**September Council Meeting Minutes**

**Date/Time of Meeting:** Monday, September 27 /10:07a.m – 2:42p.m.

**Council present:** Jennifer Pereira, Chair; Chad McCleave; Teresa Bendo; Mary Pat Moore; Corby Anderson; Benjamin Phalavong; Victoria Nicholson; Leslee Brown; Graydon Raymer; Candace Glowa; Ryan Wight; Elwin Lau; Susan Garfat; Marie Cousineau; Sara Gottlieb, Ben Matthie, Bradley Markis

**Staff Members:** Nancy Leris, Registrar; Lara Thacker; Keisha Simpson; Colleen Foster

**Consultants:** Christine Forsyth, Daniel Roukema

**Guests/Observers:** Don Gracey, GC Management & Communications Inc.

 Melanie Levac, Executive Director, CATA

 Tyler Quennell, President, CATA

**Others** (Christie Misketis).

1. **Call to Order/Introductions**

Jennifer Pereira welcomed Council and called the meeting to order at 10:07a.m.

As the notice of the meeting had been duly given in accordance with the By-Laws of the College of Kinesiologists of Ontario and a quorum was present, the meeting was duly constituted for the transaction of business.

**2. Introductions**

Jennifer Pereira congratulated re-elected and appointed Council Members after which attendees introduced each other.

Jennifer Pereira also recognized Thursday, September 30 as National Truth and Reconciliation Day.

All Council members introduced themselves.

**3. Conflict of Interest Declarations**

Jennifer Pereira asked whether any Council members present wished to declare a conflict of interest.

 Conflicts of interest were declared pursuant to Agenda item 14, “Issue Note: Specialty Committee” by Susan Garfat and Corby Anderson by virtue of membership with the OATA. Elwin Lau disclosed a potential Conflict of Interest on the same Agenda item.

**4. Approval of Agenda**

*UPON A MOTION duly made by Mary Pat Moore and Seconded by Graydon Raymer, it was resolved that the agenda be approved.* **Carried**.

**5. Approval of Minutes**

*UPON A MOTION duly made by Victoria Nicholson and seconded by Leslee Brown it was resolved that the June 29, 2021 minutes be approved as amended*. **Carried.**

**6. Action Items from the June 28 Meeting**

* Staff to define the word “group” or “defined group” in a Conflict-of-Interest Policy in relation to the proposed by-law 10 amendments pertaining to Council eligibility requirements - COMPLETED
* College staff to circulate proposed by-law 10 amendments externally for consultation and present final amendments and consultation report to Council for review and approval at September 2021 meeting - COMPLETED
* College staff to draft proposed by-law 13 amendments based on today’s discussion and present to Council for review and approval for external consultation at September 2021 Council meeting - COMPLETED
* Risk management plan to define timeline in documentation (i.e., annual review or more than once per year, to bring back at the September Council meeting) – COMPLETED
* College staff to refine risk management plan and present proposed amendments to numbers assigned in risk matrix to Council at its September 2021 meeting; COMPLETED
* Business Continuity and Disaster Recovery Plan for 2021-2022 to be amended and revised, brought back to Council during September 2021 meeting; COMPLETED
* Revised QA Program policies to be posted to College website – COMPLETED
* College staff to post a summary of the Council evaluation survey on the College website. COMPLETED

Nancy Leris confirmed that all noted action items have been completed.

**7. Committee Reports**

Reports were provided in the Council package highlighting committee meetings, activities, changes, and discussions that took place since the June Council meeting. The fourth quarter financial report and dashboard were also included.

*UPON A MOTION duly made by Teresa Bendo and seconded by Graydon Raymer, it was resolved that the Committee Reports be approved.* **Carried.**

**8. Registrar’s Report**

Nancy Leris’s report consisted of the following items:

**HPRO Working Group on Anti-BIPOC Racism Project**

The (Health Professions Regulators of Ontario) Working Group on Anti-BIPOC Racism project has established its mandate. As part of the Working Group’s **engagement efforts**, information will be sought from organization stakeholders to understand how racism and bias manifest through health professions regulation, how racism and bias are enabled or mitigated through regulatory processes, and to identify mechanisms to address racism and bias to improve equity and justice.

A survey open to healthcare professional was conducted and a project consultant, Dr. Javeed Sukkhera will use an environmental scan and conduct a literature search, in addition to the survey to make recommendations for action.

**Results of the Council Election 2021**

In District 4, Jennifer Pereira was acclaimed. One by-election in District 4 in July and two candidates competed for the election. Corby Anderson was appointed and attended orientation prior to his first council meeting.

In District 5, 2 candidates competed, and Ryan Wight was reappointed.

In District 6, Ben Phalavong was acclaimed.

