

**College of
Nurses
of Ontario**

By-Laws

Approved by Council March 2000
Amended through September 2009



COLLEGE OF NURSES
OF ONTARIO

ORDRE DES INFIRMIÈRES
ET INFIRMIERS DE L'ONTARIO

THE STANDARD OF CARE.

**College of Nurses of Ontario
By-Laws**

Table of Contents

| | Page |
|--|----------|
| BY-LAW NO. 1: GENERAL..... | 1 |
| 1. Definitions | 1 |
| Part 1: General | 4 |
| 2. By-Laws..... | 4 |
| 3. Seal | 4 |
| 4. Head Office..... | 4 |
| 5. Quorum..... | 4 |
| 6. Fiscal Year | 5 |
| 7. Meetings of Council | 5 |
| 8. Officers | 8 |
| 9. Election of President and Vice-Presidents | 8 |
| 10. Removal of President or Vice-President..... | 8 |
| 11. President | 9 |
| 12. Executive Director | 10 |
| 13. Acting Executive Director | 10 |
| 14. Committees | 11 |
| 15. Statutory Committees | 11 |
| 16. Executive Committee..... | 11 |
| 17. Registration Committee | 12 |
| 18. Inquiries, Complaints and Reports Committee | 12 |
| 19. Discipline Committee | 13 |
| 20. Fitness to Practise Committee..... | 13 |
| 21. Quality Assurance Committee | 13 |
| 22. Client Relations Committee..... | 14 |
| 23. Standing Committees..... | 14 |
| 24. Election and Appointments Committee | 14 |
| 25. Revoked | 15 |
| 26. Finance Committee | 15 |
| 27. Sub-Committee on Compensation | 16 |
| 28. Practical Nurse Program Approval Committee..... | 17 |
| 29. Appointments to Committees | 18 |
| 30. Committee Chairs | 19 |
| 31. Committee Vacancies | 20 |
| 32. Committee Meetings..... | 21 |
| 33. Board of Inquiry | 22 |
| 34. Indemnity for Councillors, Officers and Others | 22 |
| 35. Insurance..... | 23 |
| 36. Banking..... | 23 |
| 37. Investments | 23 |
| 38. Expenditures | 25 |
| 39. Borrowing | 27 |
| 40. Cheques | 27 |
| 41. Contracts and Other Documents | 27 |
| 42. Certificates of Registration | 28 |
| 43. Financial Audit | 28 |
| 44. Stipends and Expenses..... | 28 |
| 44.1 Register- Original Revoked and Replaced June 4, 2009..... | 29 |

| | | |
|--|---|-----------|
| 44.2 | Information from Members-Original Revoked and Replaced June 4, 2009 | 34 |
| 44.3 | Annual Payment Card | 35 |
| Part 2: Elections and Appointments: Council and Committee Members | | 37 |
| 45. | Electoral Districts (Interpretation) | 37 |
| 46. | Electoral Districts | 37 |
| 47. | Voting Eligibility | 39 |
| 48. | Elected Councillors..... | 39 |
| 49. | Elected Committee Members..... | 40 |
| 50. | Term of Office | 41 |
| 51. | Timing of Elections | 41 |
| 52. | Eligibility for Election | 42 |
| 53. | Elections | 45 |
| 54. | Disqualification of Elected Councillors/Elected Committee Members | 49 |
| 55. | Vacancy | 55 |
| Part 3: Funding for Therapy and Counselling..... | | 57 |
| 56. | Funding for Therapy and Counselling | 57 |
| Part 4: Interpretation..... | | 59 |
| 57. | Interpretation..... | 59 |
| Schedule No. 1 to By-Law No. 1 Process for Election of Council Officers | | 60 |
| Schedule No. 2 to By-Law No. 1 Process for the Selection of Chairs | | 63 |
| Deleted March 4, 2009..... | | 63 |
| BY-LAW NO. 2: FEES | | 64 |
| BY-LAW NO. 3: CONDUCT OF COUNCILLORS AND COMMITTEE MEMBERS..... | | 70 |
| Procedural and Other Safeguards | | 79 |
| BY-LAW NO. 4: HEALTH PROFESSION CORPORATIONS..... | | 80 |
| 1. | Initial Certificate of Authorization..... | 80 |
| 2. | Revised Certificate of Authorization | 82 |
| 3. | Renewal | 83 |
| 4. | Fees..... | 84 |
| 5. | Information from Health Profession Corporations | 84 |
| 6. | Rejection of Application..... | 85 |
| 7. | Verification Certificate | 85 |
| 8. | Interpretation..... | 85 |
| 9. | Fee Payment..... | 85 |
| COLLEGE OF NURSES OF ONTARIO BY-LAWS INDEX | | 87 |

BY-LAW NO. 1: GENERAL

*Approved by Council March, 2000
and as amended through September 2009*

1. Definitions

1.01 In this by-law and in any other by-law of the College, unless otherwise defined or required by the context of the specific provision,

“**Act**” means the *Nursing Act*, 1991, Statutes of Ontario, 1991, Chapter 32, as amended from time to time;

“**appointed committee member**” means a member of the College who is not a member of the Council of the College and who is appointed to a statutory committee and includes a member appointed to fill a vacancy;
(added September 17, 2008)

“**by teleconference**” means by any electronic manner that allows all persons participating to communicate with each other simultaneously and instantaneously;

“**client**” has the same meaning as the word ‘patient’ as that word (patient) is used in the RHPA;

“**Code**” means the Health Professions Procedural Code being Schedule 2 of the *Regulated Health Professions Act (RHPA)*, as amended from time to time;

“**College**” means the College of Nurses of Ontario;

“**committee**” means a committee of the College and includes statutory, standing and ad hoc committees but does not include a Board of Inquiry appointed under the RHPA;

“**committee member**” means a member of a committee of the College;

“**councillor**” means a member of the Council of the College and includes public and elected councillors;

“**designated address**” means:

- (i) where the member works in nursing in Ontario, the location in Ontario in which the member works in nursing as designated by the member; or

- (ii) where the member does not work in nursing in Ontario, the member's principal Ontario residence;

(Amended June 4, 2009)

“elected committee member” means a member of the College who is elected not to Council but to a pool from which non-Council members are appointed to statutory committees and includes a member elected or appointed to fill a vacancy;

“elected councillor” means a member of the Council described in clause 9(1)(a) of the Act and includes a member elected or appointed to fill a vacancy;

“election of councillors” means the election which takes place in May or June of each year in accordance with the by-laws of the College and, except where the context otherwise requires, includes a by-election;

“June Council meeting” means the first regular Council meeting held after the election of councillors;

“member” means a member of the College as that term is used in the RHPA and the Act;

“Practical Nurse Program” means an education program in practical nursing in Ontario successful completion of which is a non-exemptible requirement for the issuance by the College of a general or temporary certificate of registration as an RPN;

“public councillor” means a councillor who is appointed to the Council by the Lieutenant Governor in Council;

“RHPA” means the *Regulated Health Professions Act, 1991*, Statutes of Ontario, 1991, Chapter 18, as amended from time to time and includes the Health Professions Procedural Code being Schedule 2 of the RHPA, as amended from time to time;

“RN” means a nurse registered with the College in the registered nurse class as that word (class) is used in section 8 of the Act;

“RN category” means the class of nurse containing all RNs regardless of the class of certificate which they hold;

“RPN” means a nurse registered with the College in the registered practical nurse class as that word (class) is used in section 8 of the Act;

“RPN category” means the class of nurse containing all RPNs regardless of the class of certificate which they hold;

“Regulation” means a Regulation passed pursuant to the Act or the RHPA, including any amendments made from time to time;

“Schedule” means a Schedule of a by-law of the College;

“standing committee” means a committee of the College which is not a statutory committee but which is specifically established by the by-laws of the College and stands ready to perform those duties assigned to it under the by-laws or by the Council;

“statutory committee” means a committee of the College required by or provided for under the RHPA.

Part 1: General

2. By-Laws

- 2.01** By-laws of the College may be enacted, amended or revoked by a two-thirds majority vote of the councillors present at a Council meeting duly called for the purpose of considering such enactment, amendment or revocation.
- 2.02** Notice of a motion to enact, amend or revoke a by-law shall be given to Council at least ten days prior to the meeting referred to in Article 2.01.
- 2.03** Every by-law shall be signed by the Executive Director and one of the President or Vice-Presidents and sealed.
- 2.04** Every by-law, including any amendment or revocation of a by-law, shall be maintained in a book containing all of the College's by-laws.

3. Seal

- 3.01** The seal, an impression of which is impressed in the margin, shall be the seal of the College.
- 3.02** Any person authorized to sign any document on behalf of the College which requires the College's seal may affix the seal to it.

4. Head Office

- 4.01** The head office of the College is in the City of Toronto or at such other place as the Council may determine from time to time.

5. Quorum

- 5.01** Unless specifically provided for otherwise under the Act, the RHPA or the by-laws, a majority of councillors constitutes a quorum for any meeting of Council and a majority of committee members constitutes a quorum for a meeting of a committee.

(Amended June 4, 2009)

5.02 In determining whether a quorum of Council or a committee is present, the number of members of the Council or committee shall be deemed not to be reduced as a result of any vacancy.

5.03 A committee of the College shall be considered properly constituted despite the presence of a vacancy or vacancies so long as the committee continues to have a quorum.

5.04 If, prior to the intended commencement of a Council meeting or at any time during a Council meeting, a quorum is lost, the presiding officer/chair may, notwithstanding that there is no quorum, adjourn the meeting and reconvene that meeting if, as, and when a quorum is present, so long as the meeting is reconvened on a day or days previously scheduled for that meeting of Council.

6. Fiscal Year

6.01 The fiscal year of the College shall be the calendar year, 01 January to and including 31 December.

7. Meetings of Council

7.01 Council shall have at least four regular meetings during each calendar year held, if reasonably possible, one in each of the quarters of the calendar year.

7.02 Council by resolution shall determine the date, time and place of all regular meetings, however, if Council should fail to indicate the place of the meeting, the meeting shall take place at the head office of the College.

7.03 The regular meeting of Council which takes place in the second quarter of the year shall be held after the election of councillors.

7.04 Special meetings of Council may be called by

- i) the President; or
- ii) the Executive Director upon receipt of a written request or requests for a meeting signed by at least twenty councillors and containing the matter or matters for decision at the meeting.

7.05 Special meetings called by the President shall be held on the date and at the time and place designated by the President and special meetings called by the Executive Director shall be held on the date and at the time and place designated by the Executive Director.

- 7.06** Council may by resolution determine to hold a regular meeting by teleconference.
- 7.07** Where a special meeting is called by the President, he or she may designate the meeting to be held by teleconference and where a special meeting is called by the Executive Director, he or she may designate the meeting to be held by teleconference.
- 7.08** For the purposes of section 7 of the Code, meetings of Council held by teleconference shall be deemed to be held at the head office of the College unless Council otherwise determines.
- 7.09** The Executive Director shall give each councillor reasonable notice in writing of the date, time and place of all Council meetings.
- 7.10** In the case of a regular meeting, the notice referred to in Article 7.09 shall be sent by ordinary prepaid first class mail or such other method as is reasonable to provide notice to each councillor at least ten days before the meeting.
- 7.11** In the case of a special meeting, the notice referred to in Article 7.09 shall be provided by courier, facsimile or such other method as is reasonable to provide notice to each councillor at least three days before the meeting.
- 7.12** The Executive Director shall include in or with the notification of a special meeting the matters for decision which are to be dealt with at the special meeting.
- 7.13** A councillor may, at any time, waive notice of a meeting.
- 7.14** Council may consider
- i) at a special meeting,
 - a) the matter or matters for decision at the meeting for which notice was given under Article 7.12;
 - b) matters brought by the Executive Committee; and
 - c) routine and procedural matters; and
 - ii) at a regular meeting,
 - a) matters contained within the agenda approved by the Executive Committee;

- b) matters brought by the Executive Committee;
- c) recommendations and reports by committees;
- d) motions or matters where written notice has been given by a councillor to the Executive Director or the President at least fifteen days in advance of the meeting;
- e) such other matters, not included in the agenda, as the majority of councillors in attendance determine to be of an urgent nature; and
- f) routine and procedural matters.

- 7.15** The President, or another councillor appointed by the President for the purpose, shall preside over meetings of Council.
- 7.15.1** Where for any reason the President or his or her appointee is unable or unwilling to preside over a meeting of Council, the Council shall, by resolution, appoint a councillor to preside.
- 7.16** Unless otherwise required by law or by the by-laws, every motion which properly comes before the Council shall be decided by a simple majority of the votes cast at the meeting by councillors present.
- 7.17** In the event of a tie vote, the motion is defeated.
- 7.18** Except where a secret ballot is required or at a meeting held by teleconference, every vote at a Council meeting shall be by a show of hands but, if any two councillors so require, a roll call vote shall be taken.
- 7.19** A vote at a Council meeting held by teleconference shall be taken in such manner as determined by the chair unless a councillor requests a roll call vote in which event a roll call vote shall be taken.
- 7.20** In taking a vote, other than one conducted by secret ballot, the chair shall first determine those councillors in favour, opposed, and abstaining after which the chair may cast his or her vote.
- 7.21** The chair is not required to vote whether or not that vote would effect the outcome.
- 7.22** Except where inconsistent with the RHPA, the Act, the regulations or the by-laws of the College, the rules of order as contained in *Wainberg's*

7.23 Minutes of a meeting of Council shall

- i) be taken and include a record of all motions, recommendations and decisions;
- ii) be circulated to all councillors;
- iii) be approved at a subsequent meeting of Council; and
- iv) once approved, be signed by the chair of that meeting.

