informed;
- b. The Governance Committee's findings will be presented to the Board for resolution;
- c. The decision of the Board will be considered final.

15.01.12 Where the Board decides to disqualify an Elected Director based on the findings of an investigation related to conflict of interest, the Chair will request their resignation.

15.01.13 Where the Board decides to disqualify a Public Director based on the findings of an investigation related to conflict of interest, the Chair will request the resignation of the Public Director through the Public Appointments Secretariat.

15.02 Conflict of Interest from an Involvement in a College Process

15.02.1 A member of the Board or a committee also has a conflict of interest where they are 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 Board or a committee has a conflict of interest described in s.15.02.1, they shall automatically and immediately cease all activities at or on behalf of the Board, 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 activities.
- 15.02.3** Where a member of the Board or a committee is required to cease an activity under s.15.02.2, 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 Board or a committee including disqualification from the Board or committee under these bylaws.

Part 16: Information to Be Provided by Registrants

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 17.01.1 of these bylaws 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 unique 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; and
 - s. information of an event or circumstance that would provide reasonable grounds for the belief that the Registrant will not or is not able to practise occupational therapy in a safe and professional manner.

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 unique 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 conditions or restrictions (such as bail conditions) imposed by a court or other lawful authority;
- h. information of an event or circumstance that would provide reasonable grounds for the belief that the Registrant will not or is not able to practise occupational therapy in a safe and professional manner; and
- i. details about any charges laid against the Registrant in respect of a federal, provincial, or any other offence, in any jurisdiction.

Part 17: Public Register

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. Registrant's full name, nicknames and abbreviations that the Registrant uses in any location 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, business address and business telephone number of every
- j. OT health corporation of which the Registrant is a shareholder, if available, the business address, business telephone number, business electronic mail address, if there is one, and any operating names of the health profession corporation;
- k. any information agreed to be placed on the public register by the College and the Registrant;
- l. on or after January 1, 2016, a notation of the Registrant's registration, membership or licensure with any other regulatory body inside or outside of Ontario, if known by the College;
- m. Repealed - effective June 26, 2018
- n. 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;
- o. 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, if known by the College;
 - p. 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, if known by the College;
 - q. 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;
 - r. 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 relevant to the Registrant's suitability to practise occupational therapy.
 - s. details of any existing conditions or restrictions (such as bail conditions) imposed by a court or other lawful authority, except if the publication of such information would violate any publication ban known to the College;
 - t. details of any pending reinstatement applications/hearings;
 - 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, or for any decision made by the Inquiries, Complaints and Reports Committee on or after May 30, 2017, in respect of a complaint filed or report received, 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;
 - iv. a notation of that fact;
 - v. a summary of the caution-in-person;
 - vi. the date of the panel's decision;
 - vii. the date upon which the caution-in-person was administered by the Committee panel; and
 - viii. 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.
 - 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, or for any decision made by the Inquiries, Complaints and Reports Committee on or after May 30, 2017, in respect of a complaint filed or report received, a panel of the Inquiries, Complaints and Reports Committee requires a registrant to complete a specified continuing education or remedial program, as authorized by paragraph 26(1)4 of the Code;
 - ix. a notation of that fact;
 - x. a summary of the specified continuing education or remedial program;
 - xi. the date of the panel's decision;
 - xii. the date that the specified continuing education or remedial program is successfully completed; and
 - xiii. 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.

- w. Notwithstanding paragraphs (t) and (u) above, and subsection 23(2)(11) of the Code, 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 remedial program, or an acknowledgment and undertaking in relation to matters involving allegations of professional misconduct or incompetence, the notation and summary may be removed once the ICRC makes a new decision. Where the original requirement to appear for a caution-in- person, to complete a specified continuing education or remedial program or an acknowledgment and 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.
- x. A summary of any currently existing charges against a Registrant, commenced on or after November 1, 2017, of which the College is aware, in respect of any criminal offence or any offence relevant to the Registrant's suitability to practise occupational therapy, in any jurisdiction, except if the publication of such information would violate any publication ban known to the College.

Any such summary shall be removed upon the written request of the Registrant, if the Registrant is acquitted, the charge is withdrawn or, the charge has been superseded by a finding.

- 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 shall not be disclosed by virtue of section 23 of the Code.

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 by virtue of section 23(7) of the Code 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 or in the opinion of the Registrar the information is obsolete and no longer relevant to the member's suitability to practise.

Part 18: Fees

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 18.01.1, the reinstatement fee for an applicant who previously resigned their 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 Fees Waiver

- 18.02.1** The Registrar may waive all or part of a fee, penalty or amount in exceptional circumstances. The Registrar shall document the reasons for the waiver.

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. Effective May 31, 2018 the Annual Fee for a registration year must be paid on or before May 31 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.
- 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 effective May 31, 2018 it is due on May 31.
- 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 their Annual Fee and of the fact that effective May 31, 2018 it is due on May 31.
- 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. 18.06.1, 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 a replacement certificate of registration is \$25.00 plus applicable taxes.

18.08 Fees Set by the Registrar

- 18.08.1** A person shall pay for anything that the Registrar or a committee is required or authorized to do by statute, regulation or bylaw:
- a. if a fee is specified, the specified fee; or
 - b. 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 is \$25.00 plus applicable taxes per letter.
- 18.09.2** The fee for confirming documents or information for the purposes of administering the Labour Mobility Support 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

19.01 Professional Liability Insurance

A Registrant must have professional liability insurance coverage and provide proof of such coverage to
College of Occupational Therapists of Ontario

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 five years 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

Repealed - effective June 26, 2018

Part 21: Code of Ethics

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

Part 22: Affiliations

22.01 Health Profession Regulators of Ontario

The College shall maintain membership in the Health Profession Regulators of Ontario and actively participate in 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 Board from time to time.

Part 23: Miscellaneous Provisions

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 “A” Code of Ethics

This Code of Ethics provides registrants with information about the College of Occupational Therapists of Ontario’s (the College’s) expectations for ethical practice. It outlines a set of values and principles and is intended for use in all contexts and domains of occupational therapy practice, and in all levels of decision making. It further describes the values occupational therapists embody 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 – and thus, 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 clients and in protecting the public interest.

The **Code of Ethics** forms the foundation for occupational therapist’s ethical obligations. It is the framework for the professional and personal conduct expectations outlined in 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 our everyday exchanges, and shape how we relate to and treat 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 judgement. They 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 professions’ fundamental values.

While practice can adopt 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.

Respect and Trust

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 respect and trust. These values give rise to the ***principles of practice*** that underpin occupational therapy services.

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 themselves;
- 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 in dealings with others and within the scope of your work by striving to ensure diversity, equity and inclusion in the provision of occupational therapy services.

Accountability

- Take responsibility for decisions, actions, professional competence and judgement;
- Actions taken by occupational therapists should serve the client's best interest, by working in a transparent, honest manner and while striving to do no harm.

Transparency

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

Professional Boundaries

- In keeping with the standards of practice, set and manage boundaries relating to personal dignity, self-control, professional relationships, privacy, and confidentiality to ensure that the trust a client has placed in the occupational therapist is maintained.

Conflict of Interest

- Proactively recognize, disclose, prevent, and where that is not possible, take measures to effectively manage any conflicts of interest that arise while providing professional services.

The above 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 inform the College's decisions about a registrant's conduct if a complaint or complaints are made 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 their lives.

Glossary

Client	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.
Practice	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.
Registrant	A member of the College of Occupational Therapists of Ontario.

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