**Selection of New Committee Slate**

A call went out to all Council members and members of the College for expressions of interest in serving on statutory and non-statutory Committees. A new slate for 2021/22 was developed and reviewed by the Executive Committee and brought forward to Council for approval.

Executive Committee met to discuss and make a recommendation to Council on the new slate. Committee considered members who have experience in serving as chairs and will be retiring from Council to act as mentors to new chairs. Selection on Committee was based on the by-laws and policy for selecting members. Members who have served for more than 2 years as Committee chairs would be selected as mentors to the new chairs on the proposed slate. As a result of turnover of Council and staff, some chairs were allowed to serve for another year to ensure that there is continuity to ongoing matters. The executive committee also reviewed a draft mentorship program which was in the package for consideration. This is a pilot program and can be adapted throughout implementation.

**Operations**

The Registrar noted that due to ongoing COVID-19 restrictions, staff continue to work from home. The College is examining options for establishing a gradual return-to-office or a hybrid solution.

The Registrar further noted that the College is recruiting a Director, Operations and Financial Services, and an Executive Assistant. The hiring process for a new communications Officer and Professional Practice Advisor will commence soon.

Lara Thacker, Director, Quality Assurance has been seconded on a part-time basis to the Royal College of Dental Surgeons of Ontario. Peer and practice assessments will continue to be overseen by Ms. Thacker, supported by a part-time staff person. Christine Forsyth will support governance reform, and Daniel Roukema is providing communications support while the College seeks to fill the role.

The Registrar has been examining opportunities to realign and streamline various areas of management and administrative responsibilities to reflect the changing emphases in regulatory governance and regulatory practice.

**Ministry of Health – Spousal Exception**

The College recently received a communication from the Ministry of Health following up its November 2020 public Notice regarding Regulation 401.2 of the Kinesiology Act regarding a Spousal Exception. The Regulation has been sealed and forwarded for the Registrar’s signature.

Background: The sexual abuse provisions of the Regulated Health Professions Act – the governing legislation for all health profession regulatory bodies - make it an offence for the members of the regulated health professions to treat their spouses and not be subject to the sexual abuse wording in the RHPA. The penalty for a proven case was, and still is, revocation of the member’s registration. Concerns were expressed that there were circumstances in which treating a spouse (and concerns about who might be included in the category of spouse) would not necessarily expose the spouse being treated to harm.

As a result, in 2013 the RHPA was changed to allow a spousal exception option, if a college wished to do so. The addition to the law in 2013, said that the change would be made in the College’s General Regulation.

Five years later, in December 2020, the Government posted the requested change to three College regulations, including CKO, Chiropractors and Denturists on the Ontario Regulatory Registry.

Not all colleges took the opportunity to seek a change to their General Regulation to give a spousal exception to the sexual abuse provisions.

**Mandatory Vaccination**

HPRO Colleges are currently discussing mandatory vaccination requirements of regulators, in person Council meetings and plans to return to the office.

**iMIS Performance Improvement Advisory Service (PIAS)**

A change in service providers during implementation increased the staff’s administrative burden. Staff is working to improve efficiencies using iMIS.

There is an iMIS Performance Improvement Advisory Service (IAS) which provides clients with ongoing analysis and advice on the operational effectiveness and overall use of their iMIS system. The College will be engaging the services of the IMIS PIAS in the fall.

**Inactive Class policy**

The Registration Committee has requested that the Finance and Planning Committee provide comments on the possible impact on the College finances if registrants who are not working for any reason became eligible for the Inactive class. Data was provided to the Committee to assess the impact on the College Finances.

The Registration Committee is considering amendments to the inactive class policy to ensure that the policy addresses the limitation for staff to assess whether certain registrants qualify for the Inactive Class and to address the inconsistencies in the review process and the increase in registrants resigning because they do not meet the requirements.

The Committee has decided, based on the financial risk factors and the potential impact on the College finances, that they will continue to monitor the last renewal and will be provided with regular up to date information on resignations and movement of members in the inactive class in the coming months prior to deciding on the matter. The Registration Committee is in the preliminary stages of reviewing this policy and is not ready to make a recommendation to Council.

**9. President’s Report**

Jennifer Pereira provided the following update:

In the past quarter, the president attended the new Council orientation session. She also had the opportunity to participate in the HPRO focus group addressing discrimination, unconscious bias, systemic racism which was led by Dr. Javeed Sukkhera on July 22, 2021.

The president thanks Council members who provided feedback on the post-mortem on Council effectiveness and opportunities for handling concerns.

**10. Risk Management Plan/Disaster Recovery/Business Continuity**

**Risk Management**

Nancy Leris provided an overview of the College’s review of the Risk Management Process and Review Cycle and outlined amendments made to the Risk Management Plan.

Nancy Leris also stated that the risk management plan will be reviewed by staff twice annually, and when required, reviewed, and updated.

