

Proposed Amendments to By-Law 10 of the College of Kinesiologists of Ontario

The following are proposed amendments to By-Law 10 of the College of Kinesiologists of Ontario.

## **Background**

Health profession regulators like the College of Kinesiologists of Ontario exist to protect the public. In Ontario, many regulatory bodies are beginning to introduce changes to the way they govern themselves to help better serve the interests of the public. The Ontario Ministry of Health has introduced a new requirement that all Council and statutory committee candidates have met pre-defined competency/suitability criteria and attended an orientation training.

This consultation document sets out the proposed by-law changes pertaining to the eligibility requirements and nomination process for registrants seeking to stand for election to Council, including a provision that registrants have successfully completed a qualification process as established by Council.

## **Proposed Changes**

The proposed changes are contained in By-law 10; consequently, this is the by-law presented for consultation.

A key change concerns a new requirement introduced by the Ontario Ministry of Health that registrants may only stand for election and/or attend their first committee meeting after they have completed an orientation program about the College's mandate and expectations pertaining to the Council/committee role and responsibilities. At the March 1, 2021 Council meeting, Council passed a resolution codifying the need for an online orientation program for all registrants seeking to stand for election to Council. Completion of an educational orientation program will help reinforce the mandate of the Council and committees and ensure individuals considering standing for election to Council understand the duties and obligations involved with serving on Council, as well as time commitments from the outset. The new by-law provision stipulates that a member is eligible for election to Council if "before the nomination deadline, the member has successfully completed any qualification process established by the Council". The proposed by-law amendment was approved by Council on June 28, 2021 for external consultation.

Another notable by-law amendment stipulates that the registrant "has not resigned from Council within the past three years other than for "health or personal reasons acceptable to Council". The amendment allows for some discretion, to enable registrants to return if their reasons for resigning were deemed legitimate and reasonable by Council.

Two new provisions stipulating: "the member is not holding a responsible position with any organization/group whose mandate or interests conflict with the College;" and "the member is not a consultant to third party providers engaged by the College" serve to expand and clarify examples of conflict of interest with respect to serving on Council.

Another amendment expands the cooling off period for serving as an employee, officer or director of any professional association or certifying body in the health care and health related fields from one to three years prior to the date of nomination for the Council. This duration has been identified as a best practice.

Another amendment involves removing signatures of support during the nomination process.

Otherwise, there are minor proposed changes to the by-laws to improve clarity and consistency between sections.

### Document Layout

The document is structured in a table that sets out the current by-law provision, the proposed changes (additions are in red, deletions are struck out) and the rationale for the change.

### Consultation

On June 28, 2021, Council approved the proposed By-law 10 amendments for 60-day external consultation. Final proposed changes will be presented to Council at its September 2021 meeting. College staff will review all feedback received during the consultation, and Council will be provided with final changes and information obtained during the consultation process for Council's review and approval in September 2021. Once the amendments are approved, staff will communicate these changes to registrants and other stakeholders.

### By-Law 10: Election of Council Members

Current by-law provision	Proposed change	Rationale / Explanation
10.01 Electoral Districts The following are the Electoral Districts for all Council member elections: <b>i. Electoral District 1:</b> Northern comprised of the districts of Kenora, Rainy River, Thunder Bay, Algoma, Cochrane, Manitoulin, Parry Sound, Nipissing, Timiskaming; the district municipality of Muskoka; and the city of Greater Sudbury;	No change.	N/A.