8. Officers

8.01 The officers of the College shall be the President, the Vice-Presidents and the Executive Director as well as such other officers as the Council shall determine from time to time.

9. Election of President and Vice-Presidents

9.01 At the June Council meeting each year, the Council shall elect by secret ballot from among councillors eligible for election the President and two Vice-Presidents in accordance with this by-law and the “process for election of Council officers” which is set out in Schedule 1.

9.02 A councillor is not eligible for nomination or election if the councillor held that elected position during the previous two consecutive terms.

9.03 A councillor who held elected office pursuant to the provisions of Article 10.02 or 10.03 will not be considered to have been the President or Vice-President during that term for the purposes of Article 9.02.

9.04 The term of office shall commence immediately following the election and continue until the next election for the offices of President and Vice-President.

10. Removal of President or Vice-President

10.01 The President or a Vice-President may be removed from office by a two-thirds majority vote of the councillors present at a Council meeting duly held for that purpose.

10.02 In the event that the President or a Vice-President is removed from office, Council may elect a new President or Vice-President to hold office for the remainder of the term.

10.03 In the event that the President or a Vice-President resigns or dies or the position of President or Vice-President becomes vacant for any other reason, the Council may elect a new President or Vice-President to hold office for the remainder of the term.

11. President

11.01 The President shall

- i) if present, preside as chair at all meetings of the Council unless the President designates an alternate chair for all or any portion of the meeting;
- ii) be the chair of the Executive Committee; and
- iii) perform all duties and responsibilities pertaining to his or her office and such other duties and responsibilities as may be decided by Council.

11.02 In the event that the President shall be unable to perform the duties of the President, he or she may designate one of the Vice-Presidents to perform those duties and responsibilities; however, the designation shall only be effective until the next meeting of the Executive Committee unless approved by the Executive Committee or until the next meeting of Council unless approved by the Council.

11.03 In the event that the President is unable to perform the duties of the President and has not appointed a designate in accordance with Article 11.02 or in the event that the Executive Committee refuses to approve the President's designate, the Executive Committee shall appoint from among its members an Acting President who shall have all the powers and responsibilities of the President until

- i) the President becomes able to perform the duties of President; or
- ii) the next meeting of Council, at which meeting Council shall either appoint an acting President to serve until the President becomes able to perform the duties of the President or remove the President from office and elect a new President in accordance with Articles 10.01 and 10.02.

12. Executive Director

- 12.01** The Executive Director shall be the Chief Executive Officer of the College.
- 12.02** The Executive Director shall perform those duties and responsibilities set out in the RHPA, the Act, the regulations and the by-laws of the College as well as such duties and responsibilities as shall be assigned to the position by Council.
- 12.03** The Executive Director shall be appointed by Council and shall be a member of the College.
- 12.04** The terms of employment of the Executive Director shall be set out in a written employment contract approved by the Executive Committee and shall be consistent with the College personnel policy in effect at the time such contract is approved.
- 12.05** No candidate for the position of Executive Director shall be offered a contract of employment until that candidate has been approved by the Council.
- 12.06** Despite subsection 12(1) of the Code, the Executive Committee shall not exercise the authority of the Council under Article 12.03.

13. Acting Executive Director

- 13.01** If a vacancy occurs in the office of the Executive Director, the Executive Committee or the Council shall appoint an Acting Executive Director until an Executive Director is appointed.
- 13.02** Where the Executive Committee appoints an Acting Executive Director that appointment shall be valid only until the next meeting of Council unless ratified by the Council.
- 13.03** A person appointed as Acting Executive Director under Article 13.01 shall have all the duties and responsibilities of the Executive Director including those contained in the RHPA, the Act, the Regulations and by-laws of the College.
- 13.04** During extended absences, the Executive Director shall appoint in writing a department director as the Acting Executive Director.

13.05 The Acting Executive Director appointed in accordance with Article 13.04 shall fulfil the duties and responsibilities and have the power and authority vested in the Registrar as set out in the RHPA.

14. Committees

14.01 In addition to statutory committees, the Council shall establish and maintain the standing committees referred to in Article 23.01.

14.02 The Council may from time to time establish additional standing committees as well as ad hoc committees.

14.03 Council shall determine the composition and terms of reference for each ad hoc committee.

(Amended March 4, 2009)

14.04 The terms of reference and authority of each committee of the College shall be determined by the Council and shall be deemed to include the authority and responsibility vested in the committee by the RHPA, given to the committee under the by-laws of the College and assigned to the committee from time to time by the Council.

14.05 Save and except for the filling of vacancies or where the by-laws specifically provide otherwise, the Council shall appoint the committee members to each committee giving due consideration to the recommendations, if any, of the Election and Appointments Committee.

14.06 Save and except for the filling of vacancies, appointments to statutory and standing committees, other than the Election and Appointments Committee shall take place at the June Council meeting.

15. Statutory Committees

15.01 The statutory committees of the College are the Executive Committee, Registration Committee, Inquiries, Complaints and Reports Committee, Discipline Committee, Fitness to Practise Committee, Quality Assurance Committee and the Client Relations Committee as well as any other committees required under the RHPA.

(Amended June 4, 2009)

16. Executive Committee

16.01 The Executive Committee shall be composed of five councillors two of whom shall be public councillors and shall include the President and the Vice-Presidents.

17. Registration Committee

17.01 The Registration Committee shall be composed of

- i) three elected councillors, two of whom were elected as RN councillors and one of whom was elected as an RPN councillor;
- ii) four public councillors; and
- iii) two elected or appointed committee members, one of whom is as an RN and if elected was elected as an RN and one of whom is an RPN and if elected was elected as an RPN.

(Amended September 17, 2008)

18. Inquiries, Complaints and Reports Committee

(Formerly Complaints Committee, changed June 4, 2009)

18.01 The Inquiries, Complaints and Reports Committee shall include all of the members of the Executive Committee and shall be composed of

- i) not less than six or more than ten public councillors;
- ii) not less than three or more than four elected councillors each of whom was elected as an RN;
- iii) not less than one or more than two elected councillors each of whom was elected as an RPN;
- iv) not less than three or more than six RN's who are either elected committee members or appointed committee members; and
- v) not less than two or more than three RPN's who are either elected committee members or appointed committee members.

(Approved June 4, 2009)

18.02 Unless otherwise provided by the Code, three committee members constitute a quorum of the Inquiries, Complaints and Reports Committee or a quorum of a panel of that committee.

(Approved June 4, 2009)

19. Discipline Committee

19.01 The Discipline Committee shall be composed of

- i) not less than five or more than six elected councillors each of whom was elected as an RN;
- ii) not less than two or more than three elected councillors each of whom was elected as an RPN;
- iii) not less than nine or more than eleven public councillors;
- iv) eight RNs each of whom is either an elected committee member or an appointed committee member; and
- vi) five RPNs each of whom is either an elected committee member or an appointed committee member.

(Amended June 4, 2009)

20. Fitness to Practise Committee

20.01 The Fitness to Practise Committee shall be composed of:

- i) two elected councillors one of whom was elected as an RN councillor and one of whom was elected as an RPN councillor;
- ii) not less than three or more than five public councillors;
- iii) not less than four or more than five RNs each of whom is either an elected committee member or an appointed committee member; and
- iv) not less than two or more than three RPNs each of whom is either an elected committee member or an appointed committee member.

(Amended June 4, 2009)

21. Quality Assurance Committee

21.01 The Quality Assurance Committee shall be composed of

- i) three elected councillors, two of whom were elected as RN councillors and one of whom was elected as an RPN councillor;
- ii) four public councillors; and

- iii) four elected or appointed committee members, two of whom are RNs and if elected were elected as RNs and two of whom are RPNs and if elected were elected as RPNs.

(Amended September 17, 2008)

22. Client Relations Committee

22.01 The Executive Committee shall be the College's Patient Relations Committee (referred to by the College both generally and in its by-laws as the Client Relations Committee) and it shall have all of the powers and authority and perform the duties and responsibilities of the Patient Relations Committee as conferred by the Regulated Health Professions Act. (Amended June 4, 2008)

22.02 To the extent necessary, any reference in the by-laws to the Client Relations Committee shall be considered a reference to the Executive Committee. (Amended June 4, 2008)

23. Standing Committees

23.01 The standing committees of the College shall include the Election and Appointments Committee, Finance Committee, Sub-Committee on Compensation and Practical Nurse Program Approval Committee.

24. Election and Appointments Committee

24.01 The Election and Appointment Committee shall be composed of six councillors, two of whom are RNs, two of whom are RPNs, and two of whom are public councillors.

24.02 No councillor who wishes to run for the office of President or Vice-President shall serve on the Election and Appointments Committee.

24.03 The members of the Election and Appointments Committee shall be appointed by Council at the regular meeting of Council held in the last quarter of the calendar year upon the recommendation of the Executive Committee.

24.04 The term of office of the Election and Appointments Committee shall be from the time of appointment of the committee members until a new committee is appointed by Council at the regular meeting of Council held in the last quarter of the following calendar year.

- 24.05** Deleted March 4, 2009.
- 24.06** The Election and Appointment Committee’s responsibilities include, but are not limited to,
- i) dealing with disputes relating to elections of elected councillors and elected committee members, as provided in the by-laws;
 - ii) making recommendations to Council on how to fill vacancies created by the death, resignation or disqualification of an elected councillor;
(Amended September 17, 2008)
 - iii) preparing a list of members who are eligible to be appointed as appointed committee members;
(Added September 17, 2008)
 - iv) making recommendations to Council, at the June Council meeting or at such other times as Council or the Executive Committee may request, on the appointment of councillors, elected committee members, appointed committee members and other persons to committees of the College;
(Amended September 17, 2008)
 - v) preparing a list of members who are eligible to be appointed as appointed committee members for use by the Executive Committee in the event a vacancy occurs in a committee; and
(Added September 17, 2008)
 - vi) making recommendations to Council where there is no candidate declared for a Council officer position.
- 24.07** A member of the Election and Appointments Committee who is a councillor and who has his or her designated address in or who was elected in or is or was eligible to be elected in the electoral district which is the subject of dispute shall declare that fact to the committee at the first opportunity and shall not take part or be present when the committee meets to deal with that dispute.
(Amended June 4, 2009)
- 25. Revoked**
- 26. Finance Committee**
- 26.01** The Finance Committee shall be composed of eight persons including
- i) the President;

- ii) two RN councillors, one of whom is the Vice-President;
- iii) two RPN councillors, one of whom is the Vice-President;
- iv) two public member councillors; and
- v) The Chair of the Sub-Committee on Compensation.

(Amended June 4, 2009)

26.02 The members of the Finance Committee shall be appointed by the Council at its June Council meeting.

26.03 The term of office of the Finance Committee shall be from the time of appointment of the committee members until a new Finance Committee is appointed by the Council at the June Council meeting in the following calendar year.

26.04 The Finance Committee shall act in an advisory capacity to Council on the financial affairs of the College.

26.05 Deleted March 4, 2009.

27. Sub-Committee on Compensation

27.01 The Sub-Committee on Compensation shall be composed of three persons including

- i) two members neither of whom is an elected councillor nor an elected or appointed committee member

(Amended June 4, 2009)

- ii) one person who is a human resource specialist and who may be a member of the College but may not be a councillor or a person employed at the College.

27.02 The members of the Sub-Committee on Compensation shall be appointed by the Council at the June Council meeting on the advice of the Finance Committee.

27.03 The term of office of the Sub-Committee on Compensation shall be from the time of appointment of the committee members at the June Council meeting until a new Sub-Committee on Compensation is appointed at the June Council meeting in the following calendar year.

27.04 Deleted March 4, 2009.

27.05 The Sub-Committee on Compensation shall advise the Finance Committee on issues related to salaries, benefits, stipends and expenses of College staff, councillors and committee members or any matters that have a direct financial impact on those persons.

28. Practical Nurse Program Approval Committee

28.01 The Practical Nurse Program Approval Committee shall be composed of eleven persons appointed by Council on the recommendation of the Executive Committee,

- i) none of whom are councillors;
- ii) one of whom is a person who is not a member;
- iii) three of whom are RPNs who at the time of appointment, were engaged in direct patient care;
- iv) four of whom are members [RPNs or RNs] who at the time of appointment, were engaged as educators of students who are enrolled in a Practical Nurse Program; and
- v) three of whom are members [RPNs or RNs] who at the time of appointment, were engaged as clinical educators or in the management of nurses in settings where RPNs are employed.

