



College of Chiropodists of Ontario

Special Council Meeting Agenda

Friday, May 13, 2022

180 Dundas Street W., Toronto, Suite 1901

4:00 p.m.

<https://us06web.zoom.us/j/87126417841?pwd=d2p4a0hwYzFzTnVuQ1Nmc2VtTVJHZz09>

Meeting ID: 871 2641 7841

Passcode: 103699

if the link does not work, copy, and paste:

*For those attending virtually - you will be placed into the waiting room upon arrival

4:00 p.m.	1.0	Call to Order – Peter Stavropoulos, President	Page Number(s)
	1.1	Call to Order, Appointment of Secretary Welcome Acknowledgement of Guests in Attendance	
	1.2	Approval of Agenda	
	1.3	Declaration of Conflict of Interest – Conflict of Interest Form	1-8

4:10 p.m.	2.0	Decision Items (with briefing notes)	Page Number(s)
	2.1	Amendment to Bylaw 2 – Examination Fees**	9-18
	2.2	Amended Budget**	19-27
	2.3	Amendment to Bylaw 4 – Cooling Off Period**	28
	2.4	Withdrawal of Professional Misconduct Regulation Proposed Revisions**	29
	2.5	Approval of Council Competencies**	30-86

5:00 p.m.	3.0	Next Meeting
	3.1	Council Meeting Dates for 2022 and 2023: <ul style="list-style-type: none">• June 24, 2022• October 28, 2022• February 24, 2023• June 23, 2023

		• October 27, 2023
	3.3	Proposed Agenda Items for Next Council Meeting

5:00 p.m.	7.0	Adjournment
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*The agenda items may not necessarily be dealt with in the order in which they appear.

** Denotes an agenda item with supporting document



College of Chiropractors of Ontario

Conflict of Interest Disclosure Form

Meeting Date: May 13, 2022

Council/Committee: Council

Meeting type: Plenary Panel

I acknowledge and agree that an actual or perceived conflict of interest can undermine confidence in the College and its ability to fulfill its public interest mandate. I have read and understood the [College's by-laws](#) on conflict of interest, the [Code of Conduct for Members of Council and its Committees](#) (Appendix A), the **Conflict of Interest Worksheet** (Appendix B) and the Process for Considering & Declaring a Conflict of Interest (Appendix C).

I agree to take all reasonable steps to avoid any actual or perceived conflict of interest from arising and, if one cannot be avoided, I undertake to declare any real, perceived, or potential conflict of interest and to recuse myself from any consideration of the matter at issue.

I have NO conflict of interest to report regarding any of the agenda items to be discussed at the above noted meeting.

I declare a conflict of interest with one or more of the agenda items to be discussed at the above noted meeting.

I certify that the information above is true and complete to the best of my knowledge.

Signature:

Date:



Code of Conduct for Members of Council and its Committees

Preamble

For the College to command the confidence of the government, the public and the profession, it is necessary that Council, as the profession's governing body, adopt appropriate standards of conduct for members of Council and its Committees in order to ensure that they properly perform their duties with integrity and in a manner that promotes the highest standard of public trust.

Each member of Council and its Committees is therefore required to comply with the following Code of Conduct (Code) understanding that a breach of the Code could result in the Council member being removed from Council or the Committee member being removed from all Committees, in accordance with the By-laws of the College.

The Code

1. Council and Committee members shall be familiar with and comply with the provisions of the Regulated Health Professions Act, 1991 (RHPA), its Health Professions Procedural Code and its regulations, the Chiroprody Act 1991 and its regulations, and the by-laws and policies of the College.
2. Council and Committee members, when acting in that capacity, shall act in a diligent manner, including preparing for meetings/hearings, attending meetings/hearings on time, and actively participating.
3. Council and Committee members, when acting in that capacity, shall participate in all deliberations and communications in a respectful, courteous and professional manner, recognizing the diverse background, skills and experience of members on Council.
4. Council and Committee members, when acting in that capacity, shall conduct themselves in a manner that respects the integrity of the College by striving to be fair, impartial and unbiased in their decision making.
5. Council and Committee members shall place the interests of the College and Council above their personal interests.
6. Council and Committee members shall avoid any appearance of or actual conflict of interest or bias.
7. Council and Committee members shall uphold the decisions made by Council and its Committees, regardless of the level of prior individual disagreement. Where a member of Council or its Committees feels compelled to publicly oppose or speak against a policy adopted by Council, or a decision made by a Committee, the member should first resign from Council and/or its Committees.

8. Council and Committee members shall refrain from engaging in any discussion in relation to the business of Council and/or Committees with other Council or Committee members that takes place outside the formal Council/Committee decision making process.
9. Council and Committee members shall refrain from communicating with Committee members on Statutory Committees in circumstances where this could be perceived as an attempt to influence a member or members of a Statutory Committee, unless he or she is a member of the panel or, where there is no panel, of the Statutory Committee dealing with the matter. This would include, but not be limited to, matters involving the Registration of applicants and matters involving members involved with the Inquiries, Complaints and Reports Committee, the Quality Assurance Committee, the Disciplinary Committee or the Fitness to Practise Committee.
10. Council and Committee members shall respect the confidentiality of information identified as confidential and acquired solely by virtue of their Council/Committee member position.
11. Council and Committee members shall ensure that confidential information is not disclosed except as required for the performance of their duties, or as directed by Council or the Executive Committee acting on behalf of Council.
12. Council and Committee members shall not use their positions as members of Council or any Committee to obtain or attempt to obtain employment at the College or preferential treatment for themselves, family members, friends or associates.
13. Council and Committee members shall not include or reference Council or Committee titles or positions held at the College in any business promotional materials, advertisement or business cards.
14. Council and Committee members shall respect the boundaries of staff recognizing that a staff member's role is not to report to or work for individual Council or Committee members. Council and Committee members will, therefore, not directly contact staff members, other than the Registrar, except on matters where the staff member has been assigned to provide administrative support to that Committee, without the prior approval of the Registrar or the Executive Committee.
15. Council and Committee members shall be respectful of each other and staff and not engage in conduct or behaviour towards fellow Council or Committee members or staff that might reasonably be perceived as verbal, physical or sexual abuse or harassment.

WORKSHEET: Conflict of Interest

What is a conflict of interest?

A conflict of interest may be defined as any financial, personal, professional or emotional interest that could reasonably be perceived as interfering with the exercise of a person's public duties, for example as a COCOO Council, committee or panel member.

Self-screening Questions

Not sure if you are in a conflict of interest? In assessing for conflicts of interest, know that each situation will vary and have its own specific context. Consider the following questions & examples:



Financial interest

Do you stand to be affected financially by the outcome of this decision?

Example: Council is discussing whether it would find College-provided iPads mounted in the meeting room for each Council member to be helpful. One Council member owns a small number of shares of Apple, Inc. Since the financial implication for the Council member is negligible or non-existent, they do not declare a conflict of interest.

Personal or professional relationship

Have you had a personal or professional relationship, e.g. friend, family, instructor, student, supervisor, supervisee, employer, employee, colleague, with any of the individuals involved in the matter?



Example: A Registration Committee panel member taught at the education program from which an applicant obtained some of their education. They declare a conflict of interest.

Example: An Inquiries, Complaints and Reports Committee panel member attended a two-day workshop seven years ago with the respondent's clinical supervisor. Since the contact was brief and occurred long ago, they do not declare a conflict of interest.



Professional bias. Do you have a private or publicly stated opinion that could reasonably be perceived as interfering with your ability to consider one or more of the issues with an open mind?

Example: An Inquiries, Complaints and Reports Committee panel member has published work about the harms of breaching therapist-client boundaries. They are reviewing a complaint involving an alleged breach of boundaries. Since there is no reasonable disagreement within the profession, and assuming they are not emotionally biased, they do not declare a conflict of interest.