**ii. Electoral District 2:** Eastern comprised of the counties of Frontenac, Hastings, Lanark, Prince Edward, Renfrew, Lennox and Addington; the united counties of Leeds and Grenville, Prescott and Russell, Stormont, Dundas, Glengarry; and the city of Ottawa;

**iii. Electoral District 3:** Central East comprised of the counties of Haliburton, Northumberland, Peterborough, and Simcoe, the city of Kawartha Lakes, the regional municipality of Durham and the township of Scugog;

**iv. Electoral District 4:** Central comprised of the city of Toronto and the regional municipality of York;

**v. Electoral District 5:** Central West comprised of the counties of Brant, Dufferin, Wellington, Haldimand and Norfolk, the regional municipalities of Halton, Niagara, Peel, Waterloo, and the cities of Hamilton and Brantford;

**vi. Electoral District 6:** Western comprised of the counties of Essex, Bruce, Grey, Lambton, Elgin, Middlesex, Huron, Perth, Oxford, and the municipality of Chatham-Kent and the city of London; and

**vii. Electoral District 7:** Comprised of the entire province. The purpose of Electoral District 7 is to fill the seat on Council designated under Section 5 (1) (c) of the Kinesiology Act 2007 as follows:

One person selected, in accordance with a by-law made under section 10, from among members who are members of a faculty or department of kinesiology of a university in Ontario. 2007, c. 10, Sched. O, s. 5 (1).

<p><b>10.02 Eligibility to Vote in an Electoral District</b>  A member is eligible to vote in the electoral district in which the member, as of January 1st of the election year, primarily practises, or if the member is not engaged in the practise of Kinesiology, in which the member has primary residence.  A member, who is eligible in Electoral District 7 to run for election, is eligible to vote in Electoral District 7.</p>	<p>No change.</p>	<p>N/A</p>
<p><b>10.03 Number of Members per Electoral District</b>  For each electoral district referred to in column 1 of the following table, there shall be elected to Council the number of members set out opposite in column 2.</p>	<p>No change.</p>	<p>N/A</p>
<p><b>10.05 Maximum Term</b>  A member who has served on Council for nine consecutive years is ineligible for election to Council until a full three year-term has passed since that member last served on Council. The first nine year-period does not commence until after the first election in each electoral</p>	<p>No change.</p>	<p>N/A</p>
<p><b>10.06 Staggered Terms</b>  An election of members to Council shall be held:  i.in 2014, and in every third year after that for members from Electoral Districts 2 and 3 and for one member from Electoral District 4;  ii.in 2015, and in every third year after that for one member from Electoral District 4, one member from Electoral District 5 and members from Electoral District 6; and</p>	<p>No change.</p>	<p>N/A</p>

iii.in 2016, and in every third year after that for members from Electoral District 1 and for one member from Electoral District 4 and one member from Electoral District 5.		
<b>10.07 Election Date</b> The Registrar, as directed by Council, shall set the date for each election of members to Council.	No change.	N/A
<b>10.08 Eligibility to Vote</b> A member is ineligible to vote in a council election if the member is in default of payment of any fees prescribed by by-law or any fine or order for costs to the College imposed by the College or court of law or is in default in providing any information required by the College. A member is eligible to vote in only one electoral district even if that member is a member of Electoral District 7 and also practises the profession of Kinesiology as a non-faculty member.	No change.	N/A
<b>10.09 Eligibility for Election</b> A member is eligible for election to Council in Electoral Districts 1 through 6, if on the closing date of nominations and anytime up to and including the date of the election: <ul style="list-style-type: none"> <li>i. the member is eligible to vote in the electoral district in which the member is nominated;</li> <li>ii. the member is not the subject of any disciplinary or incapacity proceedings;</li> <li>iii. no findings of professional misconduct, incompetence or incapacity has been made against</li> </ul>	<b>10.09 Eligibility for Election</b> A member is eligible for election to Council in Electoral Districts 1 through 6, if on the closing date of nominations and anytime up to and including the date of the election: <ul style="list-style-type: none"> <li>i. the member is eligible to vote in the electoral district in which the member is nominated;</li> <li>ii. the member is not the subject of any disciplinary or incapacity proceedings of the College or any other regulatory body;</li> <li>iii. the member has not been the subject of a finding of no findings of</li> </ul>	ii. expanded definition for clarity and to include regulatory history with other professions and/or jurisdictions