28.02 The members of the Practical Nurse Program Approval Committee shall be appointed by the Council at the June Council meeting, on the recommendation of the Executive Committee.

28.03 The term of office of the Practical Nurse Program Approval Committee shall be from the time of appointment of the committee members until a new Practical Nurse Program Approval Committee is appointed in the following calendar year.

28.04 The Practical Nurse Program Approval Committee's responsibilities include, but are not limited to,

- i) making recommendations to Council regarding the approval by Council of Practical Nurse Programs, as well as all matters related or ancillary thereto; and

- ii) when requested to do so by Council, studying and making recommendations to Council on any matter relating to the process to be used to consider requests to approve Practical Nurse Programs.

28.05 Deleted March 4, 2009.

29. Appointments to Committees

29.01 At the June Council meeting following the election of Council officers, the Council will recess.

29.02 During the recess, the Election and Appointments Committee shall meet and develop a slate of candidates for

- i) each statutory committee; and
- ii) the members of the Finance Committee referred to in clause (iii) of Article 26.01,

having regard for the composition requirements of each committee and following any protocol approved by Council.

29.03 Upon Council reconvening, the Election and Appointments Committee will present the slate to Council for its consideration and, subject to any amendment by Council, ratification.

29.04 Once ratified each member on the slate shall be deemed to have been appointed to that committee by Council.

29.05 Unless specifically provided otherwise, any eligible person may be re-appointed to a committee.

29.06 Where for any reason the Council fails to appoint a new committee at the time or times provided for in this by-law, the existing members of the committee shall continue to serve as the committee provided that a quorum exists.

29.1 Removal of Committee Members (Article 29.1 added September 17, 2008)

29.1.01 A member of a committee who is a councillor or elected committee member may be removed from the committee, with or without cause, by a two-thirds majority vote of the councillors present at a Council meeting duly called for that purpose.

29.1.02 A member of a committee who is an appointed committee member may be removed from the committee, with or without cause, by resolution of Council at a meeting duly called for that purpose.

29.1.03 A member of a committee who is not a councillor, an elected committee member or an appointed committee member¹ may be removed from the committee, with or without cause, by resolution of Council at a meeting duly called for that purpose.

29.1.04 An appointed committee member who has been removed from all committees ceases to be an appointed committee member.

30. Committee Chairs

30.01 Save and except where the by-laws specifically provide otherwise, the chair of each statutory committee shall be a councillor.
(Amended March 4, 2009)

30.02 No person shall be eligible to serve as a chair of a committee for more than two consecutive terms.

30.02.1 Deleted - March 4, 2009.

30.03 The President shall be the chair of the Executive Committee and of the Inquiries, Complaints and Reports Committee.
(Amended March 4, 2009)

30.04 The two Vice-Presidents shall co-chair the Finance Committee in such manner as they agree upon or, failing agreement, as determined by the Finance Committee.
(Moved March 4, 2009).

30.05 Save and except where the by-laws specifically provide otherwise, the chair of every committee, other than the Executive Committee, Inquiries, Complaints and Reports Committee and Finance Committee, shall be appointed by Council on the recommendation of the Executive Committee and shall be a member of the committee.
(Approved March 4th, 2009)

30.06 A chair of a committee, other than the Executive Committee, Inquiries, Complaints and Reports Committee and the Finance Committee, shall cease to be chair upon the receipt by the Executive Committee of a requisition signed by at least a two-thirds of the members of the committee.

¹ For example – members of the Practical Nurse Program Approval Committee would fall into this category.

(Amended March 4, 2009)

30.07 Where the position of chair of any committee, other than the Executive Committee, Inquiries, Complaints and Reports Committee or the Finance Committee, becomes vacant for any reason, the Executive Committee shall appoint an interim chair who shall serve until a new chair can be appointed by Council in accordance with Article 30.05.

(Approved March 4, 2009).

30.08 Nothing in this Article prevents the interim chair from being appointed as the chair under Article 30.05.

(Approved March 4, 2009).

30.09 Where one of the positions of co-chair of the Finance Committee becomes vacant, the remaining co-chair shall act as the chair of the Committee until a new Vice-President is elected.

(Approved March 4, 2009)

30.10 Time spent as chair as a result of an appointment to fill a vacancy whether as a result of the appointment by the Executive Committee or Council shall not be included for the purposes of Article 30.02.

(Numbering change March 4, 2009)

31. Committee Vacancies

31.001 Where the by-laws require a committee to have a minimum number of persons by using the phrase 'at least' or another similar phrase, a vacancy which reduces the number of persons on the committee to a number below the required minimum shall not affect the validity of the committee.

(Added June 4, 2009)

31.01 Where one or more vacancies occur in the membership of a committee, the remaining members of the committee constitute the committee until such time as the vacancy shall be filled, so long as the committee continues to have a quorum.

31.02 Deleted March 4, 2009.

31.03 Where a vacancy occurs in respect of the membership of a committee, other than the Executive Committee, the Executive Committee may and, if necessary for such committee to achieve its quorum shall, appoint a person(s) to fill any vacancy in the membership of such committee.

31.04 Deleted March 4, 2009.

31.05 A member of a committee appointed by the Executive Committee in accordance with Article 31.03 is subject to confirmation by the Council at its next regular meeting.

31.06 Deleted – September 17, 2008

31.07 Deleted – September 17, 2008

32. Committee Meetings

32.01 In this Article, “meeting” does not include a hearing pursuant to the Code.

32.02 Committee meetings may be held in person or, at the direction of the chair, by teleconference.

32.03 Each committee shall meet at the call of its chair on the date and time designated by the chair and at such intervals as are necessary to perform the responsibilities of that committee.

32.04 Except for meetings held by teleconference, all meetings shall be held at the head office of the College or such other location approved by the Executive Director.

32.05 Reasonable efforts shall be made to notify all of the committee members of every meeting and to arrange meeting dates and times which are convenient to the committee members.

32.06 The chair or his or her appointee for the purpose shall preside over meetings of the committee.

32.07 Every motion which comes before a committee shall be decided by a majority vote cast at the meeting including the chair’s and in the case of a tie vote, the motion is defeated.

32.08 A vote at a committee meeting held by teleconference shall be taken in such manner as determined by the chair unless a committee member requests a roll call vote in which event a roll call vote shall be taken.

32.09 In taking a vote, other than one conducted by secret ballot, the chair shall first determine those committee members in favour, opposed, and abstaining after which the chair may cast his or her vote.

32.10 The chair is not required to vote whether or not that vote would affect the outcome.

- 32.11** Minutes of a committee meeting shall
- i) be taken and include a record of all motions, recommendations and decisions;
 - ii) be circulated to all members of the committee;
 - iii) be approved at a subsequent committee meeting; and
 - iv) once approved, be signed by the chair, or by the person presiding as chair at the meeting at which the minutes were approved.

32.12 The chair of the committee shall sign all records, reports or other forms related to the committee's activities.

33. Board of Inquiry

33.00 When the Executive Committee appoints the Board of Inquiry it shall appoint one of the members of the Board to serve as chair.

33.01 Meetings of the Board of Inquiry may be held in person or, at the direction of the chair, by teleconference.

33.02 Minutes of a Board of Inquiry shall be taken and include a record of all motions, recommendations and decisions.

33.03 Minutes shall be circulated to all members of the Board which held the inquiry.

33.04 The chair of the Board of Inquiry shall sign all minutes, records or other forms related to the Board's activities.

34. Indemnity for Councillors, Officers and Others

34.01 Every councillor, every committee member, every officer, and every employee of the College, including any assessor or inspector, and each of his or her heirs, executors, administrators and other personal representatives shall at all times be indemnified and saved harmless out of the funds of the College from and against any liability including reasonable costs, charges and expenses whatsoever which such person reasonably sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him or her as a result of the execution or intended execution of the duties of his or her office or

35. Insurance

35.01 The College shall obtain insurance coverage to protect the property and assets of the College in such form as may be determined from time to time and, without limiting the generality of the foregoing, shall maintain directors and officers indemnity insurance and insurance to protect the College from loss occasioned by the disappearance or destruction of property as a result of the dishonesty of councillors, committee members, officers or staff of the College.

36. Banking

36.01 In this Article “bank” means the bank appointed under Article 36.02.

36.02 The Council shall appoint one or more banks chartered under the Bank Act, Canada for the use of the College, provided that the bank has been approved by the Finance Committee.

36.03 All money belonging to the College shall be deposited in the name of the College with the bank.

36.04 The Executive Director may endorse any negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank, if required for that purpose.

36.05 Securities and other financial documents will be held for safekeeping in the name of the College in the bank.

37. Investments

37.01 College funds may be invested in

- i) securities and debt instruments issued or guaranteed by any one or more of the following:
 - a) The Government of Canada, or
 - b) The Government of any province of Canada;

(Amended June 4, 2009)

- ii) securities and debt instruments guaranteed by a bank listed in Schedule I under the Bank Act (Canada) or such other financial institution approved by Council on the recommendation of the Finance Committee; and

(Added June 4, 2009)

- iii) other investments approved by Council on the recommendation of the Finance Committee.

(Amended June 4, 2009)

38. Expenditures

38.01 The Council shall annually approve

- i) an operating expense and revenue budget for each fiscal year; and
- ii) a capital budget for each fiscal year.

38.02 The Executive Director may authorize all budgeted expenditures provided that the expenditure would not cause the total of the annual operating expense budget or the total of the annual capital budget to be exceeded.

38.03 The Executive Director may also authorize expenditures that were not contemplated by the operating expense or capital budgets or that exceed the amounts set out in those budgets for any item of expense provided that, the Executive Director is satisfied that

- i) the contemplated expenditures would not compromise the Council's annual objectives; and
- ii) the operating expense and capital budgets for the fiscal year will not be exceeded.

38.03.1 Where the Executive Director authorizes an expenditure under Article 38.03, the Executive Director shall report that action to the Finance Committee at its next meeting.

38.04 The Executive Committee may authorize the Executive Director to make expenditures where it is anticipated that the operating expense or capital budgets for the fiscal year will be exceeded provided that the Executive Committee is satisfied that the contemplated expenditure would not compromise the Council's annual objectives.

38.05 Where the Executive Committee authorizes an expenditure under Article 38.04, it shall report that action to the Finance Committee at its next meeting.

38.06 Subject to Article 38.07, no contract or commitment in respect of goods or services shall be entered into by the College unless and until three competitive bids have been obtained

- i) where the contract or commitment calls for the payment by the College of more than \$100,000 in any fiscal year of the College, or

- ii) where the total expenditure under the contract or commitment would be more than \$300,000 regardless of the number of years over which the expenditure is to be paid.

(Amended June 4, 2009)

38.07 Article 38.06 shall not apply to the following contracts or commitments:

1. Employment.
2. Those specifically approved by Council or the Executive Committee with a direction that three competitive bids are not required.
3. Those relating to continuing professional services where the amounts have been approved by Council as part of the operating expense budget.
4. Those where there are not at least three viable vendors, provided the contract or commitment is approved by the Finance Committee.
5. Those where the College has been unable to secure three competitive bids despite reasonable efforts, provided the contract or commitment has been approved by the Finance Committee.

(Added June 4, 2009)

39. Borrowing

39.01 Council may, from time to time,

- i) borrow money upon the credit of the College;
- ii) limit or increase the amount or amounts which may be borrowed;
- iii) issue, sell or pledge debt obligations of the College including without limitation bonds, debentures, notes or similar obligations of the College, whether secured or unsecured; and
- iv) charge, mortgage, hypothecate or pledge all or any of the real or personal property of the College, currently owned or subsequently acquired, to secure any such debt or obligations or any money borrowed, or debt or liability of the College.

39.02 Council may authorize one or more officers or councillors as may be determined by Council to exercise the powers conferred in Article 39.01 in such manner as Council shall determine.

40. Cheques

40.01 Cheques and other forms of payments not exceeding \$10,000 and requiring the signature of the College shall be signed by one of the President, the Executive Director or any department director.

40.02 Cheques and other forms of payments exceeding \$10,000 and requiring the signature of the College shall be signed by two of the following persons, namely, the President, the Executive Director or any department director.

41. Contracts and Other Documents

41.01 Contracts requiring the signature of the College shall be signed by

- i) the President or a Vice-President together with one of the Executive Director or a department director;
- ii) a department director, if the expenditure under the contract is reasonably expected not to exceed \$10,000 and is within the approved budget for that department;

- iii) the Executive Director and the Director of Corporate Services, if the expenditure under the contract is reasonably expected to exceed \$10,000, and relates to the Department of Corporate Services; or
- iv) a department director together with one of the Executive Director or Director of Corporate Services, if the expenditure is reasonably expected to exceed \$10,000 and relates to any department other than the Department of Corporate Services.

42. Certificates of Registration

42.01 Certificates of registration shall bear the signature of the Executive Director or a likeness thereof.

43. Financial Audit

43.01 The Council shall annually appoint auditors to audit the accounts of the College and to hold office for the ensuing year.

43.02 Financial statements for the College shall be prepared promptly at the close of each fiscal year and audited financial statements shall be presented annually to the Council.