**Business Continuity**

The College has established a framework to ensure that essential business functions can continue in the event of a declared emergency. It ensures staff, Council, Committees and registrants are informed, and manages and reduces the disruption of services (to an acceptable level)

**Disaster Recovery**

The Registrar stated that Disaster Recovery is part of Business Continuity Plan. It provides framework describing operational capabilities (Stage 2 – Implementation)

Its primary goal is to allow the College to fulfill mandate of public protection and provide services.

*UPON A MOTION duly made by Ryan Wight and seconded by Elwin Lau, it was resolved that the plan be accepted as approved.* **Carried.**

**11. By-Law 10 Consultation Results**

Lara Thacker, Director, Quality Assurance, summarized June’s Council meeting. She

proposed amendments to By-Law 10 to read as follows:

* *the member has not been in a leadership position, including but not limited to being an employee, officer or director of any professional association or certifying body related to the profession for three years 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.*
* *the member is not holding a responsible position with any organization/group whose mandate or interests conflict with the College;*
* *the member is not the subject of a charge that is relevant to the registrant’s ability to practise the profession; and*
* *before the nomination deadline, the member has successfully completed any qualification process established by the Council.*
* *the nomination shall be signed by the candidate.*

Lara Thacker also summarized the consultation feedback that was received.

*UPON A MOTION duly made by Susan Garfat and seconded by Teresa Bendo, it was*

*resolved that the consultation results on By-Law 10 be accepted.* **Carried.**

**12. By-Law 13 Amendments**

Lara Thacker summarized June’s Council meeting. She proposed amendments to By-Law 13 to read as follows:

Eligibility for appointment:

* *As soon as possible after the annual election of the President, the Vice-President and the Executive Committee, the Governance and Nominations Committee shall present a slate of recommended chairs and members of each committee to the Council, based on the College’s governance policies as approved by Council.*
* *If any vacancies occur in the chair or membership of any committee, the Executive Governance Committee shall recommend a member to serve as a replacement. The Council shall appoint a replacement chair.*
* *the member is not holding a responsible position with any organization/group whose mandate or interests conflict with the College*
* *before the appointment, the member has successfully completed any qualification process established by the Council*

Following a discussion, Council agreed to accept amendments as presented and keep the committee term to three years as opposed to five.

*UPON A MOTION duly made by Ben Matthie and seconded by Elwin Lau, it was resolved that the amendments on By-Law 13 be accepted as amended for external consultation.* **Carried.**

**13. Governance and Nomination Committee Terms of Reference**

Lara Thacker, Director, Quality Assurance, presented the purpose and responsibilities of the Governance and Nominating Committee.

She also outlined it purpose and responsibilities, membership composition, and selection of committee members.

Council requested that language pertaining to performance evaluation of Council and committees be amended to clarify that the Governance and Nominations Committee would be overseeing the administration of the evaluation process, rather than actually evaluating Council and committees and members.

*UPON A MOTION duly made by Victoria Nicholson and seconded by Marie Cousineau, it was resolved that the Terms of Reference of the Governance and Nominating Committee be accepted as amended.* **Carried.**

**14. Issue Note: Speciality Committee**

As members of OATA, Sue Garfat and Corby Anderson declared a conflict of interest. Elwin Lau noted possible conflict of interest and all three Council Members recused themselves from the meeting for this Agenda item.

Rebecca Durcan provided legal counsel on the matter.

Mary Pat Moore summarized a report to Council on a three-year study to establish a specialty designation for R.Kins who are also Athletic Therapists.

After thorough review, Mary Pat Moore announced that the Specialties Committee does not recommend to Council a specialty designation for Registered Kinesiologists who are also certified Athletic Therapists (ATs).

The Specialties Committee has reviewed all submissions from stake holders including the

Ontario Athletic Therapy Association (OATA) and the Canadian Athletic Therapy Association

(CATA), with respect to Risk of Harm and a Specialty Framework. The committee concluded

that the College’s mandate of public protection is not furthered meaningfully with the

addition of a specialty designation for ATs. Further, several significant barriers were

identified by the committee that prevent implementation of a specialty designation,

including:

* the absence of an independent national accreditation body
* some ATs do not meet the requirements for the College’s general registration and

therefore, do not have a path to a specialty designation

* there may be public confusion with the concepts of certification, regulation, and

specialization

* there will be increased costs to some registrants to maintain a specialty designation

The Specialties Committee acknowledges that these barriers are possible to overcome with

time however, the committee maintains that it does not recommend a specialty designation

even if these identified barriers are adequately addressed in the future.