Emotional bias

For whatever reason, do your ideas or emotions prevent you from considering one or more of the issues with an open mind?



Example: Based on personal experience, an Examination Committee member has an emotional reaction to a candidate's rationale for needing to extend the normal timeframe within which to write the exam. They declare a conflict of interest.

Example: A panel of the Inquiries, Complaints and Reports Committee is dealing with serious allegations of misconduct. After discussing and processing the emotional impact of reviewing the materials, they all reassure themselves that they can consider the situation with an open mind.

Interests of Related Persons

Are you aware that your parent, child, spouse or sibling has any of the above interests respecting Council, committee or panel business?



Example: A Registration Committee member's child is attending a program coming before the Committee to seek recognition. They declare a conflict of interest.

Example: An Inquiries, Complaints and Reports Committee panel is considering a complaint by a firefighter. One panel member's spouse is also a firefighter. Assuming there is no emotional bias, the profession of the panel member's spouse would not reasonably be seen as interfering with the panel member's duties. They do not declare a conflict of interest.



Threshold analysis

Would a reasonably well-informed person perceive that the above interest could interfere with the exercise of your public duties?

Example: A Discipline Committee panel member was employed at the same large clinic at the time the alleged misconduct occurred. While the panel member had no prior knowledge of the alleged events, the panel member is close colleagues with a key witness in the case. There was a reasonable apprehension of bias on the part of the panel member.

Example: A complainant appeals a decision of the Inquiries, Complaints and Reports Committee taking no action against a registrant. Through Google, the complainant discovered that a panel member was a LinkedIn contact of the respondent. The panel member clarified they only met once briefly three years ago. Even though it may have been preferable for that panel member not to participate, this was not found to be a conflict of interest.

Process for Considering & Declaring Conflicts of Interest

The following are steps the College follows in addressing conflicts of interest.



Staff pre-screening

- Staff will pre-screen agenda items for obvious conflicts of interest on the part of Council, committee or panel members.
 - If a conflict is identified, staff will alert the Chair and materials will not be sent to the conflicted member.
 - The matter will either be assigned to a different panel, or the conflicted member will be alerted in advance that they will not be present for the entire meeting.
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Council, committee or panel member self-screening

- Go through the above self-screening.
 - If a concern is identified that does not rise to the threshold of a conflict of interest, consider making a courtesy declaration at the meeting to reassure the Council, committee or panel that you have considered the issue.
 - If unsure, consult with staff, legal counsel or the Chair. It is preferable to consult with staff or legal counsel before the Chair to avoid the risk of tainting the Chair.
 - In close cases, consider the potential benefit of declaring a conflict to avoid later disputes about whether or not there was a conflict of interest.
 - If you identify a conflict of interest, do not review the meeting materials further and securely delete them. Alert the Chair and support staff in advance of the meeting. Always declare in a general manner so as not to cause emotional bias on the listener's part.
 - Subsequently, declare the conflict at the meeting itself. Do not take part in or attempt to influence the deliberation and leave the room while deliberation is taking place. The general nature of conflict will be recorded in the minutes.
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Council, committee or panel discussion of possible conflicts of interest

- Occasionally, you may become aware that another member may have a conflict. If that member does not declare a conflict, or if they are unsure, all members are responsible at the meeting for raising the concern and discussing whether it constitutes a conflict of interest.
- In rare cases of disagreement, a majority of those present can vote to find there is a conflict and exclude the conflicted member from considering the matter.

- Post Meeting Conduct: After recusing yourself on a matter, use professional discretion and avoid revisiting the issue with colleagues, even if the decision is on the public register or you have seen the meeting minutes.¹

¹ Council minutes are public documents (aside from in camera portions). Regarding committee and panel minutes, normally it will not be considered that viewing minutes by a panel member who has declared a conflict poses a risk of improperly affecting the College's decision. However, occasionally confidentiality and risk management may require that panel minutes not be viewed by a member who has declared a conflict of interest.

ITEM 2.1

**COUNCIL BRIEFING NOTE
RE RECOMMENDED AMENDMENTS TO BYLAW 2: FEES
Examination Fee Increase**

Background:

Attached as **Appendix 1** is the College's current By-law No. 2: Fees. The College bylaws have not been amended to increase the annual examination fees since 2015. At present, the cost to take the written and practical (OSCE) exams is \$1,600.00. This amount is considerably lower than comparable Colleges and generally lower than the standard cost of qualifying exams.

In early 2021, the College retained the services of Martek Assessments Ltd. ("Martek") to assist with the development, administration, scoring, analysis, and reporting of the College's qualifying examinations. Martek is a leading services provider in professional regulation qualifying exams. Martek has brought considerable knowledge to the College's examination process and has been invaluable in ensuring that the College is adequately testing the competency of Applicants seeking to practice Chiropractic in Ontario.

In 2021, the development, administration and maintenance of the qualifying exams cost the College over two hundred thousand dollars (\$200,000.00). This amount includes the service fees charged by Martek. With the current exam fee structure, only a fraction of these costs is recovered. Further, the College will continue to have ongoing costs in the preparation, delivery and grading of its exams that are not properly covered by the current exam fees. If the exam fees do not cover the true costs of the exam, the College must recover those costs from its other main revenue stream, namely, annual member fees. The recommended increase to the examination fees will help to move the College towards a cost neutral exam and thereby reduce the overall cost to the College.

Council is being asked to consider an increase in the registration examination fees. Such an increase will ensure that the College continues to meet its public protection mandate through rigorous testing of Applicants and future Registrants of the College. Additionally, it will help to ensure the financial sustainability of the College and support its fiscal responsibilities.

At its February 25, 2022, meeting, Council approved, in principle, the recommended motion to increase the examination fees. The issue was then put out for public consultation for a period of 60 days. Attached as **Appendix 3** is an anonymized compilation of the comments that were

received from interested stakeholders.

Public Interest Rationale for Decision:

It is in the public interest that the College remains financially stable and has the proper funding and resources to fulfill its mandate of protection of the public. As part of its mandate, the College is required to meet all expectations of the Ministry of Health and its obligations under the *Regulated Health Professions Act, Procedural Code, Chiropody Act* and related Regulations. The Council adopted its Strategic Plan at its February 25, 2022, Council meeting that requires the College to ensure its sustainability, including financial sustainability. The proposed exam fee increase is in keeping with the College's Strategic Plan's commitment to sustainability.

Recommended Motion:

That By-law No. 2: Fees be amended as follows:

1. Revoke Articles 5.01, 5.02, 5.03(a) & (b), 5.04 and 5.05 and substitute that shown in **Appendix 2** (the changes to the existing Articles are shown by redline and blue line additions).
2. Increase the Examination fees as follows:
 - a. Jurisprudence Exam - \$500 (from \$250)
 - b. Written & Clinical (OSCE) Exam - \$2600 (from \$1600)
 - i. Written only – Jurisprudence & Core Competencies (if first attempt fails) - \$1000
 - ii. Written only – Jurisprudence OR Core Competencies (if first attempt fails) - \$500
 - iii. OSCE only (if first attempt fails) - \$1600

The motion which Council is being asked to pass would increase the qualifying examination fees for 2022, reflecting the actual costs incurred by the College to ensure rigorous applicant testing.