43.03 In the event that the auditors are unable to continue their duties as agreed or in the event that Council is dissatisfied with the auditors, Council may appoint new auditors.

43.04 The auditors shall have a right of access at all reasonable times to all records, documents, books, accounts and vouchers of the College and are entitled to require from the councillors, officers and employees such information as is necessary in their opinion to enable them to report as required by law or under this by-law.

43.05 The auditors shall be invited to attend the meeting at which the audited financial statements are presented to Council.

44. Stipends and Expenses

Council officers, elected councillors, and committee members who are not public councillors shall be paid a stipend and shall be reimbursed by the College for travelling and other expenses reasonably incurred in relation to the performance of their duties in accordance with the stipend and expense policy as approved from time to time by Council on the advice of the Finance Committee.

(Amended September 17, 2008)

44.1 Register- Original Revoked and Replaced June 4, 2009

Name and Business Address

- 44.1.01 Subject to Article 44.1.02, a member's name in the register of the College shall be the member's name as set out in the member's certificate of registration.
- 44.1.02 The Executive Director shall direct that a name other than as provided in Article 44.1.01 be entered in the register of the College if such a request is made by the member and the Executive Director is satisfied that
- i) the member has validly changed his or her name; and
 - ii) the use of the name is not for an improper purpose.
- 44.1.03 A member's business address in the register of the College shall be
- i) where the member is primarily employed in nursing in Ontario other than through a nursing agency or nursing registry, the location in which the member primarily engages in nursing practice;
 - ii) where the member is primarily employed at or engaged in nursing in Ontario by or through a nursing agency or a nursing registry, the business address of the nursing agency or nursing registry through which the member primarily engages in nursing practice; or
 - iii) such other business address approved by the Executive Director.
- 44.1.04 A member's business telephone number in the register of the College shall be the telephone number associated with the location referred to in Article 44.1.03 or such other telephone number approved by the Executive Director.

Register Information Required by the Code

- 44.1.05 Under subsection 23(2) of the Code and subject to certain exceptions contained in the Code, certain information must be contained in the College's register. As of June 4, 2009, the register is required to contain the following:
1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
 2. The name, business address and business telephone number of every health profession corporation.

3. The names of the shareholders of each health profession corporation who are members of the College.
4. Each member's class of registration and specialist status.
5. The terms, conditions and limitations that are in effect on each certificate of registration.
6. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 of the Code and has not been finally resolved, until the matter has been resolved.
7. The result, including a synopsis of the decision, of every disciplinary and incapacity proceeding, unless a panel of the relevant committee makes no finding with regard to the proceeding.
8. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
9. A notation of every revocation or suspension of a certificate of registration.
10. A notation of every revocation or suspension of a certificate of authorization.
11. Information that a panel of the Registration, Discipline or Fitness to Practise Committee specifies shall be included.
12. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
13. Where, during or as a result of a proceeding under section 25 of the Code, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.
14. Information that is required to be kept in the register in accordance with the by-laws.

Additional Register Information

44.1.06

In accordance with the authorization provided by paragraph 14 of subsection 23(2) of the Code and subject to Article 41.07, the following additional information shall be kept in the register of the College:

1. Any change to each member's name which has been made in the register of the College since he or she first became registered with the

2. Where a member is engaged in nursing practice in Ontario, the name and address of the person or business for whom or through which the member primarily engages in nursing practice in Ontario.
3. Each member's certificate of registration number.
4. The classes of certificate of registration held by each member and the date on which each was issued
5. The specialty certificate held by each member and the date on which each was issued.
6. Where a member resigned, the date upon which the resignation took effect and where the resignation did not relate to all certificates of registration, the certificate of registration to which the resignation applied.
7. Where the College is satisfied based upon reliable information that a person ceased to be a member as a result of his or her death, a notation to that effect and the date upon which the person ceased to be a member if that date is known to the College.
8. Where an allegation of professional misconduct or incompetence has been referred to the Discipline Committee in respect of the member and is outstanding,
 - a. the date of the referral;
 - b. a brief summary of each specified allegation;
 - c. the date of the hearing if the hearing date has been set; and
 - d. the next scheduled date for the continuation of the hearing if the hearing was adjourned to a specific date or if the hearing was adjourned without a specific date, a notation to that effect.
9. Where the question of the member's capacity has been referred to the Fitness to Practise Committee and not yet decided,
 - a. a notation of that fact; and
 - b. the date of the referral.

10. Where the results of a disciplinary proceeding are contained in the College's register, the date on which the panel of the Discipline Committee made the finding of professional misconduct or incompetence and the date on which the panel ordered any penalty.
11. Where a decision of the Discipline Committee has been published by the College with the member's name included in any medium,
 - a. a notation of that fact; and
 - b. identification of the specific publication of the College which contains that information.
12. Where the result of an incapacity proceeding is contained in the College's register, the date on which the panel made the finding of incapacity and the effective date of any order made by the panel.
13. Where a member has any terms, conditions or limitations in effect on his or her certificate of registration, the effective date of those terms, conditions and limitations and where applicable, the Committee responsible for the imposition of those terms, conditions and limitations.
14. Where a member has terms, conditions or limitations on his or her certificate of registration varied, the effective date of the variance of those terms, conditions and limitations and where applicable, the Committee responsible for the variance of those terms, conditions and limitations.
15. Where a member's certificate of registration is revoked, suspended, cancelled, expired or otherwise terminated, a notation of that fact and the effective date and the basis of the revocation, suspension, cancellation, expiry or other termination which shall include but not be limited to circumstances where
 - a. a member's certificate of registration is subject to an interim order of the Executive Committee or the Inquiries, Complaints and Reports Committee;
 - b. a member's certificate of registration is suspended for non-payment of the annual fee or any fee required by the College; or
 - c. a member's certificate of registration is suspended for failure to submit to a physical or mental examination as ordered by a Board of Inquiry or the Inquiries, Complaints and Reports Committee.
16. Where a suspension on a member's certificate of registration is lifted or otherwise removed, the effective date of the lifting or removal of

17. Where a member's certificate of registration is reinstated, the effective date of the reinstatement and where reinstated by a panel of the Discipline or Fitness to Practise Committee, the name of the Committee responsible for the reinstatement.
18. Where a member's specialty certificate is revoked, suspended, cancelled or otherwise terminated, a notation of that fact and the effective date and the basis of the revocation, suspension, cancellation or other termination.
19. Where a member's specialty certificate is reinstated, the effective date of the reinstatement.
20. Where a finding of professional negligence or malpractice is contained in the College's register, the information provided by the member who was the subject of the finding including
 - a. the notice of and a description of the finding;
 - b. the date the finding was made against the member;
 - c. the name and location of the court that made the finding against the member; and
 - d. the status of any appeal respecting the finding made against the member.
21. Any information the College and the member have agreed should be included in the register.
22. The date on which each certificate of authorization was issued by the College.
23. Where a certificate of authorization is revised, a notation of the effective date of the revision.
24. Where a certificate of authorization is revoked, suspended, cancelled or otherwise terminated, a notation of the effective date of the revocation, suspension, cancellation or other termination.
25. Any information the College and a health profession corporation to which the College has issued a certificate of authorization have agreed should be included in the register.

44.1.07 All of the information referred to in Articles 44.1.05 and 44.1.06 is information designated to be withheld from the public pursuant to subsection 23(6) of the Code such that the Executive Director may refuse to disclose to an individual or post on the College's website any or all of that information if the Executive Director has reasonable grounds to believe that disclosure of that information may jeopardize the safety of an individual.

44.2 Information from Members-Original Revoked and Replaced June 4, 2009

44.2.01 The College shall forward to its members each year a request for information, in a form approved by the Executive Director.

44.2.02 Each member shall accurately complete and return such form providing such information as may be requested including but not limited to

- i) his or her home address and home telephone number being the address and telephone number of the principal Ontario residence of the member or if the member does not have a residence in Ontario, the member's principal residence and, where available, the member's e-mail address and facsimile number;
- ii) where a member is engaged in nursing practice, whether inside or outside of Ontario, the name, address and telephone number of each person or business for whom or through which the member engages in nursing practice;
- iii) the nature of the nursing services provided at the location in Ontario where the member primarily engages in nursing practice;
- iv) information respecting his or her participation in the Quality Assurance Program;
- v) information required to be contained in the College's register pursuant to the by-laws, the RHPA, the Act¹, or the regulations under the RHPA or the Act;
- vi) information required to be provided to the College pursuant to the by-laws, the RHPA, the Act, or the regulations under the RHPA or the Act.
- vii) information that relates to the professional characteristics and activities of the member that may assist the College in carrying out its objects; and
- viii) information for the purposes of compiling statistical information to

- 44.2.03 The form required by this Article shall be fully completed by the member and returned to the College by the December 31st next following the forwarding of the form to the member.
- 44.2.04 Where a member fails for any reason to return a fully completed form, the Executive Director shall cause the member to be notified in writing of that failure.
- 44.2.05 Where the Executive Director causes written notice to be given to a member in accordance with Article 44.2.04, the fee required by the by-laws shall immediately be payable by the member.
- 44.2.06 Where any of the information provided to the College under Article 44.2.02 has been changed, the member shall notify the Executive Director in writing of the change within thirty (30) days of the effective date of the change.
- 44.2.07 A member shall, upon written request of the Executive Director,
- ii) immediately provide particulars of any information required to be in the College's register pursuant to the by-laws, the RHPA, the Act, or the regulations under the RHPA or the Act;
 - iii) within thirty days, provide particulars of any information which was not information required to be in the College's register but was information that the member was required to provide to the College under the by-laws; and
 - iv) within seven days, confirm the accuracy of any information previously provided to the College by the member and where that information is no longer accurate, provide accurate information.

44.3 Annual Payment Card

- 44.3.01** Subject to Article 44.3.02, the College shall annually prepare and send to each member an annual payment card in a form approved by the Executive Director attesting to the fact that the member named on the card was a current member of the College when the card was issued.

(Amended December 2005)

- 44.3.02** The annual payment card shall be sent out to each member within a reasonable period of time after receipt by the College of payment of any fee owed by the member to the College, including the member's annual fee, and the fully completed form referred to in Article 44.2.

(Amended December 2005)

44.3.03 No annual payment card shall be provided to a member or former member whose certificate of registration is under suspension until the suspension is removed.

44.3.04 Where a member's or former member's certificate of registration is suspended or revoked, the member or former member shall immediately return the annual payment card to the College.

44.3.05 Where a member's certificate of registration is subject to terms, conditions or limitations other than those generally applicable to every member of that class, the annual payment card shall include a notification to that effect.

44.3.06 Where a member has had terms, conditions or limitations imposed on his or her certificate of registration by the Executive Director as a result of a decision of a statutory committee, the member shall immediately return to the College his or her annual payment card so that the notation referred to in Article 44.3.05 can be placed on the card. The card shall then be returned to the member.

44.3.07 In the event that the Executive Director is satisfied that a member's annual payment card has been lost or destroyed, the Executive Director may, at the request of the member and upon payment of the required fee, provide a replacement annual payment card to the member.

44.3.08 In the event that the terms, conditions or limitations referred to in Article 44.3.06 are removed the Executive Director shall, at the request of the member, provide a replacement card with the notation referred to in Article 44.3.05 removed.

(Amended September 17, 2008)

44.3.09 The annual payment card shall bear the signature of the Executive Director or a likeness thereof.

(Renumbered September 17, 2008)

Part 2: Elections and Appointments: Council and Committee Members

45. Electoral Districts (Interpretation)

45.01 The counties, united counties, regional municipalities, municipalities, district municipalities and territorial districts described in Articles 46.01 and 46.02 are those that existed as at December 31, 1996 and the geographical territory of each electoral district shall be interpreted to ensure that all parts of Ontario fall into one of the aforementioned counties, united counties, regional municipalities, municipalities, district municipalities and territorial districts described in each of Articles 46.01 and 46.02.

46. Electoral Districts

46.01 The following electoral districts are established for the purposes of the election of RN councillors and RN elected committee members:

Electoral district 1,
the Southwestern District, composed of the counties of Elgin, Essex, Huron, Kent, Lambton, Middlesex, Oxford and Perth.

Electoral district 2,
the Central Western District, composed of the counties of Brant, Bruce, Grey, Wellington and Dufferin and the regional municipalities of Haldimand-Norfolk, Hamilton-Wentworth, Niagara and Waterloo.

Electoral district 3,
the Central Eastern District, composed of the counties of Frontenac, Hastings, Lanark, Northumberland, Peterborough, Prince Edward, Victoria and Haliburton, the united counties of Leeds and Grenville, Lennox and Addington, and the regional municipality of Durham.

Electoral district 4,
the Eastern District, composed of the united counties of Stormont, Dundas and Glengarry, Prescott and Russell, the County of Renfrew and the regional municipality of Ottawa-Carleton.

Electoral district 5,
the Northeastern District, composed of the territorial districts of Algoma, Cochrane, Manitoulin, Parry Sound, Nipissing, Sudbury and Timiskaming, and the district municipality of Muskoka.

Electoral district 6,
the Northwestern District, composed of the territorial districts of Rainy
River, Thunder Bay and Kenora.