<p>the member in the preceding three years;</p> <p>iv. the member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practise Committee or the Quality Assurance Committee;</p> <p>v. the member has not been an employee, officer or director of any professional association or certifying body in the health care and health related fields for one year prior to the date of nomination for the Council of the College of Kinesiologists of Ontario, such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the Ontario Kinesiology Association. In the first year of elections following the date of proclamation, the time lapse required before accepting nomination shall be six months prior to the closing date of nominations;</p> <p>vi. the member has not been disqualified from the Council or a committee of the Council in the previous three (3) years;</p> <p>vii. the member is not a member of the Council or of a committee of the College of any other health profession; and</p> <p>viii. the member has not been a member of the staff of the College</p>	<p>professional misconduct, incompetence or incapacity <del>has been made against the member in</del> the preceding three years <b>at the College or with any other regulatory body</b>;</p> <p>iv. the member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practise Committee or the Quality Assurance Committee <b>at the College or with any other regulatory body</b>;</p> <p>v. the member has not been an employee, officer or director of any professional association or certifying body in the health care and health related fields for <del>one</del> <b>three years</b> prior to the date of their nomination for the Council of the College of Kinesiologists of Ontario, such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the Ontario Kinesiology Association. <del>In the first year of elections following the date of proclamation, the time lapse required before accepting nomination shall be six months prior to the closing date of nominations;</del></p> <p>vi. the member has not been disqualified from the Council or a committee of the <del>Council</del> <b>College</b> in the previous three (3) years;</p> <p>vii. the member is not a member of the Council or of a committee of the</p>	<p>iii. consistent language, for clarity and expanded to include regulatory history with other professions and/or jurisdictions</p> <p>iv. expanded provision to include regulatory history with other professions and/or jurisdictions</p> <p>v. expanded cooling off period to three years. Best practice and in alignment with recommendation in Professional Standards Authority report by Sir Harry Cayton: <a href="#"><u>An Inquiry into the performance of the College of Dental Surgeons of British Columbia and the Health Professions Act, December 2018</u></a></p> <p>The College was proclaimed in 2013 and therefore “year following the date of proclamation” is no longer relevant and is not needed.</p>
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<p>at any time within the preceding three (3) years.</p>	<p>College of any other health profession; and</p> <ul style="list-style-type: none"> <li>viii. the member has not been a member of the staff of the College at any time within the preceding three (3) years;</li> <li>ix. the member is not holding a responsible position with any organization/group whose mandate or interests conflict with the College;</li> <li>x. the member is not a consultant to third party providers engaged by the College;</li> <li>xi. the member has not resigned from Council within the previous three years other than for health or personal reasons acceptable to Council;</li> <li>xii. the member is not in default of payment of any fees, fines, costs, or other amounts owed to the College;</li> <li>xiii. the member is not in default of completing and submitting any required form or information to the College;</li> <li>xiv. the member does not have a criminal finding of guilt;</li> <li>xv. the member does not and has not been the subject of a charge that is relevant to the registrant's ability to practise the profession; and</li> <li>xvi. before the nomination deadline, the member has successfully completed any qualification process established by the Council.</li> </ul>	<ul style="list-style-type: none"> <li>vi. consistent with vii.</li> <li>ix and x, – expand examples of conflicts of interest</li> <li>xi. permits resignations for reasonable extenuating circumstances determined to be acceptable by Council (e.g., parental leave, moving out of province, etc.).</li> <li>xii. – xv. common health regulatory by-law provisions, consistent with by-law 10.29 Grounds for Disqualification</li> <li>xvi. New Ontario Ministry of Health requirement that registrants may only stand for election after they have completed an orientation program about the College's mandate and expectations pertaining to the member's role and responsibilities. Best practice and in alignment with recommendation in Professional Standards Authority report by Sir Harry Cayton: <a href="#">An Inquiry into the performance of the College of Dental Surgeons of British Columbia and</a></li> </ul>