ITEM 2.1

COCOO By-law No. 2: FEES

FEES RELATED TO EXAMINATIONS

- 5.01** A person that applies to attempt the College's jurisprudence exam without applying to attempt the other examinations required for a certificate of registration shall pay a fee of \$250.00.
- 5.02** A person who applies to attempt an examination which is a requirement for a certificate of registration but is not the jurisprudence examination referred to in Article 5.01 or the supplemental examination referred to in Article 5.03, shall pay a fee of \$1,300.00 effective April 1, 2014 and \$1,600.00 effective April 2, 2015.
- 5.03** Where a person fails the examination referred to in Article 5.02 and the person applies for and is eligible to take a supplemental examination, the person shall pay a fee of
- (a) \$500.00 for the written portion; and
 - (b) \$1,300.00 effective April 1, 2014, and \$1,600.00 effective April 2, 2015, for the OSCE portion.
- 5.04** A person who applies to have the results of an examination referred to in Article 5.02 or 5.03 rescored shall pay a fee of \$75.00.
- 5.05** A separate fee is applicable for each application referred to in Articles 5.01, 5.02, 5.03 and 5.04 and shall be paid at the time the application is submitted.

ITEM 2.1

COCOO By-law No. 2: FEES

FEES RELATED TO EXAMINATIONS

- 5.01** A person ~~that~~ who applies to attempt the College's jurisprudence exam without applying to attempt the other examinations required for a certificate of registration shall pay a fee of ~~\$250.00~~ \$500.00.
- 5.02** A person who applies to attempt an examination which is a requirement for a certificate of registration but is not the jurisprudence examination referred to in Article 5.01 or the supplemental examination referred to in Article 5.03, shall pay a fee of ~~\$1,300.00 effective April 1, 2014 and \$1,600.00 effective April 2, 2015~~ \$2,600.00.
- 5.03** Where a person fails the examination referred to in Article 5.02 and the person applies for and is eligible to take a supplemental examination, the person shall pay a fee of
- (a) \$500.00 for the written examination, if the requirement to take a supplemental examination was due solely to the applicant being unsuccessful on the jurisprudence portion of the written examination;
 - (b) \$500.00 for the written examination, if the requirement to take a supplemental examination was due solely to the applicant being unsuccessful on the core competencies portion of the written examination;
 - (c) \$1000.00 for the written examination, if the requirement to take a supplemental examination was due to the applicant being unsuccessful on both the jurisprudence and core competencies portions of the written examination; and
 - (d) ~~\$1,300.00 effective April 1, 2014 and \$1,600.00 effective April 2, 2015~~ \$1,600.00 if the requirement to take a supplemental examination was due to the applicant being unsuccessful on the clinical (OSCE) examination.
- 5.04** A person who applies to have the results of an examination referred to in Article 5.02 or 5.03 rescored shall pay a fee of \$75.00.
- 5.05** A separate fee is applicable for each application referred to in Articles 5.01, 5.02, 5.03 and 5.04 and shall be paid at the time the application is submitted.

ITEM 2.1**Appendix 3 - Responses to Public Consultation
regarding examination fee increases**

Anonymized and in order of receipt

1. Email dated March 7/22

Thank you for emailing us the updated bylaw regarding registration exam fees. I wanted to submit my feedback as per the college's request.

I am certainly understanding that the college must increase these fees with inflation and the past investments to improve the test. It seems to me that the justification for this increase is to pay off the investment that was made into improving the tests. My question is, will the cost of this test be reduced once that investment is paid back? Or will it remain at this fee base?

Generally speaking, I worry that this significant increase could discourage potential practitioners from entering into our profession. That financial burden to someone just starting out, or someone who has been taking on heavy student loans is quite daunting. High entry costs may even encourage them to take on riskier jobs which promise quick pay outs once they have their licence. Is there a lower number that might still pay off the investment just over more time? Or is it possible for the college to provide payment plans under some circumstances? I think we have been enlightened more over the pandemic about privilege and financial barriers to entry. If we are making this much of an increase, I think the college should also have a contingency plan to make sure we are not contributing to the problem.

Those are my two cents, thank you for your time,

2. Email dated March 7/22

I'm a recent graduate (Apr 2021) and I paid this \$1600(?) I believe for the Board exams (June/Aug 2021). I also then paid \$800 to practice for the remaining 3 months of the year (Sept 2021) and \$1800 3 months later for the 2022 year (Dec 2021).

All of these fees are valid but for it to be back to back, after three years of being a full-time student, working part-time in retail during COVID-19? That wasn't easy, and I do not want any other student to feel stressed about their finances while trying to complete school, become licensed and start practicing.

Therefore, I do not want these fees to be increased. Barriers to entry for students should pertain to competence and not financial situations. At the same time, I understand if the fee increase is required to ensure that appropriate measures are taken to safely assess candidates.

Along that line, could I have access to the breakdown of where the \$1600 is spent? If that information is transparent, I believe most Chiropractors would agree that the fee raise is justified - the question then becomes how much it should be raised by.

I look forward to hearing back.

3. Email dated March 8/22

Regarding the increase examination fees, in my opinion: “you do what you’ve got to do to stay afloat”.

4. Email dated March 9/22

I have read all the amendments and am aware of the changes we proposed at the Council Meeting on Feb 25th.

It is disturbing that The College of Chiropractors of Ontario, for years, due to prior registrar leadership, had not kept up to the industry standards of other Regulatory bodies.

With Martek, the realization came that the process for the Written exam and the OSCE were out of date. Hence, the Exam Committee, along with Martek have been updating all aspects, bringing up the standard to industry levels. It has been a necessary and much needed job. We were lucky to find Martek. This obviously has taken a lot of time and will take less time in the future. It has cost a lot of money as we were so behind the times in this area.

The current Registrar and Council have been amazing. They have made the changes and are making more changes, and our industry standard will be better than a lot of others I believe. However, we do need to re-coup the costs of a prior defective registrar having not kept up to date. I was shocked to learn we were not even re-coupling the costs of the exam's, in fact almost in the negative. That is unacceptable. The amount of time and man power and supplies is only increasing daily.

It is my opinion that the cost of the exams should be increased more than what you are proposing. For example, I believe Christine said the Denturists?? were \$4,000 for the OSCE.

Just my views as I have been part of the College Exam written and OSCE process for over 3 years. I am IN Favour of increasing Exam Fees.

5. Email dated March 16/22

I recently heard that the Registration fee for new Chiropractors has been increased by \$1000. I believe that this is a mistake. The students who are currently enrolled in the Michener enrolled understanding that registration cost less than it's now been changed to. I think this extra financial burden will have many negative consequences. Already, second year students

are entering a summer semester where we can't work full time to pay for next year's tuition and then we start a year long unpaid internship in a new area where we have to find short term housing. In the current rental market, that will be very expensive. Billing new graduates an extra \$1000 dollars before they've even received a paycheck in this profession could lead some to make ethically questionable decisions in practice to try and make that money back quickly, which could only harm the profession. Many of my classmates are immigrants with young family's who are living based on their spouse's income and they don't have an extra \$1000 lying around. The cost of living is already so high, it seems very unfair to increase the cost of registration in such a chaotic economy that has followed COVID-19. I beg you to reconsider this increase in fees, at least for the students already enrolled in the program. Allow all future students the chance to have knowledge of all of the fees that they will encounter before they enroll in the program.

Thank you for your consideration,

6. Email dated March 16/22

To Whom it May Concern,

I am a second year student at the Michener Institute for Chiropody, and was just informed of the recent increase for our registration exam. When I originally applied to the program, I had made a list of all my finances needed, and did not account for the exam fee to increase by \$1000.00 by the end of my program.

I am very concerned that our class will not be able to afford this, especially since most students are already in debt (from undergraduate) on top of further loans needed to pay current tuition, and/or rent for placement (to which we don't get financial assistance for). All the while during a global pandemic which made working part-time nearly impossible for over a year.

Moreover, this increase will have a larger burden placed on newly graduates to make an income, possibly leading to taking on bad job opportunities upon graduation.

I kindly ask for the college to reconsider this fee increase.