Electoral district 7,
the Toronto District, composed of the municipality of metropolitan
Toronto.

Electoral district 8,
the Central District, composed of the County of Simcoe and the regional
municipalities of Halton, Peel and York.

46.02 The following electoral districts are established for the purposes of the
election of RPN councillors and RPN elected committee members:

Electoral district 1,
the Southwestern District, composed of the counties of Elgin, Essex,
Huron, Kent, Lambton, Middlesex, Oxford and Perth.

Electoral district 2,
the Central Western District, composed of the counties of Brant, Bruce,
Grey, Wellington and Dufferin and the regional municipalities of
Haldimand-Norfolk, Hamilton-Wentworth, Niagara and Waterloo.

Electoral district 3,
the Central Eastern District, composed of the counties of Frontenac,
Hastings, Lanark, Northumberland, Peterborough, Prince Edward, Victoria
and Haliburton, the united counties of Leeds and Grenville, Lennox and
Addington, and the regional municipality of Durham.

Electoral district 4,
the Eastern District, composed of the united counties of Stormont, Dundas
and Glengarry, Prescott and Russell, the County of Renfrew and the
regional municipality of Ottawa-Carleton.

Electoral district 5,
the Northeastern District, composed of the territorial districts of Algoma,
Cochrane, Manitoulin, Parry Sound, Nipissing, Sudbury and Timiskaming,
and the district municipality of Muskoka.

Electoral district 6,
the Northwestern District, composed of the territorial districts of Rainy
River, Thunder Bay and Kenora.

Electoral district 9,
the Central/Toronto District, composed of the municipality of metropolitan
Toronto, the County of Simcoe and the regional municipalities of Halton,
Peel and York.

47. Voting Eligibility

47.01 A member is eligible to vote in an election if, on the 45th day before the
election,

- i) the member meets the requirements of subsection 9(2) of the Act;
- ii) the member has his/her designated address in the electoral district for
which an election is being held;
(Amended June 4, 2009)
- iii) in respect of the election of RN councillors and RN elected
committee members, the member is the holder of a general or
extended class certificate of registration in the RN Category; and
- iv) in respect of the election of RPN councillors and RPN elected
committee members, the member is the holder of a general
certificate of registration in the RPN Category.

47.02 In an election, each RN who is eligible to vote shall vote only for RN
candidates and each RPN who is eligible to vote shall vote only for RPN
candidates.

47.03 Nothing herein prevents a member who is both an RN and an RPN from
voting in the election for both RN candidates and RPN candidates.

48. Elected Councillors

48.01 There shall be twenty-one members elected to Council, fourteen from
among eligible members who are RNs and seven from among eligible
members who are RPNs.

48.02 From each electoral district referred to in Column 1 of the following table
there shall be elected to Council the number of RNs set out opposite in
Column 2 and the number of RPNs set out opposite in Column 3 of the
table.

Table related to Article 48.02
(Council members)

| Column 1 | Column 2 | Column 3 |
|----------------------|-------------------|-----------------------------|
| Electoral districts | Registered Nurses | Registered Practical Nurses |
| Southwestern | 2 | 1 |
| Central Western | 2 | 1 |
| Central Eastern | 2 | 1 |
| Eastern | 2 | 1 |
| Northeastern | 1 | 1 |
| Northwestern | 1 | 1 |
| Metropolitan Toronto | 2 | - |
| Central | 2 | - |
| Central/Toronto | - | 1 |

49. Elected Committee Members

49.01 Subject to Article 49.03, there shall be twenty-eight members elected as elected committee members, seventeen from among eligible members who are RNs and eleven from among eligible members who are RPNs.

(Amended September 17, 2008)

49.02 Subject to Article 49.03 from each electoral district referred to in column 1 of the following table there shall be elected, as elected committee members, the number of RNs set out opposite in column 2 and the number of RPNs set out opposite in column 3 of the table.

(Amended September 17, 2008)

Table related to Article 49.02
(Elected committee members)

| Column 1 | Column 2 | Column 3 |
|----------------------|-------------------|-----------------------------|
| Electoral district | Registered Nurses | Registered Practical nurses |
| Southwestern | 2 | 2 |
| Central Western | 3 | 2 |
| Central Eastern | 2 | 2 |
| Eastern | 2 | 1 |
| Northeastern | 1 | 1 |
| Northwestern | 1 | 1 |
| Metropolitan Toronto | 3 | - |
| Central | 3 | - |
| Central/Toronto | - | 2 |

49.03 Notwithstanding anything contained in this by-law, there shall be no further elections held to elect elected committee members after the June Council meeting in the year 2008.
(Added September 17, 2008)

50. Term of Office

50.01 Subject to Article 50.05, the term of office of an elected councillor or an elected committee member commences at the June Council meeting immediately prior to the holding of the elections for Council officers and the elected councillor or elected committee member shall continue to serve until his or her successor takes office in accordance with the by-laws.
(Amended September 17, 2008)

50.02 No elected councillor shall serve for more than two consecutive terms in that capacity.

50.03 No elected committee member shall serve for more than two consecutive terms in that capacity.

50.04 Time spent as an elected councillor or an elected committee member as a result of a by-election or an appointment by Council to fill a vacancy shall not be included for the purposes of Article 50.02 or 50.03.

50.05 Notwithstanding anything contained in this by-law, the term of office of each elected committee member shall end, if it has not already ended, at the June Council meeting immediately prior to the holding of the elections for Council officers in the third calendar year after the elected committee members election.
(Added September 17, 2008)

50.06 Article 50.05 applies equally to any member who is elected or appointed to fill a vacancy of a person referred to in Article 50.05.
(Added September 17, 2008)

51. Timing of Elections

51.01 Subject to Article 49.03, Separate elections for elected councillors and elected committee members shall be held simultaneously as follows:
(Amended September 17, 2008)

- i) in March, April, May or June of the year 2000 and in March, April, May or June of every third year thereafter for electoral districts 1 and 2 for the RN Category and electoral districts 1, 2 and 9 for the RPN Category;

- ii) in March, April, May or June of the year 2001 and in March, April, May or June of every third year thereafter for electoral districts 3, 7 and 8 for the RN Category and electoral district 3 for the RPN Category;
- iii) in March, April, May or June in the year 2002 and in March, April, May or June of every third year thereafter for electoral districts 4, 5 and 6 for both the RN Category and the RPN Category.

51.02 The Executive Director shall

- i) set the date for each election referred to in Article 51.01, which date shall be after the regular meeting of Council held in the first quarter of the calendar year and at least thirty days prior to the June Council meeting;
- ii) set the date for each by-election; and
- iii) set a time deadline for the receipt of ballots.

52. Eligibility for Election

52.01 Subject to the balance of the provisions of Article 52, a member is eligible for election in an electoral district if,

- i) on the deadline for receipt of nominations, the member is the holder of a general or extended class of certificate of registration and the certificate is not subject to a term, condition or limitation other than one applicable to all members of the class;
- ii) on the deadline for receipt of nominations, the member is not in default of the payment of any fee prescribed by the Regulations or required by the by-laws;
- iii) on the deadline for receipt of nominations, the member is not the subject of any disciplinary or incapacity proceeding;
- iv) the member's certificate of registration has not been revoked or suspended in the six years preceding the date of the election for any reason other than non-payment of fees;
- v) the member has not been the subject of any professional misconduct, incompetence or incapacity finding in the three years preceding the date of the election;

- vi) the member has not been disqualified by the Council in the three years preceding the date of the election;
- vii) on the deadline for receipt of nominations, the member has his or her designated address in the electoral district for which he or she is nominated and has been nominated in accordance with this by-law; and

(Amended June 4, 2009)

- viii) relative to an election as a councillor, the member has completed and filed with the Executive Director the Conflict of Interest form by the deadline established by the Executive Director in accordance with Article 53.04.1.

52.01.1 Subject to Article 52.01.2, a member is not eligible for election as an elected councillor or an elected committee member if the member has been an elected councillor, an elected committee member or an appointed committee member, or any combination thereof, for three consecutive terms.

(Amended September 17, 2008)

52.01.2 A member who is ineligible as a result of Article 52.01.1 shall once again be eligible for election in the third calendar year following the year in which the member last served as an elected councillor, elected committee member or appointed committee member.

(Amended September 17, 2008)

52.01.3 An employee of the College shall not be eligible for election as an elected councillor or an elected committee member unless he or she provides an irrevocable written notice of termination of employment which must be received by the Executive Director and be effective on or before the deadline for receipt of nominations.

52.01.4 An elected councillor or an elected committee member shall not be eligible to run in a by-election unless he or she provides a written resignation from his or her position as an elected councillor or elected committee member which resignation must be received by the Executive Director and be effective on or before the deadline for receipt of nominations.

52.02 A member may not be a candidate for election as a councillor and as an elected committee member at the same time.

52.03 A member may not be an elected councillor and an elected committee member at the same time.

- 52.03.1** An elected councillor or elected committee member who resigns his or her seat is not eligible to run in a by-election which takes place as a result of that resignation or an election for the position which he or she resigned from which takes place within sixteen months of the day following the elected councillor's or elected committee member's resignation.
- 52.04** A member who is both an RN and RPN
- i) may not be a candidate in more than one election at the same time; and
 - ii) may not simultaneously be both an elected RN and RPN councillor or an RN and RPN elected committee member.
- 52.05** A candidate may withdraw from an election by giving notice in writing to the Executive Director. If the notice in writing is received at least seventy-five days prior to the date of the election the name of the person shall not be placed on the ballot. In all other cases, the Executive Director shall make reasonable efforts to notify the members eligible to vote that the candidate has withdrawn from the election.
- 52.06** A member is not eligible for election as a councillor if the member holds a position which would cause the individual, if elected as a councillor, to have a conflict of interest by virtue of having competing fiduciary obligations to both the College and another organization unless the member files with the Executive Director, prior to the deadline referred to in Article 53.04.1 a written agreement to resign from the other position if elected as a councillor.
- 52.07** A person shall be deemed to have a position which would result in a competing fiduciary obligation under Article 52.06 if the person is
- i) a director or other member of the governing body of;
 - ii) officer of; or
 - iii) executive director or chief administrative officer of any international, national or provincial association or organization whose members are predominately nurses or international, national or provincial bargaining unit which represents nurses.
- 52.08** Disputes as to whether a member is eligible for election or to vote in an election will be determined by the Election and Appointments Committee.
- 52.09** Disputes relating to the election of an elected councillor or an elected committee member shall be dealt with by the Election and Appointments

53. Elections

- 53.01** The Executive Director shall supervise the nominating and election of elected councillors and elected committee members.
- 53.02** At least one hundred and twenty days before the date of an election or by-election, the Executive Director shall notify in writing each member who is then eligible to vote in that election or by-election of the date of the election, the nomination procedure and the deadline for returning nominations to the College.
- 53.03** The nomination of a candidate for election shall be in writing, shall include the written consent of the member wishing to stand for election and the signature of two eligible nominators and must be received prior to the deadline for returning nominations to the College, which deadline shall be set by the Executive Director and shall be at least ninety days before the date of the election.
- 53.04** Each nominator shall be a member who is eligible to vote in that election on the date of nomination and on the date on which the nominations close.
- 53.04.1** The Executive Director shall establish a deadline by which each candidate for election as a councillor shall complete and file the College's Conflict of Interest form which deadline shall not be less than fifteen days after the date upon which nominations close.
- 53.04.2** The Executive Director shall provide each nominated candidate for election as a councillor with a copy of the College's Conflict of Interest form, notice of the deadline for the filing of that form and relevant portions of the College's by-law relating to conflict of interest.
- 53.05** If, after the deadline referred to in Article 53.04.1, the number of eligible candidates nominated for an electoral district is equal to the number of members to be elected in that electoral district, the eligible candidates shall be elected by acclamation.
- 53.06** If, after the deadline referred to in Article 53.04.1, the number of eligible candidates nominated for an electoral district is less than the number of members to be elected in that electoral district, the existing eligible candidate(s) shall be elected by acclamation and the Executive Director

- 53.07** Time frames referred to in Article 53.02, 53.04.1 and 53.03 do not apply where the Executive Director acts under Article 53.06.
- 53.08** Where the Executive Director acts under Article 53.06, the deadline for nominations for that election shall be re-opened for fifteen days or such greater number of days as determined by the Executive Director and a new deadline by which the candidates shall complete and file the Conflict of Interest form shall be established by the Executive Director.
- 53.09** Where the Executive Director acts under Article 53.06, the Executive Director shall notify in writing each member referred to in Article 53.02 of the date of the election and the deadline for returning nominations to the College which deadline shall be determined by the Executive Director.
- 53.10** If the number of eligible candidates nominated for election for an electoral district after the second call for nominations remains less than or equal to the number of members to be elected in the electoral district, those additional eligible candidates shall be elected by acclamation.
- 53.11** If after two calls for nominations there are still insufficient eligible candidates for election in any electoral district, the seat shall be considered vacant and the vacancy shall be dealt with by Council at its next regular meeting.
- 53.12** The Executive Director shall advise each eligible candidate that he or she has an opportunity to have included with the ballot a candidate information page so long as the candidate provides to the Executive Director the information in a form consistent with the guidelines set by the Executive Director and on or before the deadline established by the Executive Director.
- 53.16** No later than fifteen days before the date of an election, the Executive Director shall send to every member eligible to vote in an electoral district in which an election is to take place a voting package which will include a ballot, list of eligible candidates and voting instructions.
- 53.17** Voting for eligible candidates for election to the Council shall be by mail ballot using the ballot supplied by the Executive Director.
- 53.18** A member eligible to vote may cast as many votes on a ballot as there are members to be elected from that electoral district, however, a member shall not cast more than one vote for any one eligible candidate.