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<p>A member is eligible for election to Council in Electoral District 7 if on the closing date of nominations the member has not accepted nomination in any other electoral district and anytime up to and including the date of the election:</p> <ul style="list-style-type: none"> <li>i. the member is a full-time member of faculty or department in an Ontario university degree program in Kinesiology;</li> <li>ii. the member is eligible to vote in the electoral district in which the member is nominated;</li> <li>iii. the member is not the subject of any disciplinary or incapacity proceedings;</li> <li>iv. no findings of professional misconduct, incompetence or incapacity has been made against the member in the preceding three years;</li> <li>v. the member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practise Committee or the Quality Assurance Committee;</li> </ul>	<p>A member is eligible for election to Council in Electoral District 7 if on the closing date of nominations the member has not accepted nomination in any other electoral district and anytime up to and including the date of the election:</p> <ul style="list-style-type: none"> <li>i. the member is a full-time member of faculty or department in an Ontario university degree program in Kinesiology;</li> <li>ii. the member is eligible to vote in the electoral district in which the member is nominated;</li> <li>iii. the member is not the subject of any disciplinary or incapacity proceedings <b>of the College or any other regulatory body;</b></li> <li>iv. <b>the member has not been the subject of a finding of</b> <del>no findings of</del> professional misconduct, incompetence or incapacity <del>has been made against the member in</del> the preceding three years <b>at the College or any other regulatory body;</b></li> <li>v. the member is not subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practise Committee or the Quality Assurance Committee <b>of the College or any other regulatory body;</b></li> <li>vi. the member has not been an employee, officer or director of any professional association or certifying body in the health care and health related fields for <del>one</del></li> </ul>	<p><a href="#">the Health Professions Act, December 2018</a></p> <ul style="list-style-type: none"> <li>iii. expanded definition for clarity and to include regulatory history with other professions and/or jurisdictions</li> <li>iv. consistent language, for clarity and expanded to include regulatory history with other professions and/or jurisdictions</li> <li>v. expanded provision for consistency to include regulatory history with other professions and/or jurisdictions</li> <li>vi. expanded cooling off period to three years. (best practice and in alignment with recommendation in Professional Standards Authority report by Sir Harry Cayton: <a href="#">An Inquiry into the performance of the College</a></li> </ul>
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<p>vi. the member is not an employee, officer or director of any professional kinesiology association, or any association where the majority number of members provide kinesiology services, such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the Ontario Kinesiology Association;</p> <p>vii. the member has not been disqualified from the Council or a committee of the Council in the previous three (3) years;</p> <p>viii. the member is not a member of the Council or of a committee of the College of any other health profession; and</p> <p>ix. the member has not been a member of the staff of the College at any time within the preceding three (3) years.</p>	<p><del>three</del> years prior to the date of nomination for the Council of the College of Kinesiologists of Ontario, such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the Ontario Kinesiology Association. <del>In the first year of elections following the date of proclamation, the time lapse required before accepting nomination shall be six months prior to the closing date of nominations;</del></p> <p>vii. the member has not been disqualified from the Council or a committee of the <del>Council</del> College in the previous three (3) years;</p> <p>viii. the member is not a member of the Council or of a committee of the College of any other health profession; <del>and</del></p> <p>ix. the member has not been a member of the staff of the College at any time within the preceding three (3) years;</p> <p>x. the member is not holding a responsible position with any organization/group whose mandate or interests conflict with the College;</p> <p>xi. the member is not a consultant to third party provider engaged by the College;</p> <p>xii. the member has not resigned from Council within the previous three years other than for health or personal reasons acceptable to Council;</p>	<p><a href="#"><u>of Dental Surgeons of British Columbia and the Health Professions Act, December 2018</u></a></p> <p>The College was proclaimed in 2013 and therefore “year following the date of proclamation” is no longer relevant and is not needed.</p> <p>vii. consistent with viii.</p> <p>x, xi – expand examples of conflicts of interest</p> <p>xii. permits resignations for reasonable extenuating circumstances determined to</p>
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	<p>xiii. the member is not in default of payment of any fees, fines, costs, or other amounts owed to the College;</p> <p>xiv. the member is not in default of completing and submitting any required form or information to the College;</p> <p>xv. the member does not have a criminal finding of guilt;</p> <p>xvi. the member does not and has not been the subject of a charge that is relevant to the registrant's ability to practise the profession; and</p> <p>xvii. before the nomination deadline, the member has successfully completed any qualification process established by the Council.</p>	<p>be acceptable by Council (e.g., parental leave, moving out of province, etc.).</p> <p>xiii.- xvi. common health regulatory by-law provision, and consistent with by-law 10.29 Grounds for Disqualification</p> <p>xvii. New Ontario Ministry of Health requirement that registrants may only stand for election after they have completed an orientation program about the College's mandate and expectations pertaining to the member's role and responsibilities. In line with Harry Cayton's recommendation to implement an Induction Program.</p>
<p><b>10.10 Supervision of Nominations</b></p> <p>The Registrar shall supervise the nomination of candidates.</p>	No change.	N/A
<p><b>10.11 Notice of Nominations</b></p> <p>No later than 60 days before the date of an election, the Registrar shall notify every member eligible to vote of the date, time and electoral district of the election and of the nomination procedure.</p>	No change.	N/A
<b>10.12 Timing of Nomination</b>	No change.	N/A