7. Email dated March 16/22

To Whom It May Concern,

I, (name redacted), a second-year Chiropody student will like to express my outrage with the sudden increase in college registration fee by \$1000. To do this the year right after coming out of the pandemic (which we are still combating), with dramatic rises in the cost of living, and the impossible housing prices it makes unaffordable. As a student that currently works and attends school the affordable has decreased substantially. There is little financial aid at

the Michener Institute or within this profession. OSAP is not a form of income yet seems to be included. Especially coming to the final year where moving is a possibility, costing housing, food, and losing my job for school; I hope you see how unaffordable this sudden rise is. I also worry for my other classmates with families and children at home. This act could encourage more risky behavior after graduating taking more fraudulent jobs.

I am writing this to express my frustration with the dramatic fee increase and to ask the college to reconsider their decision.

8. Email dated March 17/22

I am a second year Chiropody Student at The Michener Institute of Education. I am writing today to explain that I do not support the proposed amendments to the College's Registration Examination Fees By-Law that were approved by the council on February 25, 2022. This sudden increase in fees by \$1000 to a total of \$2600 will have a major impact on students that are already on a restricted budget. Students need to plan accordingly to ensure that they can pay for tuition fees, student housing, food, and other daily necessities. A sudden increase in fees puts a strain on our budget and it impacts our ability to compensate to the changes. Moreover, I believe this is not an appropriate time for a fee increase because some students are still recovering from lost jobs and incomes because of the impact of the COVID 19 pandemic. My graduating class had students withdraw from the program because of financial challenges they were facing during this time. Furthermore, the rising gas prices, combined with the crisis occurring around the world, and global inflation has further contributed to significant stress on the students. As a student, I made many financial alterations to my spending habits to be able to compensate for inflation and I believe some students may not be able to pay the \$2600 fees as a result. I would like to request the college to restrain from doing such a drastic increase in examination fees and potentially delay the increase by 3-4 years to accommodate for the challenges already faced by the current students.

However, I do understand the college is not looking to profit from the increase and the goal is to break even after implementing the increase. Taking this into account, I would like to propose to the College an alternative plan that allows a gradual increase in examination fees. The College should consider increasing the fees by \$200 per year for a period of 5 years. This will allow students to modify their budget accordingly without putting too much strain on their budget.

Thank you for your consideration.

9. Email dated March 21/22

I am a 2nd year Chiropody Student at The Michener Institute of Education. I am writing today to explain that I do not support the proposed amendments to the College's Registration Examination Fees By-Law, that were approved by the council on February 25, 2022.

As this program is quite rigorous, it requires more than 40 hours a week of attention towards our studies. With this being said, I am still working 16 hours a week just trying to afford the insurance for my car, GoTrain fees and groceries. If the fee increases go through, I believe it's unfair for students of my year that will just be coming off unpaid placement where we are expected to relocate to far locations off our own dime expected to pay 2600, that we clearly have no way of making because we don't have the summer off in the 2nd year.

I'm aware the college is running a deficit but if the fee increase is to happen, it should be a deferred payment much like OSAP where we are granted a period of 6 months to find our first job and save up enough to pay down the money to the college instead of making us pay 2600 immediately just to write the registration exams.

Thank you for your consideration.

10. Email dated April 2/22

I am a second year Chiropody Student at The Michener Institute of Education. I am writing today to explain that I do not support the proposed amendments to the College's Registration Examination Fees By-Law, that were approved by the council on February 25, 2022. With the recent economical changes, it has already been a struggle for us students to manage our budgets. Additionally, in third year we have clinical placements for which we are required to find our own accommodations (in addition to already paying tuition). Having to pay such a large amount soon after the end of our program, will take a great toll on many of us.

Perhaps increasing the fees in smaller increments of ~\$200 may help solve this problem.

Thank you for your consideration.

11. Email dated April 9/22

I am a member of the public, writing to provide my feedback on the proposed increase in examination fees. While I believe an increase in this fee is acceptable, a 100% increase is unreasonable. Asking students, many of which are already in debt, to budget an additional \$1300 dollars to take an exam is unfair. Furthermore, it appears as though COCOO is using their position as a regulatory body to take advantage of students who have no choice but to write the exam if they wish to enter the workforce.

A more feasible approach would be a gradual increase over a certain number of years to allow for preparation by students who are currently enrolled in the program and any future students to come.

Thank you for your consideration in this matter.

12. Email dated April 29, 2022

To whom it may concern,

I am a student from the Michener Institute's graduating class of 2022 and will be writing the exams this upcoming June. I appreciate that under the circumstances of the changes that have been made to the examination due to the ongoing COVID-19 pandemic, the cost of holding exams is one that has to be adjusted. In general, it is to be expected that there are fee increases throughout the years, especially given that the last fee increase was in 2015.

The last fee increase in 2015 was \$300, this year the expected increase is to be \$800. This was first proposed in February 2022. Unfortunately, for those of us in the graduating class, our application to funding bodies, such as OSAP, were likely submitted towards the beginning of our academic semester given that tuition was due on January 7, 2022 for students receiving OSAP to the Michener Institute. Given that we are no longer students during the Michener's summer semester, we are unable to receive further financial aid that may aid us in the 55% increase in the examination fee this year. I am asking for the College to consider that for the students writing the examination in June 2022, there simply was not adequate notice to account for the examination fee increase in our applications for financial aid. For following years, students would have ample time to apply for more financial aid and/or budget as required. I believe that it would be reasonable to amend the second by-law, however, to be considerate of timelines for receiving appropriate financial aid.

Thank you for your time and consideration on this matter.

ITEM 2.2**COUNCIL BRIEFING NOTE: RECOMMENDED REVISED BUDGET 2022****Background:**

At its February 25, 2022, meeting, Council passed the College's operating budget for 2022. At the same Council meeting, Council voted, in principle, to support a bylaw amendment to increase the amount of the exam fees for the College's registration examination. As a result of Council's vote, the College posted the proposed amendment on its website and invited feedback over the next 60 days. A Special Virtual Council Meeting was scheduled for May 13, 2022, for Council to consider the feedback and vote on the proposed bylaw amendment to increase the exam fees by \$1000. Should Council vote to increase the exam fees by \$1000, the budget must be revised to reflect the additional revenue in exam fees.

Public Interest Rationale for Decision:

It is in the public interest that the College remain financially sustainable and fiscally responsible. Recovering the costs of the exam from the examinees is fiscally responsible and better ensures the financial sustainability of the College.

Additional Information:

The revenue in the Revised Final Budget 2022 from the exams was increased to \$90,000 based on the estimated number of examinees in 2022, paying an additional exam fee of \$1000. In addition, a line item under Committee Expenses was included, entitled "Exam", referring to the Exam Committee to reflect the expenses submitted by exam committee members in respect of the exam. One other revision to the proposed Revised Final Budget 2022 includes an increase in the College's annual rent, in accordance with the College's lease. This increase is not related to the increase in exam fees but was brought to the College's attention following submission of the 2022 Budget at the February 25, 2022, Council Meeting.

Recommended Motion:

That Council approve the Revised Final Budget 2022.