May Pat Moore also presented the Pros and Cons:

Pros:

* Increased ability for members of the public to search the public register for R.Kins who are also Ats
* Possible increase in revenue for the College with the collection of increased fees for R.Kins who are also Ats
* Increased engagement with a portion of the registrant base
* Possible increased opportunity for regulation of a sub-set of Kinesiologists who may have a higher rate of interaction with vulnerable sector (i.e. children in sports)

Cons:

* There is no national association/authority or accrediting body for Kinesiology or Kinesiology programs. The Committee is of the opinion, support by legal advice, that an association such as CATA can not act as an accrediting body. There does not appear to be a third party organization to do this work.
* Public confusion – who does the public contact with respect to complaints for ATs not registered with CKO
* Will the public be able to decipher and distinguish between the concept of specialization and certification
* A proportion of ATs are registered with another regulatory body and/or are not eligible for CKO registration
* Costs for registrants to uphold specialty designation

In making this recommendation, the Specialty Committee has thoroughly reviewed the submissions by the OATA with respect to risk of harm, and the extensive educational review of the CATA- accredited athletic therapy degree programs at Sheridan College and York University. The Committee has compared the requirements of other regulatory colleges which permit specialty classes and has considered the administrative requirements for managing specialty requirements. Finally, the Committee has been advised by legal counsel that if a CATA Certified Athletic Therapist cannot meet the general entry-to-practise requirements for the College of Kinesiologists of Ontario, then there is a legal barrier to creating a specialty designation. The Specialty Committee has therefore concluded that it is not feasible to submit a request to the Ministry of Health for a regulatory amendment for a specialty class for Athletic Therapists within the College of Kinesiologists of Ontario.

*UPON A MOTION duly made by Ben Matthie and seconded by Victoria Nichols, it was resolved that the Council of the College of Kinesiologists of Ontario approves Report and Decision of the Specialty Committee*. **Carried.**

**15. Conflict of Interest: Policy and By-law Amendments**

Lara Thacker presented on Council and Committee Member and Volunteers Conflict of Interest Policy.

The Policy:

1. Defines conflict of interest as it pertains to Council and committee members and volunteers;
2. Outlines the process and procedures for avoiding and, where not possible, managing conflict of interest in accordance with the By-Laws and Policy; and
3. Outlines the consequences for failing to comply with the By-Laws and the Policy.

*UPON A MOTION duly made motion by Susan Garfat and seconded by Elwin Law, it was resolved that the Council of the College of Kinesiologists of Ontario approves the Conflict of Interest policy as presented, and approves the proposed amendments to By-law 16 as presented for external consultation.* **Carried.**

**16. Election of Executive Committee**

*UPON A MOTION duly made motion by Mary Pat Moore and seconded by Teresa Bendo, it was resolved that* that the Registrar be appointed as the Elections Officer and assume the chair for this portion of the meeting for this purpose. **Carried.**

The Registrar presided over the election of the College’s Executive Committee:

* Jennifer Pereira has acclaimed President
* Mary Pat Moore was acclaimed Vice President
* Additional members acclaimed to the Executive Committee are Victoria Nicholson, Ben Matthie, and Susan Garfat.

*UPON A MOTION duly made motion by Susan Garfat and seconded by Elwin Law, it was resolved that the Council of the College of Kinesiologists of Ontario approves the Conflict-of-Interest policy and the By-law 16 amendments as presented.* **Carried.**

**17. Approval of Committee Membership**

Jennifer Pereira noted that the Executive Committee met to consider committee composition for 2021/2022. All Council members were asked for their committee preferences. The College also invited the general membership to submit their interest to sit as members-at-large on committees. The Executive Committee has done a good job of balancing needs, preferences and opportunities for learning.

A proposed slate for each of the Committees and proposed chairs, has been provided to Council. Executive Committee considered Council members’ preferences, applications received from the general membership, the workloads of each committee and geographic factors, to form the proposed slate.

*UPON A MOTION duly made motion by Graydon Raymer and seconded by Corby Anderson,* it was resolved that the Council of the College of Kinesiologists of Ontario approve the proposed committee slates, excluding the Specialty Committees. **Carried.**

**18. Succession Planning and Mentorship Program**

Nancy Leris presented on the establishment of a succession planning mentoring program, stating the importance of duty of care within the Council. The purpose of this pilot project is to provide support to new council members build skills as Council members with intent to teach and share resources, and better grasp and champion processes and procedures.

*UPON A MOTION duly made motion by Victoria Nicholson and seconded by Marie Cousineau,* it was resolved that the Council of the College of Kinesiologists of Ontario approve the succession planning mentorship program as presented. **Carried.**

**19. Review of Action Items**

* College staff to circulate proposed By-Law 13 amendments for external consultation, and present final amendments at December 2021 Council meeting
* College staff to circulate proposed By-Law 16 amendments for external consultation, and present final amendments at December 2021 Council meeting
* College staff to amend Governance and Nominations Committee Terms of Reference, and present final amendments to Executive Committee for approval.

**20. Adjournment**

At 2:42 p.m., Sara Gottlieb moved to terminate the meeting.