<p>The nomination of a candidate for election as a member of Council shall be in writing and shall be given to the Registrar at least 45 days before the date of the election (the nomination deadline).</p>		
<p><b>10.13 Nominations</b></p> <p>The nomination shall be signed by the candidate and by at least two (2) members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.</p> <p>Electronic signatures will be permissible through the online voting process.</p> <p>A nomination for election from Electoral District 7 shall be signed by the candidate and by at least three (3) members who support the nomination and who are eligible to vote in Electoral District 7.</p> <p>At the close of the nomination period, if no candidates eligible to be nominated in an electoral district have been nominated, the Registrar shall establish a new election schedule, including, where necessary, a new date for the election. The timeframes outlined in By-laws 10.11 and 10.12 do not apply where the Registrar is acting under this By-law.</p> <p>The nominations for that election shall be re-opened for a minimum of fifteen days or</p>	<p><b>10.13 Nominations</b></p> <p>The nomination shall be signed by the candidate <del>and by at least two (2) members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.</del></p> <p>Electronic signatures will be permissible through the online voting process.</p> <p>A nomination for election from Electoral District 7 shall be signed by the candidate <del>and by at least three (3) members who support the nomination and who are eligible to vote in Electoral District 7.</del></p> <p>At the close of the nomination period, if no candidates eligible to be nominated in an electoral district have been nominated, the Registrar shall establish a new election schedule, including, where necessary, a new date for the election. The timeframes outlined in By-laws 10.11 and 10.12 do not apply where the Registrar is acting under this By-law.</p> <p>The nominations for that election shall be re-opened for a minimum of fifteen days or such greater number of days as determined by the Registrar.</p>	<p>Requirement for two signatures presents a barrier to running for election, particularly for registrants in remote communities. Requirement also sends message that electoral district is a political constituency, and that registrants are accountable to registrants in their district rather than the public, which undermines the public protection mandate.</p> <p>Requirement for three signatures presents a barrier to running for election, particularly for registrants in remote communities. Requirement also sends message that electoral district is a political constituency, and that registrants are accountable to registrants in their district rather than the public, which undermines the public protection mandate.</p>