COLLEGE OF CHIROPODISTS OF ONTARIO

Year: January 1, 2021 to December 31, 2021

	Budget
	2022
REVENUE	
Membership Fees	\$ 1,434,600
Application Fees	3,000
Examination Fees	90,000
Incorporation Fees	102,000
First time Registrant - Fee	12,000
Late fee penalty	400
	1,642,000
Other Revenue	
Interest	7,000
Miscellaneous (Incl. Inhalation and Sedation Courses)	26,000
Legal Recovery	150,000
Total Revenue	1,825,000
EXPENSES	
Committee expenses	210,200
Special projects	220,000
Salaries and benefits	600,000
Legal Fees	510,000
General Administration	280,704
Total Expenses	1,820,904
Net income (deficit) for the year	\$ 4,096

Schedule of Expenses

Committee Expenses

	Budget
	2022
Council	27,000
ICRC	15,000
ICRC inspector / investigator costs	56,000
Discipline/Fitness to Practice	22,000
Exam	6,000
Executive	25,000
Registration	1,200
Patient Relations	1,800
Quality Assurance	25,000
Standing Drug Committee	12,500

Technical Committee	200
Strategic Planning Committee	5,000
Registrars Compensation Committee	1,000
Audit	1,000
Competency Working Group	5,000
Standards and Guidelines	6,500
Total Committee Expenses	210,200
Special Projects	
MESPO	-
Inhalation/Sedation Course	8,730
Registration Examination	115,000
Consulting -General	10,000
Database development	86,270
Total Special Projects	220,000
Salaries and Benefits	
Salaries and Benefits	600,000
Total Salaries and Benefits	600,000
Legal Fees	
General administration	70,000
ICRC	70,000
Discipline	345,000
Council and other committees	25,000
Total Legal Fees	510,000
General Administration	
Accounting and Audit	35,000
Credit Card Charges	36,000
Bank Charges	2,000
Capital Assets Depreciation	8,600
Computer software	7,500
Insurance	17,500
Registrar Travel	6,000
Federation Expenses	8,475
Resource Materials	-
Membership Fees	10,000
Rent	91,745
Photocopying, Printing	3,000
Postage and Courier	500
Telephone	7,600
Zoom licenses	2,300
General Expenses	5,000
Office Supplies	2,500

Computer, database & website mtce	<u>25,000</u>
Equipment Rentals/Service Contracts	<u>8,000</u>
Professional Development	<u>8,000</u>
Total Other Expenses	<u>284,720</u>
Total Expenses	<u>1,824,920</u>
Surplus (Deficit)	<u>\$ 80</u>

Budget		Actual	
2021		2021	
\$	1,247,800	\$	1,316,900
	9,300		3,275
	79,550		77,250
	78,450		101,400
	35,700		12,100
	3,000		400
	1,453,800		1,511,325
	11,880		6,463
	15,300		26,550
	108,000		202,050
	1,588,980		1,746,388
	174,900		159,907
	148,792		199,007
	485,416		515,194
	400,350		534,225
	218,627		255,895
	1,428,085		1,664,228
\$	160,895	\$	82,160

797 members x \$1800.00

estimate based on 2021 actuals

projected revenue based on 2022 exam fee increase

estimate based on 2021 actuals

estimate based on 2021 actuals

estimate based on 2021 actuals

We hope to achieve similar recovery but have conservatively estimated

Budget		Actual	
2021		2021	
	12,000		11,351
	24,250		11,057
	58,000		55,184
	19,700		21,749
	14,200		32,686
	1,025		-
	2,950		-
	26,300		14,654
	500		-

Hybrid council meetings in 2022

Virtual panel meetings in 2022

Virtual hearings in 2022

Exam Committee previously not included in budget

Anticipated reduced need for special executive meetings in 2022

1 new application and meeting of committee

QAC assessments yearly with 5% target

Drug Regulation Amendment related work

875	200	
2,775	5,169	Executive Committee approved additional expenditures to hire cons
2,425	438	
1,500	875	
-	-	Sub-committee of SPC with ongoing work
8,400	6,544	
174,900	159,907	
-	-	
8,792	8,730	
85,000	114,913	
-	9,258	
55,000	66,107	iMIS customizations required - ongoing
148,792	199,008	
485,416	515,194	
485,416	515,194	
45,000	89,601	
115,000	72,763	
230,350	344,778	
10,000	27,083	
400,350	534,225	Estimate based on 2021 actuals
19,000	40,313	Anticipated reduced auditing expenses from 2021
28,000	35,306	
1,700	1,918	Estimate based on 2021 actuals
8,000	8,538	
4,500	6,906	
15,000	17,264	
-	-	CLEAR and CNAR Conferences, miscellaneous
8,475	8,475	
200	-	
2,600	2,117	LSO fees for 3 staff, COCOO fees for PA, OHA, CLEAR and CNAF
89,952	87,729	Rent increase as set out in lease
500	3,103	
700	510	
9,000	7,535	
900	-	Reliance on Zoom for regular College business and access to live t
2,000	6,998	
2,800	2,239	

15,000	18,731
9,500	7,156
800	1,058
218,627	255,896
1,428,085	1,664,230
\$ 160,895	\$ 82,158

Estimate based on 2021 actuals

4 staff x \$2000 PD estimate. Ongoing need to ensure currency in pi

sultant. Ongoing work of SPC to achieve objectives in 2022

ITEM 2.3

**COUNCIL BRIEFING NOTE: RECOMMENDED AMENDMENTS TO BYLAW 4: Code of Conduct of
Councillors and Committee Members
Cooling Off Period**

Background:

At its October 2021 meeting, Council was asked to decide on the appropriate length of a cooling off period. After discussion, Council voted and approved a one year cooling off period. In February 2022, Council operationalized the cooling off period by making amendments to Bylaw 1. To ensure that Bylaw 4 is consistent with the changes made to Bylaw 1, minor changes are required.

Public Interest Rationale for Decision:

It is in the public interest that the College have bylaws that are consistent with one another, and that clearly outline when a councillor may have a conflict with the cooling off period approved by Council.

Recommended Motion:

That article 4.01 of By-law No. 4: Code of Conduct of Councillors and Committee Members be amended as follows:

4.01 A councillor shall be deemed to have a conflict of interest if ~~he or she is~~ the councillor holds any of the following positions in an international, national or provincial association or organization whose members are predominately chiropodists, podiatrists or other foot care providers and whose mandate in any way relates to the provision of foot care by its members:

i) ~~a~~ director, officer or ~~other~~ member of the governing body of the organization; or

ii) ~~an officer of~~ Executive Director, Chief Administrative Officer or another position with similar duties in the organization.

~~iii) the executive director or chief administrative officer of~~

~~iv) an international, national or provincial association or organization whose members are predominately chiropodists, podiatrists or other foot care providers or a combination of chiropodists, podiatrists and other foot care providers.~~

The motion before Council is approve changes to Bylaw 4 to align it with the changes already approved, and made, to Bylaw 1.

ITEM 2.4**COUNCIL BRIEFING NOTE: PROFESSIONAL MISCONDUCT REGULATION****Background:**

In June 2012, Council passed a motion to approve, in principle, the revocation of the existing Professional Misconduct Regulation (Ontario Regulation 750/93) and replace it with a new regulation, which was to be circulated to members and other stakeholders for 60 days. In October 2012, Council made further changes to the regulation and passed a motion to revoke the existing Professional Misconduct Regulation and replace it with the amended draft, and it directed the Registrar to forward the regulation to the Minister of Health and Long-term Care. In September 2013, the College submitted proposed amendments to the Professional Misconduct Regulation to the Ministry of Health.

In 2018, the Ministry asked the College to respond to questions about its proposed changes. In reviewing its responses to those questions in 2021, the College identified that many of the proposed no changes no longer reflected the reality of prosecuting cases at the College. At the time the proposed changes were drafted, the College did not prosecute many disciplinary cases, and the College's prosecutor was not consulted about the changes. The draft regulation was modelled after a proposed regulation for another regulatory body, and many of the changes did not translate to the practice of chiropractic.

Earlier this month the Ministry reached out to the College for a status update on this regulation. In consultation with College counsel, it was decided that changes to Ontario Regulation 750/93 are not required at this time to effectively refer allegations of professional misconduct to the Discipline Committee or to prosecute those allegations. Therefore, the College is asking Council to withdraw its request for changes to the regulation.

Public Interest Rationale for Decision:

It is in the public interest that the College have a misconduct regulation that captures the type of misconduct the membership engages in. As well, it is in the public interest that the College use its limited resources to address more urgent concerns, given that the current regulation does not limit the College's ability to prosecute cases before the Discipline Committee.