- 53.19** On the day of the election, ballots received on or before the deadline for the receipt of ballots will be opened and counted by an independent organization appointed by the Executive Director.
- 53.20** The organization selected in accordance with Article 53.19 will undertake that each ballot will be counted twice, by different persons, and that the results of both tabulations will be materially equal.
- 53.21** As soon as possible following the counting of the ballots, the Executive Director shall, in respect of each election,
- i) notify each eligible candidate of the results of the election and the number of votes cast for each eligible candidate; and
 - ii) notify each eligible candidate that he or she may require a recount.
- 53.22** An eligible candidate may require a recount by giving a written request to the Executive Director no more than fifteen days after the date of an election and paying a fee of \$400.
- 53.23** A recount shall be held within fifteen days of receipt of the request referred to in Article 53.22, at a time and place determined by the Executive Director.
- 53.24** A recount shall be conducted in the same manner as the original counting of the ballots except that a representative of the College named by the Election and Appointments Committee shall be present and each eligible candidate shall be entitled to attend in person or by a representative.
- 53.25** Where a recount occurs, if the recount changes the election outcome, the member requiring the recount shall be entitled to,
- i) be reimbursed for travel expenses incurred by or on behalf of the member under Article 53.24 in accordance with the College's policy for reimbursement of travel expenses; and
 - ii) the return of the fee required in Article 53.22.
- 53.26** Where a recount takes place, the eligible candidate with the highest number of votes shall be entitled to be reimbursed for travel expenses incurred by or on behalf of the member under Article 53.24 in accordance with the College's policy for reimbursement of travel expenses.

- 53.27** Subject to Article 53.29,
- i) in an election where only one candidate is to be elected, the successful candidate is the eligible candidate with the highest number of votes; and
 - ii) in an election where more than one candidate is to be elected, the successful candidates are those eligible candidates with the highest and next highest number of votes and so on until the number of successful candidates equals the number of persons to be elected in that election.
- 53.28** Subject to Article 53.29, in each election the Election and Appointments Committee shall declare the successful candidates elected after the counting of the ballots or in the case of a recount, after the recounting of the ballots.
- 53.29** If there is a tie in any election and it is necessary to break the tie to determine who shall be the successful candidate, the Election and Appointments Committee shall designate a person to break the tie by lot and then declare that candidate elected.
- 53.30** The College shall notify its members of the results of all elections by publication of those results in *The Standard* or in such manner as Council may direct.
- 53.31** The Executive Director may authorize destruction of all ballots thirty-one days after the announcement to eligible candidates of the results of an election including any recount.
- 53.32** If there is an interruption of mail service during a nomination or election, the Executive Director may extend the holding of a nomination or election for such period of time as he or she considers necessary to compensate for the interruption.
- 53.33** The Executive Director may extend an election in an electoral district for such period of time as he or she considers necessary and, where appropriate, provide replacement voting packages to the members eligible to vote in an electoral district if, the Executive Director has reason to believe
- i) a significant number of members who are eligible to vote in that electoral district did not receive their voting packages; or
 - ii) the integrity of the election process would otherwise be compromised.

54. Disqualification of Elected Councillors/Elected Committee Members

(Article re-named September 17, 2008)

- 54.01** The Council shall disqualify an elected councillor or elected committee member if he or she
- i) ceases to be a member in the Category for which he or she was elected;
 - i.1) ceases to be the holder of a general or extended class of certificate of registration which is not subject to a term, condition or limitation other than one applicable to all members of the class;
 - ii) ceases to principally reside in or work in nursing in the electoral district for which he or she was elected;
 - iii) in the case of an elected councillor, fails, without reasonable cause, to attend two consecutive meetings of the Council;
 - iv) fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member;
 - v) fails, without reasonable cause, to attend a hearing or proceeding of a panel for which he or she has been selected;
 - vii) is found to have committed an act of professional misconduct or to be incompetent by a panel of the Discipline Committee; or
 - viii) is found to be incapacitated by a panel of the Fitness to Practise Committee.
- 54.02** An elected councillor or elected committee member is also subject to disqualification pursuant to the College's conduct of councillors and committee members by-law.
- 54.03** An elected councillor who is disqualified by Council under this or any other by-law of the College ceases to be an elected councillor and ceases to be a member of all committees.
- 54.04** An elected committee member who is disqualified by Council under this or any other by-law of the College ceases to be an elected committee member and ceases to be a member of all committees.
- 54.05** An elected councillor or an elected committee member who becomes the subject of a disciplinary or incapacity proceeding, including one which

- 54.06** An elected councillor or an elected committee member who becomes in default of the payment of any fees prescribed by the regulations or required by the by-laws, including a default which originates at any time after the deadline for receipt of nominations, shall not serve on Council or any committee until the default is remedied.
- 54.07** Where a councillor believes that Council should consider disqualifying an elected councillor or elected committee member on the basis that he or she meets one or more of the disqualification factors set out in Article 54.01, the councillor shall advise the Executive Committee in writing.
- 54.08** If the Executive Director receives information that if true may result in Council disqualifying an elected councillor or elected committee member on the basis that he or she meets one or more of the disqualification factors set out in Article 54.01, the Executive Director shall advise the Executive Committee in writing.
- 54.09** The Executive Committee shall notify the elected councillor or elected committee member whose conduct is the subject of concern of the nature of the concern and provide him or her with a reasonable opportunity to make written or oral submissions or both to the Executive Committee.
- 54.10** The Executive Committee shall make a preliminary determination of the relevant facts and report those facts to the elected councillor or elected committee member whose conduct is the subject of concern and, where applicable, to the councillor who brought the concern to the Executive Committee's attention.
- 54.11** If either the Executive Committee or the councillor who brought the matter to the Executive Committee's attention is of the view that further action may be required by Council, the issue shall be placed on the agenda for the next meeting of Council.
- 54.12** Should, pursuant to this by-law, the matter of the potential disqualification of an elected councillor or elected committee member be placed on the agenda of Council, the Executive Director shall advise the person who is potentially subject to disqualification of the date when Council intends to meet to deal with the issue and of his or her opportunity to make either written or oral submissions to the Council, should he or she wish to do so.

- 54.13** After providing the opportunity referred to in Article 54.12, Council shall determine the relevant facts and, if appropriate, disqualify the elected councillor or elected committee member in accordance with this by-law.
- 54.14** A two-thirds majority vote of the councillors present at a Council meeting duly called for that purpose shall be required in order to disqualify an elected councillor or elected committee member pursuant to this Article.
(Amended September 17, 2008)
- 54.15** Where an elected councillor is the subject matter of a motion for disqualification under this Article, that elected councillor shall not be present during the debate or vote and shall not be counted as a member of Council in determining whether a quorum exists or whether the motion was carried or defeated.
- 54.16** Before any debate is had or vote taken by Council pursuant to this Article, Council shall consider whether the public should be excluded from the meeting in accordance with the Code.
- 54.1** **Eligibility for Appointment** (Article 54.1 Added September 17, 2008)
- 54.1.01** The Executive Director shall approve a form of application for appointment as an appointed committee member and establish in each year a deadline for receipt of applications to be appointed as an appointed committee member.
- 54.1.02** Subject to the balance of the provisions of Article 54.1, a member is eligible for appointment if,
- i) the member has completed and filed with the Executive Director an application for appointment in the form approved by the Executive Director prior to the deadline for applications established by the Executive Director;
 - ii) the member is the holder of a general or extended class of certificate of registration and the certificate is not subject to a term, condition or limitation other than one applicable to all members of the class;
 - iii) the member is not in default of the payment of any fee prescribed by the Regulations or required by the by-laws;
 - iv) the member is not the subject of any disciplinary or incapacity proceeding;

- v) the member's certificate of registration has not been revoked or suspended in the six years preceding the date of appointment for any reason other than non-payment of fees;
- vi) the member has not been the subject of any professional misconduct, incompetence or incapacity finding in the three years preceding the date of appointment; and
- vii) the member has not been disqualified by the Council in the three years preceding the date of appointment.

54.1.02.1 A member is not eligible for appointment as an appointed committee member if the member served as an elected committee member or as an appointed committee member or any combination thereof for the previous two consecutive terms.

54.1.02.2 Time spent as an appointed committee member as a result of an appointment to fill a vacancy shall not be included for the purposes of Article 54.1.02.1.

54.1.03 Subject to Article 54.1.04, a member is not eligible for appointment as an appointed committee member if the member has been an elected councillor, an elected committee member or an appointed committee member or any combination thereof for three consecutive terms.

54.1.04 A member who is ineligible as a result of Article 54.1.03 shall once again be eligible for appointment in the third calendar year following the year in which the member last served as an elected councillor, elected committee member or appointed committee member.

54.1.05 An employee of the College shall not be eligible for appointment as an appointed committee member unless he or she provides an irrevocable written notice of termination of employment which must be received by the Executive Director.

54.1.06 An elected councillor or an elected committee member, other than one whose term will automatically expire prior to the date of appointment, shall not be eligible to be appointed as an appointed committee member unless he or she provides a written resignation from his or her position as an elected councillor or elected committee member which resignation must be effective on or before the deadline for receipt of applications.

54.1.07 A member may not apply to be appointed as an appointed committee member if the member is a candidate for election as an elected councillor.

54.1.08 A member who is both an RN and RPN may be appointed either as an RN appointed committee member or an RPN appointed committee member but not as both.

54.1.09 A member is not eligible for appointment as an appointed committee member if the member holds a position which would cause the individual, if appointed, to have a conflict of interest by virtue of having competing obligations to both the College and another organization unless the member files with the Executive Director, prior to the deadline for receipt of applications, a written agreement to resign from the other position if appointed as an appointed committee member.

54.1.10 A person shall be deemed to have a position which would result in a competing obligation under Article 54.1.09 if the person is

- i) a director or other member of the governing body of,
- ii) an officer of,
- iii) an employee of, or
- iv) in a contractual relationship to provide services to

any international, national or provincial association or organization whose members are predominately nurses or international, national or provincial bargaining unit which represents nurses.

54.1.11 Any question as to whether a member is eligible for appointment as an appointed committee member will be determined by the Election and Appointments Committee.

54.2 **Term of Office of Appointed Committee Members** (Article 54.2 Added September 17, 2008)

54.2.01 The term of office of an appointed committee member commences on the day of appointment and subject to Article 55.01.1 continues

- i) except in the case of an appointed committee member who is appointed to fill a vacancy, until the June Council meeting immediately prior to the holding of elections for Council officers in the third calendar year after that member's appointment; and
- ii) in the case of an appointment to fill a vacancy, when the appointed committee member's predecessor's term would have expired.

54.3 Disqualification of Appointed Committee Members (Article 54.3 Added September 17, 2008)

54.3.01 The Executive Committee shall disqualify an appointed committee member if he or she

- i) ceases to be a member in the Category for which he or she was appointed;
- ii) ceases to be the holder of a general or extended class of certificate of registration which is not subject to a term, condition or limitation other than one applicable to all members of the class;
- iii) fails, without reasonable cause, to attend two consecutive meetings of a committee of which he or she is a member;
- iv) fails, without reasonable cause, to attend a hearing or proceeding of a panel for which he or she has been selected;
- v) becomes the subject of a disciplinary or incapacity proceeding;
- vi) becomes in default of payment of any fee prescribed by the Regulations or required by the by-laws and fails to remedy that default within thirty days despite written notice from the Executive Director; or
- vii) the member obtains a position which if obtained prior to appointment would have made the member ineligible for appointment under Article 54.1.09.

54.3.02 An appointed committee member is also subject to disqualification pursuant to the College's conduct of councillors and committee members by-law.

54.3.03 An appointed committee member who is disqualified under this or any other by-law of the College ceases to be an appointed committee member and ceases to be a member of all committees.

54.3.04 Where a councillor believes that an appointed committee member should be disqualified on the basis that he or she meets one or more of the disqualification factors set out in Article 54.3.01, the councillor shall advise the Executive Committee in writing.

54.3.05 If the Executive Director receives information that if true may result in the disqualification of an appointed committee member on the basis that he or she meets one or more of the disqualification factors set out in

Article 54.3.01, the Executive Director shall advise the Executive Committee in writing.

54.3.06 The Executive Committee shall notify the appointed committee member whose conduct is the subject of concern of the nature of the concern and provide him or her with a reasonable opportunity to make written or oral submissions or both to the Executive Committee.