<p>such greater number of days as determined by the Registrar.</p> <p>The new election schedule may permit two additional calls for nomination prior to the seat of the member on Council being declared vacant.</p> <p>The Registrar shall notify in writing each member in the electoral district in which there is an election, of the date of the election and the deadline for returning nominations.</p>	<p>The new election schedule may permit two additional calls for nomination prior to the seat of the member on Council being declared vacant.</p> <p>The Registrar shall notify in writing each member in the electoral district in which there is an election, of the date of the election and the deadline for returning nominations.</p>	
<p><b>10.14 Candidate's Biography</b></p> <p>The candidate shall provide to the Registrar by the nomination deadline or such later date as the Registrar permits, biographical information in a manner acceptable to the Registrar for the purpose of distribution to eligible members in accordance with the by-laws.</p>	<p>No change.</p>	<p>N/A</p>
<p><b>10.15 Withdrawal of Nomination</b></p> <p>Except in the case of extenuating circumstances, a candidate cannot withdraw his or her nomination 30 days before the date of the election.</p>	<p>No change.</p>	<p>N/A</p>
<p><b>10.16 Acclamation</b></p> <p>If the number of candidates nominated for an electoral district is less than or equal to</p>	<p>No change.</p>	<p>N/A</p>

the number of members to be elected in that electoral district, the Registrar shall declare those candidates to be elected by acclamation.		
<p><b>10.17 Administering Elections</b></p> <p>The Registrar shall supervise and administer the election of candidates and, for the purpose of carrying out that duty, the Registrar may, subject to the by-laws:</p> <ul style="list-style-type: none"> <li>i. appoint returning officers and scrutineers;</li> <li>ii. establish a deadline for the receiving of votes;</li> <li>iii. provide for the notification of all candidates and members of the results of the election;</li> <li>iv. if there has been a non-compliance with a nomination or election requirement, determine whether the non-compliance should be waived in circumstances where the fairness of the election will not be affected; and</li> <li>v. provide for the destruction of ballots following an election.</li> </ul>	No change.	N/A
<p><b>10.18 Notice of Election</b></p> <p>No later than 21 days before the date of an election, the Registrar shall send to every member eligible to vote in an electoral district in which an election is to take place, a list of the candidates, the candidates'</p>	No change.	N/A

biographical information if provided and an explanation of the voting procedure.		
<b>10.19 Electronic Voting</b>  Voting for elections of members to Council shall be by electronic ballot through the College's website.	No change.	N/A
<b>10.20 Voting Procedures</b>  The Registrar shall ensure that the electronic voting system used: <ul style="list-style-type: none"> <li>i. Rejects all but one of the ballots of a voter who submits or permits the submission of more than one ballot;</li> <li>ii. Prevents someone who is not the member voting on the member's behalf, and</li> <li>iii. Prevents the identification of voters.</li> </ul>	No change.	N/A
<b>10.21 Number of Votes</b>  A member may cast as many votes on a ballot in an election of members to the Council as there are members to be elected to Council from the electoral district in which the member is eligible to vote. A member shall not cast more than one vote for any one candidate.	No change.	N/A
<b>10.22 Tallying Ballots</b>  On the date of the election, the Registrar shall certify the final vote count if he or she	No change	N/A

is satisfied that the election system accurately counted the votes submitted in accordance with the by-laws.		
<b>10.23 Presence of Candidates</b>  Candidates or their representatives may be present when the Registrar reviews and certifies the final vote count.	No change	N/A
<b>10.24 Tied Vote</b>  If there is a tie in an election of members to the Council, the Registrar shall break the tie by lot.	No change	N/A
<b>10.25 Request for a Recount</b>  A candidate may require a recount by making a written request and depositing the sum of \$150 with the Registrar no more than 15 days after the date of an election.	No change	N/A
<b>10.26 Recount</b>  The Registrar shall hold a recount no more than 10 days after receiving the request by reviewing the safeguards of the website voting system.	No change	N/A
<b>10.27 Results of Recount</b>  If the recount changes the election result, the full amount of the deposit shall be refunded to the candidate. If the recount does not change the election result, the College will keep the deposit to partially offset recount costs, including staff time.	No change	N/A
<b>10.28 Postal Disruption</b>	No change.	N/A