Recommended Motion:

The motion before Council is to withdraw its request to amend Ontario Regulation 750/93 – Professional Misconduct Regulation, given that, because of the passage of time, the proposed changes no longer reflect what is required for the College to protect the public.

ITEM 2.5**COUNCIL BRIEFING NOTE: COUNCIL COMPETENCIES****Background:**

At its February 25, 2022 meeting, the Elections Committee presented Council with a Competency Matrix for Council members, which it approved. The Committee has now developed a self-assessment for prospective candidates considering running for a position on Council. As well, the Elections Committee intends to require new Councillors to review Julie Maciura's PowerPoint presentation titled "Council Governance Orientation – COCOO), which will include narration by Ms. Maciura and multiple-choice questions at the end.

Public Interest Rationale for Decision:

It is in the public interest that the College is transparent with prospective Councillors about the knowledge, skills and experience required to effectively serve on Council. It is also in the public interest that the College have Council members who have the necessary skills to contribute in a meaningful way to discussion and decision-making on Council.

Recommended Motion:

The motion before Council is to approve Board Member Knowledge, Skills and Experience Matrix, to be used for the 2022 election cycle.

Name

Signature

Date

Guide to Knowledge Skills & Experience Self-assessment				
Suggested Scoring Pattern				
Characteristic	Score 0 if...	Score 1 if...	Score 2 if...	Score 3 if...
Finance	You have no experience	Can explain basic finance concepts. Can contribute to group discussions	Ability to read financial statement. Has basic understanding of financial management	Completion of finance specific training or professional development.
Human Resources	You have no experience	You are familiar with Human Resources as it pertains to your role as an employee.	You have managed/directed employees and have experience preparing and administering formal written performance appraisals.	You have lead a team of managers/directors and have experience administering executive compensation.
Regulatory Knowledge	You have no experience	Aware of legislation, regulations, Standards, bylaws that govern healthcare professionals	Knowledge of College functions and issues facing Council	Prior experience working within a regulatory framework
Clinical Experience	You have no experience	You are/were a registered health care professional with less than 3 years' experience	You are/were a registered health care professional with 5 – 10 years' experience	You are/were a registered health care professional with more than 10 years' experience
Leadership/Change Management	You have no experience	Embraces change and innovation Demonstrates a commitment to learning and seek out opportunities to improve Can contribute to group discussions	Provided leadership and support through organization change Identifies and reasons for and benefits of, change to stakeholders Are inclusive and respectful.	Substantive prior experience serving I leadership roles

Guide to Knowledge Skills & Experience Self-assessment				
Suggested Scoring Pattern				
Characteristic	Score 0 if...	Score 1 if...	Score 2 if...	Score 3 if...
Health System Knowledge	You have no experience	Know where to obtain further guidance Can contribute to group discussions	Understanding of the workings of government and ability to access government officials	Prior employment experience in health care administration Experience working in healthcare system in Ontario Experience collaborating as part of an interprofessional group
Strategic Planning	You have no experience.	You are familiar with strategic planning concepts Can contribute to group discussion	You have contributed as a stakeholder to strategic planning efforts Can distinguish between strategic and operational issues	Substantive prior experience on a government board and you have lead or been responsible for creating or approving a strategic plan
Risk Management	You have no experience	You can explain basic risk management concepts. Knows where to obtain further guidance	Can identify and prioritize risk. Can articulate how risk should be managed and how to achieve right balance	Completion of risk management specific training. Prior employment in business, finance, communications or public administration

Guide to Knowledge Skills & Experience Self-assessment				
Suggested Scoring Pattern				
Characteristic	Score 0 if...	Score 1 if...	Score 2 if...	Score 3 if...
Technology Skills	You have no experience	Understand how to keep information secure and confidential in an electronic or online environment Basic internet skills, use of videoconference software	Experience using presentation slides including graphics and multimedia components Can identify how technology impacts risk and strategy Able to troubleshoot and resolve technology issues	Prior experience working in the technology field
Governance	You have no experience	Can explain governance concepts to colleagues Can contribute to group discussions	Can identify and explain governance concepts to Council. Can challenge colleagues where appropriate. Ability to contribute to technical discussions on governance issues	Substantive prior experience with a governance board acquired through board or committee service. Have completed of a governance specific training or professional development.
Continuous Quality Improvement (CQI)	You have no experience	Can explain the fundamental concepts of CQI. Can contribute to group discussions No recent experience in any CQI initiatives (e.g., more than three years)	Can explain the fundamental and mid-level CQI concepts Can contribute to group discussions Has participated in a CQI initiative (e.g., within the last three years)	Can lead advanced level discussions on CQI initiatives Has lead a CQI initiative within the last two years

Guide to Knowledge Skills & Experience Self-assessment				
Suggested Scoring Pattern				
Characteristic	Score 0 if...	Score 1 if...	Score 2 if...	Score 3 if...
Critical Thinking		Ability to analyse and interpret data	Appropriately question whether the College is collecting the right data for regulatory purposes	Prior experience conducting research in the public and/or private sectors
Stakeholder Relations/ Communications	You have no experience	Identify key stakeholders and their relationship with the College	Can identify the needs of key stakeholders and their relationship with the College Articulate techniques to better engage with stakeholders Ability to communicate a position to the intended audience	Previously held a management position requiring public and government input and oversight

Council Governance Orientation - CoCoO

JULIE MACIURA

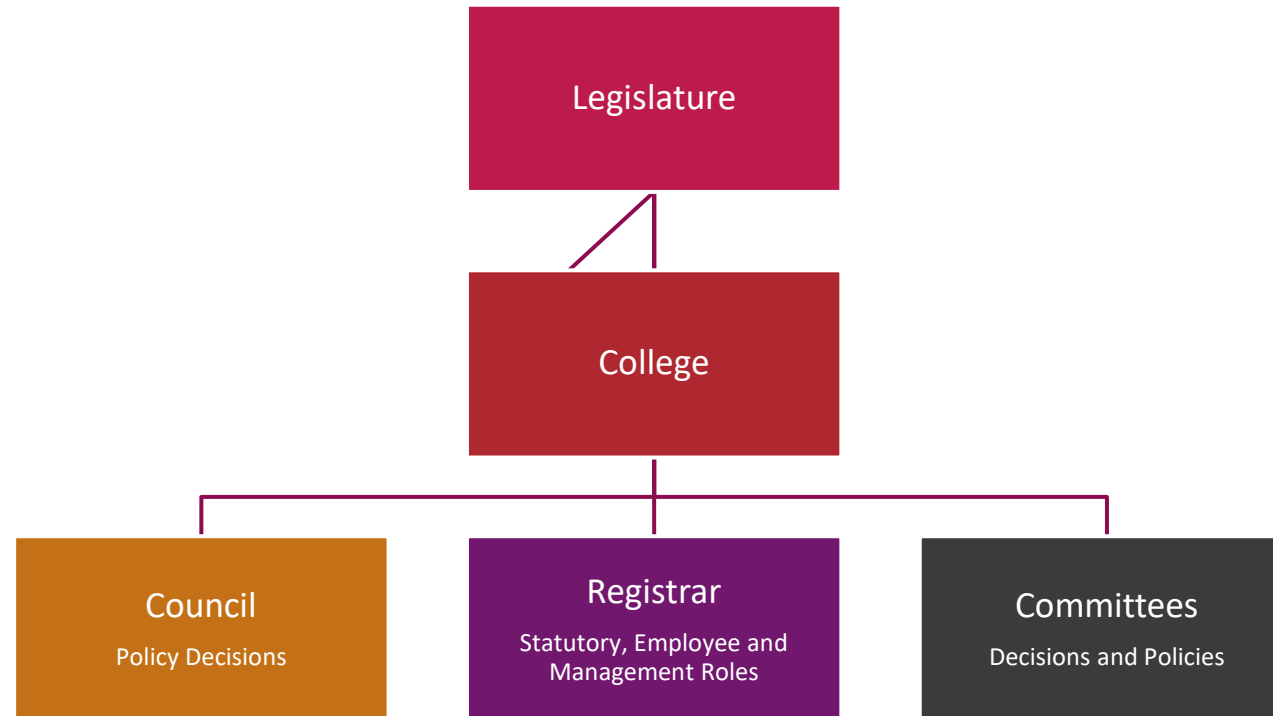
STEINECKE MACIURA LEBLANC

Agenda

- Ontario Health Regulation Model
- Decision-Making Model
- Governance
- Fiduciary duties
- Confidentiality