54.3.07 Provided the Executive Committee has fulfilled its obligations under Article 54.3.06, the Executive Committee shall disqualify an appointed committee member where the Executive Committee determines that the appointed committee member has met one or more of the disqualification factors set out in Article 54.3.01 and shall thereafter notify the appointed committee member of its decision.

54.3.08 An appointed committee member who receives notification under Article 54.3.06, shall not participate as a member of any committee including a panel of any committee until a decision of the Executive Committee has been made.

54.3.09 The decision of the Executive Committee under Article 54.3.07 is not subject to review or appeal.

55. Vacancy

55.01 The seat of an elected councillor or elected committee member shall be deemed to be vacant upon the death, resignation or disqualification of the elected councillor or elected committee member.

55.01.1 An appointed committee member shall cease to be a committee member and a vacancy shall be created on that committee upon death, resignation, disqualification or other removal of the appointed committee member.
(Added September 17, 2008)

55.02 If the seat of an elected councillor becomes vacant for an electoral district not more than sixteen months before the expiry of his or her term, the Council shall

- i) leave the seat vacant; or
- ii) appoint as a councillor a member who meets the requirements for eligibility for election in that electoral district to serve the balance of the former elected member's term.

(Amended September 17, 2008)

55.03 If the seat of an elected councillor becomes vacant for an electoral district more than sixteen months before the expiry of his or her term, the Council shall

- 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; or
- ii) appoint as a councillor the eligible candidate 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.

(Amended September 17, 2008)

55.03.1 Where a by-election will be required under Article 55.03 because there is no eligible candidate who could be appointed pursuant to sub-Article 55.03(ii), no decision of the Council shall be required pursuant to Article 55.03 and the Council shall be deemed to have directed the holding of a by-election thereby allowing the Executive Director to set a date for the by-election without a resolution of the Council.

55.03.2 Where a vacancy occurs as a result of the death, resignation, disqualification or removal of an elected or appointed committee member, the Executive Committee shall

- i) leave the position vacant until the June Council meeting; or
- ii) appoint as an elected or appointed committee member a member who continues to be eligible for appointment and whose name was listed on the list of eligible members prepared by the Elections and Appointments Committee for the previous June Council meeting.

(Added September 17, 2008)

55.04 The term of an elected councillor or an elected or appointed committee member elected or appointed under Article 55.02, 55.03 or 55.03.2 shall continue until the term of the former elected councillor or former elected or appointed committee member would have expired.

(Amended September 17, 2008)

Part 3: Funding for Therapy and Counselling

56. Funding for Therapy and Counselling

56.01 In accordance with the provisions of the Code and Regulations, the College shall provide funding for therapy or counselling for persons who, while clients, were sexually abused by members.

56.02 The Client Relations Committee shall authorize the payment under the program only if

- i) the person and the designated therapist or counsellor submit a completed application in a form approved by the Client Relations Committee;
- ii) the person is receiving or plans to receive therapy or counselling required in whole or in part as a result of sexual abuse by the member; and
- iii) the Client Relations Committee determines that the person satisfies the eligibility requirements.

56.03 The eligibility requirement for funding is that the Discipline Committee has made a finding on or after December 31, 1993 that a member committed an act of professional misconduct or is incompetent based on a finding that the member sexually abused a person when the person was a client of that member.

56.04 For the purposes of Article 56.03, an act of sexual abuse may have occurred at any time either prior to or after December 31, 1993.

56.05 The Client Relations Committee may require therapists and counsellors who are providing therapy or counselling funded through the program and persons who are receiving such therapy or counselling to provide a written statement, signed in each case by the therapist or counsellor and by the person which statement shall contain

- i) details of the therapist or counsellor's training and experience;
- ii) confirmation that the therapy or counselling is being provided to the client; and

- iii) confirmation that the funds received will be devoted only to therapy or counselling that is related in whole or in part to the sexual abuse by the member referred to in Article 56.03.

Part 4: Interpretation

57. Interpretation

- 57.01** In all by-laws of the College, the singular shall include the plural and the plural shall include the singular.
- 57.02** Wherever reference is made in the by-laws to a statute or section, such reference shall be deemed to extend and apply to any amendment or re-enactment of such statute or section, as the case may be.
- 57.03** A Schedule in this or any other by-law of the College shall form part of the by-law.
- 57.04** All provisions of this or any other by-law of the College shall be interpreted in a manner consistent with the RHPA and the Act and where any such inconsistency is found to exist, the inconsistent provision is to be severed therefrom so long as this severance is practical.
- 57.05** Where notice is required under this or any other by-law of the College and except where specifically provided otherwise, the following shall apply in determining whether sufficient notice was given,
- i) the number of days shall be calculated excluding the day on which the notice was sent or forwarded and excluding the day of the event for which the notice was given;
 - ii) the number of days shall be calculated including all days whether or not they are business days, weekend days, or holidays;
 - iii) where notice is provided by ordinary prepaid first class mail to the person's last known address, the notice shall be considered to have been received on the fifth day following mailing;
 - iv) where notice is provided by facsimile, electronic mail or other electronic means, the notice shall be considered to have been received on the date and time it was sent; and
 - v) where notice is provided by courier to the person's last known address, the notice shall be considered to have been received on the date the courier delivered the notice, whether or not it was personally received on that date.

Schedule No. 1 to By-Law No. 1
Process for Election of Council Officers

1. Prior to the June Council meeting, nomination forms for the nomination of the elected Council officers (President and two Vice-Presidents) will be sent by the Executive Director to all councillors as well as those newly elected members who will be commencing their term of office as councillors during the June Council meeting (“newly elected councillors”).
2. To be nominated for election to an officer position, a councillor must submit a completed nomination form including the written consent of the councillor wishing to stand for election for that position and the signatures of three persons who, at the time of the nomination, were councillors or newly elected councillors.
3. A councillor may not run for election for more than one position.
4. A councillor may withdraw as a candidate at any time, however, a councillor nominated for more than one position must, prior to the commencement of the election, withdraw as a candidate for one position.
5. The new Council will convene after adjournment of the meeting of the outgoing Council which will take place immediately prior to the holding of election of Council officers.
6. The chair of the Election and Appointments Committee or his or her designate shall preside as chair of that portion of the meeting of Council where the election of Council officers takes place.
7. Council shall appoint three scrutineers for the election.
8. The chair will call for nominations from the floor which nominations must be in writing and must comply with paragraph 2 above.
9. Ballots will be distributed for election of the President and two Vice-Presidents. The ballot will include all positions to be elected and will include the names of all candidates whose nomination forms have been properly completed as of close of business on the date prior to the election.
10. The chair will announce the names of all candidates running for election to each position and direct the councillors to add to the ballot the name of any candidate whose name is not already on the ballot.

11. If no councillor has been nominated for one or more of the offices, the Election and Appointments Committee will nominate a candidate or candidates for the office(s).
12. If only one candidate has been nominated for a position, the chair shall declare the candidate elected by acclamation.
13. Each candidate for election shall be offered the opportunity to address Council briefly.
14. Voting shall be by secret ballot and may take place simultaneously for all positions.
15. The completed ballots will be deposited in a ballot box and the ballot box given to scrutineers.
16. Council will then recess.
17. A staff member designated by the chair will count the ballots under the supervision of the scrutineers.
18. The scrutineers will report to the chair the results in writing including the number of votes cast for each candidate. The chair will announce the results without referring to the number of votes cast for each candidate.
19. The candidate receiving the highest number of votes for each position shall be declared the successful candidate. In the event of a tie and where there are more than two candidates running for election, the candidate with the lowest number of votes shall be dropped from the election and another vote (ballot) shall be taken. The same process shall be followed until one candidate receives the highest number of votes. In the event that two candidates remain with an equal number of votes which tie cannot, in the opinion of Council, be broken by additional ballots, the tie shall be broken by the chair by lot.
20. Where in the course of the election a tie vote occurs respecting two or more candidates having the lowest number of votes in that election and it is necessary to break that tie in order to determine which of the candidates shall be dropped from the ballot, the Council may vote by secret ballot to determine which of the candidates shall be dropped from the ballot or may determine to identify the candidate who shall remain on the ballot by lot.
21. On request of a candidate, the chair will advise the candidate of the number of votes cast for each candidate for the position for which he or she stood, in respect of any ballot.

22. Unless Council directs otherwise, ballots shall be destroyed immediately following the chair declaring the successful candidates for all positions.

Schedule No. 2 to By-Law No. 1
Process for the Selection of Chairs

Deleted March 4, 2009

BY-LAW NO. 2: FEES

Approved by Council on June 14, 2000

Revised June 2006, September 2007, June 2008, September 2009

1.01 In this by-law,

“**category**” means one of the RN Category or the RPN Category;

“**class**” means a class of certificate of registration and does not mean “class” as that word is used in section 8 of the *Nursing Act*, 1991;

“**fee**” includes a required fee (s) or charge, an administrative fee(s) or an administrative charge(s); and

“**member**” includes a former member.

2.01 Fees described in this by-law are exclusive of applicable taxes and are not refundable either in whole or in part.

3.01 A person who submits an application for a certificate of registration in the general or extended class shall pay an application fee of

- i) \$46.73 for the applicant for a general class certificate of registration as a registered nurse if the applicant is a graduate of a nursing program required for registration as a registered nurse which was taken in Canada;
- ii) \$46.73 for the applicant for a general class certificate of registration as a registered practical nurse if the applicant is a graduate of a nursing program required for registration as a registered practical nurse which was taken in Canada;
- iii) \$46.73 for the applicant for an extended class certificate of registration if the applicant is a graduate of a program required for registration in the extended class which was taken in Canada; and
- iv) \$163.55 where the applicant did not graduate from a Canadian program as provided in (i), (ii) or (iii) and the assessment of the application therefore requires consideration of the equivalence of the applicant's program to a nursing program in Ontario or consideration of the additional nursing education, training or experience that the applicant has, or both.

- 3.02** A person who submits an application for a certificate of registration for any other class of certificate other than the general, extended or retired class shall pay an application fee of \$46.73.
- 3.03** Deleted (September 2007)
- 3.04** No application fee shall be payable for a retired class of certificate of registration.
- 4.01** Subject to Article 4.03, a person shall pay for registration as a member holding a certificate of registration of a particular class, other than a retired class, a registration fee of \$163.55, which fee, for the purposes of Article 4.03, shall be deemed to include an annual fee of \$116.82.
- 4.02** Subject to Articles 4.03 and 4.04, a separate registration fee is payable upon the first issuance of each class of certificate of registration and upon each subsequent issuance to the person of a certificate of registration of a different class.
- 4.03** A person who at the time of application is a member shall pay for registration in a different class of the same category in which he or she is a member, a registration fee which is the greater of
- i) \$46.73; or
 - ii) the amount determined by subtracting from the fee otherwise payable under Article 4.01, the annual fee paid by the member for the calendar year in which the certificate of registration in the new class of the same category is issued.
- 4.04** No registration fee is payable for the issuance of a certificate of registration in a retired class.
- 4.05** The registration fee for a person who previously held a certificate of registration in the same class is the same fee as would be required if the person had reinstated his or her certificate of registration.
- 4.1.01** Subject to 4.1.02, the fee for the issuance of a specialty certificate in the extended class is \$46.73 and shall be payable for each specialty in respect of which a specialty certificate is to be issued.
- 4.1.02** There shall be no fee payable for the issuance of a Primary Health Care Specialty Certificate where the member held an extended class certificate

of registration on the date this by-law came into effect (September 26, 2007).

- 5.01** Every member shall pay an annual fee in accordance with this by-law.
- 5.02** The annual fee for a calendar year must be paid on or before December 31 of the previous year.
- 5.03** The annual fee for a member holding a certificate of registration in a class, other than a retired class, is \$116.82.
- 5.04** No annual fee shall be payable for the calendar year for which the member previously paid a registration fee under Article 4.01 or Article 4.03.
- 5.05** Subject to Article 5.06, the annual fee for a member holding a certificate of registration in a retired class is \$46.73.
- 5.06** No annual fee shall be payable under Article 5.05 for a calendar year for which the member previously paid a registration fee under Article 4.01 or Article 4.03 or an annual fee under Article 5.03.
- 6.01** The Executive Director shall notify every member of the amount of the annual fee and the day on which the fee is due.
- 7.01** A member who fails to pay an annual fee on or before the day on which it is due shall pay a penalty of \$46.73 in addition to the annual fee.
- 8.001** A person who applies for reinstatement of a certificate of registration shall pay, at the time the person makes such application, an application fee of
- i) \$233.65 where the application is made pursuant to section 72 of the Code; or
 - ii) \$46.73 where the application is not made pursuant to section 72 of the Code.
- (Amended September 2009)
- 8.01** A person who is otherwise entitled to reinstatement of his or her certificate of registration shall pay a reinstatement fee of:
- i) \$46.73; and
 - ii) \$500.00 for each calendar year or part thereof during which the applicant, while not a member,
 - a) used a title, the use of which was restricted to members;

- b) held himself or herself out as a member or held himself or herself out as qualified to practise in Ontario as a nurse, registered nurse, practical nurse or in a specialty of nursing in breach of section 11 of the Act; or
- c) performed an act authorized to members under the Act in breach of the RHPA.