<p>If a material component of the election employs the use of Canada's postal system and if there is an interruption of mail service during a nomination or election, the Registrar shall extend the holding of nominations and election for such minimum period of time as the Registrar considers necessary to compensate for the interruption.</p>		
<p><b>10.29 Grounds for Disqualification</b></p> <p>The Council shall disqualify an elected or selected member from sitting on Council if the elected or selected member:</p> <ul style="list-style-type: none"> <li>i. is subject of any disciplinary or incapacity proceeding;</li> <li>ii. is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;</li> <li>iii. is found to be an incapacitated member by a panel of the Fitness to Practise Committee;</li> <li>iv. fails to attend two consecutive meetings of the Council or of a committee in which he or she is a member, without reasonable cause in the opinion of Council;</li> <li>v. fails to attend a hearing or review of a panel for which the member has been selected, without reasonable cause in the opinion of Council;</li> <li>vi. ceases to either have a primary practice of Kinesiology or primary residence in the electoral district in which the member was elected;</li> </ul>	<p><b>10.29 Grounds for Disqualification</b></p> <p>The Council shall disqualify an elected or selected member from sitting on Council if the elected or selected member:</p> <ul style="list-style-type: none"> <li>i. is subject of any disciplinary or incapacity proceeding <b>of the College or any other regulatory body</b>;</li> <li>ii. is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee <b>of the College or any other regulatory body</b>;</li> <li>iii. is found to be an incapacitated member by a panel of the Fitness to Practise Committee <b>of the College or any other regulatory body</b>;</li> <li>iv. fails to attend two consecutive meetings of the Council or of a committee in which he or she is a member, without reasonable cause in the opinion of Council;</li> <li>v. fails to attend a hearing or review of a panel for which the member has been selected, without reasonable cause in the opinion of Council;</li> </ul>	<p>i, ii, iii, - language consistent with 10.09</p>

<p>vii. becomes an employee, officer or director of any professional kinesiology association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the Ontario Kinesiology Association;</p> <p>viii. becomes a member of the Council of or a committee of the College of any other health profession;</p> <p>ix. breaches the conflict of interest provision(s) for members of Council and committees, in the opinion of the Council, after being given notice of the concern and an opportunity to respond to the concern;</p> <p>x. fails to discharge properly or honestly any office to which the member has been elected or selected, in the opinion of the Council, after being given notice of the concern and an opportunity to respond;</p> <p>xi. becomes in default of payment of any fees prescribed by by-law or any fine or order for costs imposed by the College or court of law;</p> <p>xii. becomes in default of providing any information required by the College;</p> <p>xiii. ceases to hold a certificate of registration; or</p> <p>xiv. is found guilty of a criminal offence which, in the opinion of Council, is of such a nature that warrants disqualification.</p>	<p>vi. ceases to either have a primary practice of Kinesiology or primary residence in the electoral district in which the member was elected;</p> <p>vii. becomes an employee, officer or director of any professional kinesiology association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the Ontario Kinesiology Association;</p> <p>viii. becomes a member of the Council of or a committee of the College of any other health profession;</p> <p>ix. breaches the conflict of interest provision(s) for members of Council and committees, in the opinion of the Council, after being given notice of the concern and an opportunity to respond to the concern;</p> <p>x. fails to discharge properly or honestly any office to which the member has been elected or selected, in the opinion of the Council, after being given notice of the concern and an opportunity to respond;</p> <p>xi. <del>becomes in default of</del> payment of any fees <del>prescribed by by-law or any, fines, or order for costs,</del> <b>or other amounts owed to</b> imposed by the College or court of law;</p> <p>xii. <del>becomes in default of providing in</del> <b>submitting any required form or</b></p>	<p>xi, xii, xiv, and xv, language consistent with 10.09</p>
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	<p>information <del>required by</del> to the College;</p> <p>xiii. ceases to hold a certificate of registration; or</p> <p>xiv. is found guilty of a criminal <del>or other</del> offence which, in the opinion of Council, <del>is considered relevant to the member's ability to practise the profession and</del> is of such a nature that warrants disqualification;</p> <p>xv. <del>is charged with a criminal or other offense which, in the opinion of Council, is considered relevant to the member's ability to practise the profession and is of such a nature that warrants disqualification;</del></p> <p>xvi. <del>is subject to any order, direction, or term, condition and limitation of the Discipline Committee, the Fitness to Practise Committee or the Quality Assurance Committee of the College or any other regulatory body;</del></p> <p>xvii. <del>becomes a member of the staff of the College;</del></p> <p>xviii. <del>is holding a responsible position with any organization/group whose mandate or interests conflict with the College;</del></p> <p>xix. <del>is a consultant to third party providers engaged by the College; or</del></p> <p>xx. <del>resigns from Council other than for health or personal reasons acceptable to Council.</del></p>	<p>xxi. Council must acknowledge member's intent to leave position.</p> <p>xv – xix - provisions consistent with 10.09</p>
10.30 Applying for a Staff Position	No change.	N/A