Ontario health regulation model



Mandate



To regulate the
profession in the public
interest



Statutory Authority

- ▶ includes title protection, scope of practice, authorized acts, composition of Council
- ▶ Schedule 2 is the *Health Professions Procedural Code*
- ▶ *RHPA* is incorporated by reference into *Chiropody Act, 1991* (and the 25 other profession-specific acts)
- ▶ Passed under *Chiropody Act, 1991* (apply just to College members, e.g., QA program)
- ▶ Passed under *RHPA* (apply to all *RHPA* colleges, e.g., definition of “patient”)

Role of a college

- ▶ The core functions of a College are all related to protecting the public.

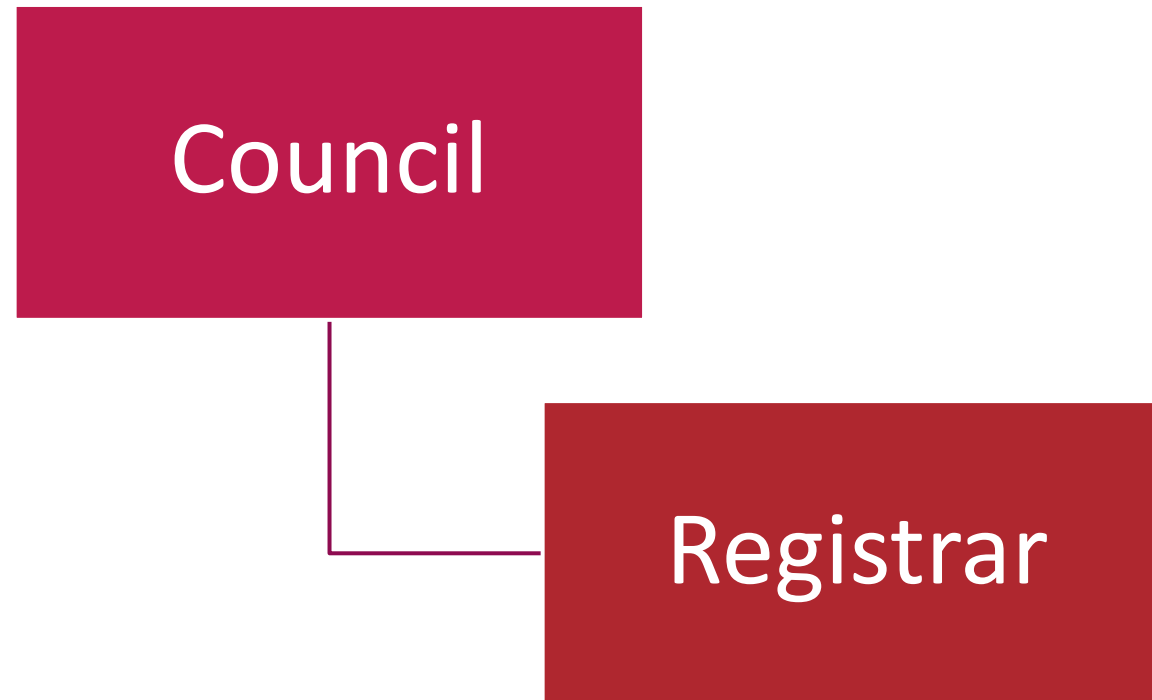
Register applicants who are competent and suitable

Ensure members know and meet standards of practice

Provide a means for public to complain when a member doesn't meet standards

Provide a means to effectively address situations where a member does not meet the standards

Ontario health regulation model



Health regulation model

Role of Council?

Ensure compliance with the regulator's mandate and the legislation;

Set strategy for regulator and monitor performance; and

Appoint Registrar/CEO and review their performance.

Health regulation model

Role of Registrar?

Discharge statutory duties

Implement policy decisions
made by Council

Manage staff

Health regulation model

Role of Committees?

Make decisions in a fair and impartial manner

Adhere to legislative or Council jurisdiction

Provide reasons for decisions

Generally recognized roles

■ COUNCIL MEMBERS

- Board governance
- Vision and leadership
- Risk Management
- Establish priorities and allocate resources
- Ensure mandate/strategic plan appropriately fulfilled
- Fiduciary duty is to the Council and **NOT** to the membership/electoral district or association

“ NOSES IN – FINGERS OUT ”

■ STAFF

- Operationalize the strategic plan
- Provide regulatory subject-matter expertise
- Ensure Council is provided with accurate and timely information so they may fulfill their responsibility
- Reinforce the goal/duty of public protection

Accountability

■ COUNCIL

- Minister of Health
- Governance (Code of Conduct) complaints

■ COMMITTEES

- ICRC (complaints) and Registration Committee
- Registration process
- Discipline and Fitness to Practise

■ REGISTRAR

- Minister of Health
- Council

■ STAFF

- Manager/Director
- Registrar

What is Governance?

- ▶ The process of developing consensus within an organization as to who does what and then ensuring that it is done well.
 - ▶ Process – ongoing
 - ▶ Agreement within an organization
 - ▶ Who does what
 - ▶ Ensuring that is done well

Governance Philosophy

- ▶ Public interest mandate
 - ▶ College activities open to scrutiny
 - ▶ Good governance needs to prevent regulatory failures
- ▶ Constant evolution
- ▶ Stewardship / trustee model
- ▶ Model is Board of Directors, not legislative assembly
- ▶ Critical role of public members
- ▶ Partnership with Registrar

Decision-making model

- Consistent and justifiable decisions are hallmark of effective organization
- Process is key
- Imperative that:
 - ▶ Every member of Council has access to same information
 - No googling
 - No offline discussions
 - No ambush to agenda
 - ▶ Members are mindful of real and apparent conflicts
 - ▶ Members are respectful of staff and fellow Council members

Decision-making model

1. The proposed policy is related to the practice of podiatry or chiropody.
2. The proposed policy falls within the College's statutory mandate b/c it reflects a government directive or the duty/object of the College.
3. The proposed policy is related to the public interest.
4. The proposed policy is supported by the College's strategic plan, mission or goals.
5. The proposed policy impacts on: a) health care system, b) patients, c) College resources, d) College reputation, e) legal considerations, f) stakeholders, or g) members?
6. The proposed policy is consistent with current College policies/positions and best practices amongst regulatory colleges.
7. The policy is being proposed to address a particular issue or concern.
8. There are consequences for NOT supporting this policy at this time.
9. After having considered all other alternatives, the policy is the most effective solution at this time.

The Four E's of Good Governance

- ▶ Role explanation
 - ▶ Clear written description of the mandate and responsibilities of each major entity within the organization.

- ▶ Role education
 - ▶ Each person involved in direction and operations of College should be orientated to their mandate and responsibilities. Must understand how they relate to the other entities within organization.

The Four E's of Good Governance

- ▶ Role evaluation
 - ▶ Each entity within organization should be accountable for their activities; should report on what they have done and receive feedback on performance.
- ▶ Role enforcement
 - ▶ Where person or entity within the organization is not participating appropriately in affairs of the College despite clear explanation of role, appropriate education, and evaluation, then there needs to be a means of enforcing the organization's expectations.

Roles and Structure

- ▶ General Principles
 - ▶ Board set policy and decides, **but does not administer**
 - ▶ CEO/Registrar/staff propose, advise & administer with respect to policy, **but do not decide**
 - ▶ Consultants advise with respect to policy, **but do not decide**
 - ▶ Members / stakeholders make submissions when affected, **but do not decide**
- ▶ Follow proper channels of communication

Role of Council

- ▶ Council steers, staff row
- ▶ Steering vs. rowing
 - ▶ Leadership (tone, integrity, diligence, questions)
 - ▶ Financial and other oversight
 - ▶ Strategy, direction, policies
- ▶ Risk management
 - ▶ Help identify, assess, treat and monitor risk
 - ▶ Especially reputational risk



Role of Council

- ▶ Ways Council meets leadership responsibilities
 - ▶ Defining strategic direction
 - ▶ Setting macro policies
 - ▶ Financial and legal stewardship
- ▶ Monitoring and evaluating effectiveness
 - ▶ Regular Registrar reports and evaluations
 - ▶ Committee, Council reports
 - ▶ Independent, external third-party reports
 - ▶ Review of financial results



Council Involvement in Operations

- ▶ Difficult to balance duty of effective Council oversight with need for staff to be free from interference while performing their functions
- ▶ Council does have duty to prevent regulatory or other failures from occurring (e.g., the overlooking of serious misconduct)
- ▶ But Council cannot effectively perform day-to-day operations because:
 - ▶ It does not have the expertise to do that
 - ▶ College will lose staff if it does that
- ▶ Relative expertise of Council members and staff
 - ▶ Practising the profession vs. regulating the profession

Role of Individual Council Member

- ▶ No role independent of the Council
 - ▶ Cannot act unilaterally
- ▶ Role is to participate in Council and Committee deliberations
 - ▶ Fiduciary obligations
 - ▶ Undivided loyalty and diligence to College's public interest mandate
 - ▶ Constituency model does not apply



Fiduciary Duties

- ▶ Fiduciary Duty
- ▶ Council Members have the duty to act honestly, in good faith and with a view to the best interests of the Council:
 - ▶ Duty of Loyalty
 - ▶ Avoidance of Conflict of Interest
 - ▶ Confidentiality obligations
- ▶ Council members relate to others via Council and Committee with collegiality, respect, diligence, active participation

Standard of Care

Standard of Care

- ▶ Obligated to exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances
- ▶ Business judgment requires Council members to ensure that they:
 - ▶ are informed
 - ▶ exercise reasonable care in making decisions, and
 - ▶ make appropriate use of experts when they do not have the necessary expertise to make the appropriate decision

Fiduciary Duties - Diligence

- ▶ Preparing for meetings
 - ▶ reviewing materials; identifying anything that is missing; identifying and considering issues
- ▶ Arriving on time (avoid late cancellations)
- ▶ Participating in discussion
 - ▶ Ensuring all reasonable perspectives articulated
- ▶ Voting
 - ▶ Abstentions mean system not working
- ▶ Follow-up items completed promptly
 - ▶ E.g., reviewing circulated documents



Fiduciary Duties - Respect

- ▶ Courtesy and civility
 - ▶ Tone is everything
 - ▶ Paying attention (e.g., no mobile devices)
 - ▶ Camera is on for virtual meetings
- ▶ Does not require agreement or consensus before vote
 - ▶ Does not prevent challenging inadequate information or inappropriate comments
 - ▶ But once vote is taken – all of Council must support that decision, even if you adamantly opposed it during deliberation
- ▶ Require genuine listening and consideration
- ▶ Do not make up mind before arriving

Fiduciary Duties – Ethical Behaviour

Integrity of Council members must be above reproach

- ▶ Expense and compensation claims
 - ▶ E.g., preparation or attendance time
- ▶ Personal use of College property and staff
 - ▶ E.g., asking staff to research your own practice issue
- ▶ Factual statements must be honest
 - ▶ E.g., reasons for absence from a meeting



Fiduciary Duties – Ethical Behaviour

- ▶ Must not be subject to inappropriate influence
 - ▶ E.g., lobbying by profession organizations
- ▶ Must not attempt to inappropriately influence decisions
 - ▶ E.g., approaching Committee panel members about decision
- ▶ Post-decision discussions with others is fraught with risk
 - ▶ E.g., unfair characterization of reasons for decision

Conflict of Interest

- ▶ Conflict of interest is inevitable
- ▶ Arises where you have competing duties / interests to an extent that a reasonable person would think you might be influenced by the competing duty / interest
- ▶ Goal is to minimize occurrences of conflict of interest and manage them when they do occur
- ▶ Area of risk for many colleges

Governance Philosophy

- ▶ No surprises → transparency
- ▶ No personal agendas → open dialogue
- ▶ No conflict of interest → objectivity & impartiality
- ▶ No bad behaviour → respect
- ▶ No “politics” → forthright debate



Role of Committee Members

- ▶ Committee work
 - ▶ Adjudicative Committees are independent of Council
 - ▶ Accountability at a high level for those activities
- ▶ Statutory committees report to Council on a statistical basis but do not provide detail about how decisions made with respect to individual registrants

Confidentiality

- ▶ Unless the RHPA permits the release of the information, you cannot disclose any information you learned in the course of your Council work
- ▶ Treat CoCoO information like CoCoO money
 - ▶ Only to be used for CoCoO purposes
 - ▶ Does not belong to you
- ▶ Internal confidentiality (i.e., within College)
 - ▶ Access to information only on a need-to-know basis
 - ▶ Involvement in any issue may result in appearance of bias

Confidentiality

- ▶ Goals
 - ▶ To protect privacy of individuals dealing with the College
 - ▶ To prevent tainting of decisions
 - ▶ To facilitate unconstrained exploration of options
- ▶ Everything is confidential unless an exception applies
 - ▶ E.g., disclosure in the course of administering legislation
 - ▶ E.g., already public under the RHPA
- ▶ Special protections for QA information

Confidentiality v Transparency

- ▶ Competing obligation to be transparent about College work
 - ▶ Council meetings are public
 - ▶ Discipline hearings are public
 - ▶ Public register information
 - ▶ Annual report to Minister
 - ▶ Section 36 exceptions

Council Member Cheat Sheet

- ▶ Focus on the public interest
- ▶ Undivided loyalty and diligence to College's public interest mandate
- ▶ Council leads and directs ("steering not rowing")
- ▶ Councillors have no role independent of Council
- ▶ Speak with one voice after decision made
- ▶ Independent statutory decisions by committees
- ▶ Avoid and disclose any conflict of interest
- ▶ Treat all with respect
- ▶ Maintain confidentiality
- ▶ Comply with Code of Conduct
- ▶ Partnership with Registrar

Conclusion

- ▶ (Modified) self-regulation is a privilege that is being lost
- ▶ Regulating a profession is incredibly complicated
- ▶ Competing and inconsistent expectations
- ▶ Focus on doing well that which is important
- ▶ Learn from the experience of other regulators
- ▶ Public interest above all else

Questions

- ▶ To whom or what is the Council of the College accountable?

Questions

- ▶ To whom or what is the Registrar accountable?

Questions

- ▶ To whom or what are College Committees accountable?

Questions

- ▶ From what legislation does the College get its authority?

Questions

- ▶ How does Council's role differ from that of the Registrar?

Questions

- ▶ How does Council's role differ from that of the statutory committees?

Questions

- ▶ How do you determine whether a decision is one that is in the public interest?

Questions

- ▶ How would you describe the concept of “governance”?

Questions

- ▶ What are the four E's of good governance relating to the roles of Council, committees, and Registrar?

Questions

- ▶ Is Council entitled to know why a statutory committee made a particular decision about a registrant?
- ▶ Why or why not?

Questions

- ▶ What are a Council member's fiduciary duties?

Questions

- ▶ What is the overriding object or mandate of the College?



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