A Council member shall resign from Council prior to applying for any College staff position.		
<p><b>10.31 Vacancies</b></p> <p>In this section, elected members include any Council members appointed under By-laws 10.32(ii), 10.32(iii), 10.33(i), or 10.33(ii)</p> <p>The President shall declare the office of the member on the Council to be vacant if:</p> <ul style="list-style-type: none"> <li>i. an elected member of the Council dies, resigns or is disqualified from sitting on the Council; or</li> <li>ii. during an election for Council, no candidates eligible for nomination in an electoral district have been nominated after two additional calls for nominations.</li> </ul> <p>Any members appointed or elected to the Council to fill a vacancy will be deemed to serve the balance of the former elected member's term.</p>	No change	N/A
<p><b>10.32 Short Term Vacancy</b></p> <p>If the seat of an elected Council member becomes vacant in an electoral district no more than 12 months before the expiry of the member's term of office, the Council shall:</p> <ul style="list-style-type: none"> <li>i. leave a seat vacant; or</li> </ul>	No change	N/A

<p>ii. appoint as an elected member the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of Council members for that electoral district or if that candidate is not willing to accept the appointment, the eligible candidate with the next highest number of votes; or</p> <p>iii. if there are no candidates pursuant to 10.32(ii), appoint a successor from among the members of the College who would be eligible for election if an election were held.</p>		
<p><b>10.33 Long Term Vacancy</b></p> <p>If the seat of an elected Council member becomes vacant in an electoral district more than 12 months before the expiry of the member's term of office, the Council shall:</p> <p>i. appoint as a councillor the eligible candidate, if any, who had the most votes of the unsuccessful candidates in the last election for that electoral district or if that candidate is not willing to accept the appointment, the eligible candidate with the next highest number of votes; or</p> <p>ii. in the case of a vacancy declared pursuant to By-law 10.31 (ii), appoint a successor from among the members of the College who would be eligible for election if an election were held; or</p>	<p>No change.</p>	<p>N/A</p>

<p>iii. if there is no eligible candidate under 10.33(i) direct the holding of a by-election for that electoral district which shall be held in a manner consistent with the elections held under this By-law.</p>		
<p><b>10.34 Elections to fill Vacancy</b></p> <p>Where an election is required under By-law 10.13 or 10.33 (iii) (because there is no eligible candidate who could be appointed pursuant to 10.33(i)), the Council shall be deemed to have directed the holding of a by-election thereby allowing the Registrar to set a date for the by-election without a resolution of the Council.</p>	No change.	N/A
<p><b>10.35 Remainder of Term</b></p> <p>The term of a member appointed under By-law 10.32(b) or elected in an election under article 10.32(c) shall continue until the time the former council member's term would have expired.</p>	No change.	N/A
<p><b>10.36 Inquiry into Disputed Election</b></p> <p>If, within 90 days from the date of the election, the Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election of any member of Council, the Council shall hold an inquiry and decide whether the election of the member is valid and, if an election is found to be invalid, the Council shall direct another election to be held.</p>	No change.	N/A