9.01

A person who applies to attempt an examination which is a requirement for a certificate of registration in a general class as a registered nurse shall pay a fee of

- i) \$200.93 if the examination is to be taken prior to June 1, 2005;
- ii) \$315.00 if the examination is to be taken on or after June 1, 2005 but prior to January 1, 2006;
- iii) \$373.83 if the examination is to be taken on or after January 1, 2006 but prior to January 1, 2007;
- iv) \$383.18 if the examination is to be taken on or after January 1, 2007 but prior to January 1, 2008;
- v) \$392.53 if the examination is to be taken on or after January 1, 2008 but prior to January 1, 2009;
- vi) \$401.88 if the examination is to be taken on or after January 1, 2009 but prior to January 1, 2010; and
- vii) \$411.23 if the examination is to be taken on or after January 1, 2010.

9.02

A person who applies to attempt an examination which is a requirement for a certificate of registration in a general class as a registered practical nurse shall pay a fee of

- i) \$200.93 if the examination is to be taken prior to June 1, 2008;
- ii) \$225.00 if the examination is to be taken after June 1, 2008 but prior to June 1, 2010;
- iii) \$232.00 if the examination is to be taken after June 1, 2010 but before June 1, 2012; and
- iv) \$240.00 if the examination is to be taken after June 1, 2012.

(Revised June 2008)

- 9.03** A person who applies to have the results of an examination referred to in Article 9.01 re-scored shall pay a fee of:
- i) \$35.00, if the examination to be rescored was taken prior to June 1, 2005; and
 - ii) \$46.73, if the examination to be rescored was taken on or after June 1, 2005.
- 9.04** A person who applies to have the results of an examination referred to in Article 9.02 re-scored shall pay a fee of:
- i) \$35.00 if the examination to be rescored was taken prior to June 1, 2008; and
 - ii) \$50.00 if the examination to be rescored was taken on or after June 1, 2008. (Revised June 2008)
- 9.04.1** A person, including a member, who applies to attempt an examination in order to meet the requirement for the issuance of a specialty certificate in the extended class shall pay a fee of \$1100.00.
- 9.04.2** A person who applies to have the results of an examination referred to in Article 9.04.1 re-scored shall pay a fee of \$110.00.
- 9.05** A separate fee is payable for each application referred to in Articles 9.01, 9.02, 9.03, 9.04, 9.04.1 and 9.04.2 and shall be paid at the time the application is submitted.
- 9.1.01** Subject to Article 9.1.02, a member who is notified of his or her failure to return to the College the fully completed form referred to in Article 44.2 of By-law No. 1: General, shall pay a fee of \$23.36.
Added December 2005
- 9.1.02** The fee referred to in Article 9.1.01, shall be waived if the fully completed form required by Article 44.2 of By-law No. 1: General is received by the College on or before the January 31st next following the forwarding of the form to its members.
Added December 2005
- 9.2** Where a member is required by the College's Quality Assurance Committee or a panel thereof to undergo a practice assessment or reassessment in circumstances where the regulation governing the College's Quality Assurance Program requires the member to pay for that practice assessment or reassessment, the fee for the practice assessment or reassessment shall be \$1500.00
(Added September 2009)

9.3 The fee required by Article 9.2 shall be payable upon receipt of notice from the College that a practice assessment or reassessment has been required by the Quality Assurance Committee or a panel thereof.
(Added September 2009)

10.01 Despite any provisions contained in this by-law, the Executive Director may waive the requirement for an individual applicant or member to pay a fee required by this by-law where, in the Executive Director's opinion, the circumstances are sufficiently extraordinary to warrant the waiver and are not based upon the ability of the individual applicant or member to pay the fee.

**BY-LAW NO. 3: CONDUCT OF COUNCILLORS
AND COMMITTEE MEMBERS**

Approved by Council on October 3, 2001

Amended September 2008

1. Definitions and Interpretations

1.01 In this by-law,

“**bias**” includes a reasonable apprehension of bias as described by Articles 7.03 and 7.04;

“**committee**” means a committee or a panel of a committee of the College including any statutory, standing or ad hoc committee and for the purposes of this by-law includes a Board of Inquiry;

“**committee member**” means a member of a committee other than an employee of the College serving on an ad hoc or standing committee;

“**panel**” means a panel of a statutory committee of the College;

“**related corporation**” means a corporation wholly or substantially owned or controlled by the councillor or committee member or related person of that councillor or committee member;

“**related person**” means any person connected with the councillor or committee member by blood relationship, marriage, common-law, or adoption and,

- i) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other,
- ii) persons are connected by marriage if one is married to the other or to a person who is connected by blood relationship to the other,
- iii) persons are connected by common-law if the persons have for a period of not less than three years cohabited in a relationship of some permanence, and
- iv) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is connected by blood relationship, except as a brother or sister, to the other.

1.01.1 This by-law does not apply to and shall not be interpreted as in any way limiting the ability of Council or the Executive Committee under By-Law No. 1 to remove a committee member from a committee, with or without cause, or to disqualify an elected councillor, elected committee member or appointed committee member as those terms are defined by that by-law, in accordance with that by-law.

(Added September 17, 2008)

2.01 A conflict of interest may be actual or potential, real or perceived, direct or indirect.

3.01 A conflict of interest exists where

- i) a reasonable person knowing the relevant facts would conclude that the exercise of the councillor's or committee member's judgment was likely to have been influenced by the personal financial interest of the councillor or committee member or by the financial interest of a related person or a related corporation of that councillor or committee member;
- ii) a reasonable person knowing the relevant facts would perceive that the exercise of the councillor's or committee member's judgment was likely to have been influenced by the personal financial interest of the councillor or committee member or by the financial interest of a related person or a related corporation of that councillor or committee member;
- iii) the councillor is a person who holds a position with another organization such that
 - a) a reasonable person knowing the relevant facts would conclude that the exercise of the councillor's judgment was likely to have been influenced by that councillor's responsibilities or duties to that other organization; or
 - b) a reasonable person knowing the relevant facts would perceive that the exercise of the councillor's judgment was likely to have been influenced by that councillor's responsibilities or duties to that other organization;
- iv) the committee member is a person who holds a position with another organization such that
 - a) a reasonable person knowing the relevant facts would conclude that the exercise of the committee member's judgment was

- b) a reasonable person knowing the relevant facts would perceive that the exercise of the committee member's judgment was likely to have been influenced by that committee member's responsibilities or duties to that other organization.

4.01 A councillor shall be deemed to have a conflict of interest if he or she is

- i) a director or other member of the governing body of;
- ii) officer of; or
- iii) executive director or chief administrative officer of

any international, national or provincial association or organization whose members are predominately nurses or international, national or provincial bargaining unit which represents nurses.

4.02 A councillor or committee member shall be deemed to have a conflict of interest if he or she applies for employment with the College unless he or she first resigns as a councillor or committee member.

5.01 Subject to Article 5.02, each councillor and each committee member shall, prior to commencing to serve as a councillor or committee member, provide to the Executive Director a list of all of the organizations for which he or she serves and in respect of which it is reasonably conceivable that a conflict of interest could arise, including details of the nature of the duties the individual has with that organization.

5.02 A councillor or committee member who is a councillor or committee member when Article 5.01 of this by-law comes into force shall have sixty days from that date to provide the list referred to in Article 5.01.

6.01 Each councillor and committee member shall also advise the Executive Director of any changes to the information provided under Article 5.01 or 5.02 within a reasonable period of the change taking place.

6.02 The Executive Director shall distribute to each councillor, prior to the commencement of the regular meeting of Council which takes place in the second quarter of the year, the information referred to in Article 5.01 and shall distribute to each councillor the information referred to in Article 6.01 prior to the first regular Council meeting following its receipt by the Executive Director.

- 6.03** The Executive Director shall distribute to each councillor at the first regular meeting of Council following Article 5.02 of this by-law coming into force, the information provided pursuant to that Article.
- 7.01** A bias exists where there is actual bias or reasonable apprehension of bias.
- 7.02** A bias exists in the context of hearing or meeting involving a decision that directly affects a named person where the committee member who is a member of the decision-making panel has an association, relationship, non-financial interest or activity that is incompatible with his or her responsibilities as an impartial decision-maker.
- 7.03** There is reasonable apprehension of bias in the context of a hearing or meeting involving a decision that directly affects a named person if a reasonable person, well informed of the facts, might reasonably conclude that the committee member's decision was not impartial nor based solely on the evidence or information properly received by the committee, but rather, influenced by the existence of personal extraneous factors which may include but are not limited to
- i) the committee member's connection with the issue(s) or the decision(s) to be made; or
 - ii) the committee member's connection with a person or persons involved in the proceeding, including the person who is the subject matter of the hearing or meeting or any person whose evidence or information is presented at the hearing or meeting.
- 7.04** There is reasonable apprehension of bias in the context of a meeting of Council or a committee, which does not involve a decision that directly affects a named person if a reasonable person, well informed of the facts, might reasonably conclude that the councillor or committee member's decision was one not impartially made in the best interests of the College, but rather, influenced by the existence of personal extraneous factors.
- 8.01** If a councillor believes that he or she has a conflict of interest or bias in respect of any matter which is the subject of either debate or action or intended action by Council, the councillor shall,
- i) prior to any consideration of the matter at a meeting of Council, disclose to the Council the fact that he or she has a conflict of interest or bias which prevents him or her from participating;
 - ii) not take part in the discussion of or vote of any question in respect of the matter;

- iii) absent himself or herself from that portion of the meeting relating to the matter; and
- iv) not attempt in any way to influence the voting or do anything which might be reasonably perceived as an attempt to influence the other councillors or the decision relating to that matter.

8.02 Where a councillor declares a conflict of interest or bias in accordance with Article 8.01, that fact shall be reflected in the minutes of that meeting of Council.

9.01 If a committee member believes that he or she has a conflict of interest or bias respecting any action or intended action of that committee, the committee member shall,

- i) in the case of a member of the Board of Inquiry, immediately notify the Executive Committee of the conflict of interest or bias without describing the nature of the conflict of interest or bias to either the Executive Committee or the other members of the Board of Inquiry, so that the Executive Committee may constitute a new Board of Inquiry;
- ii) in the case of a member of a committee which is holding a hearing,
 - a) immediately upon determining that a conflict of interest or bias may exist, disclose to the chair of the panel the existence of a potential conflict of interest or bias without disclosing any details and, if required, ask the chair for a recess;
 - b) if the committee member is not sure whether to excuse himself or herself from the panel, privately disclose the conflict of interest or bias to the panel's independent legal counsel in order to seek legal advice;
 - c) unless the member is satisfied that no conflict of interest or bias exists, decline to participate in any way in respect of the hearing and remove himself or herself from the panel; and
 - d) where the member removes himself or herself from the panel, not attempt in any way to influence or do anything which might be reasonably perceived as an attempt to influence any of the other members of the panel or of the committee or the outcome of the hearing.
- iii) in the case of a member of a committee which while not holding a hearing is involved in a matter which directly affects the rights of a

- a) immediately upon determining that a conflict of interest or bias may exist, disclose to the chair of the panel or if no panel exists, the chair of the committee or meeting, the existence of a potential conflict of interest or bias without disclosing any details and if required, ask the chair for a recess;
- b) if the committee member is not sure whether to excuse himself or herself from the committee in respect of the matter, privately disclose the conflict of interest or bias to the Executive Director or the Executive Director's delegate to obtain advice;
- c) unless the member is satisfied that no conflict of interest or bias exists, decline to participate in any way in respect of the matter; and
- d) where the member declines to participate in any way in respect of the matter, not attempt in any way to influence or do anything which might be reasonably perceived as an attempt to influence any of the other members of the panel or of the committee or the outcome in respect of the matter.

9.02 Where a committee member declares a conflict of interest or bias in accordance with Article 9.01 (iii), that fact shall be recorded in the minutes of that committee's meeting.

10.01 Where a councillor believes that another councillor or a committee member has acted in conflict of interest or breached this by-law, he or she shall advise the Executive Committee in writing.

10.02 If the Executive Director receives information that indicates that a councillor or committee member may have acted in conflict of interest or breached this by-law, the Executive Director shall report the information to the Executive Committee in writing.

11.01 The Executive Committee shall notify the person whose conduct is the subject of concern of the nature of the concern and provide that person with a reasonable opportunity to make written or oral submissions or both to the Executive Committee.

12.01 The Executive Committee shall make a preliminary determination of the relevant facts and report those facts to the person whose conduct is the

- 13.01** If either the Executive Committee or the councillor who brought the matter to the Executive Committee's attention is of the view that further action may be required by Council, the issue shall be placed on the agenda for the next meeting of Council.
- 14.01** The Executive Director shall advise the person whose conduct is the subject of concern of the date of the next meeting of Council and of his or her opportunity to make either written or oral submissions to the Council should he or she wish to do so.
- 15.01** After providing the opportunity referred to in Article 14.01, Council shall determine whether any material facts are in dispute.
- 15.02** If material facts are in dispute, Council shall adopt a fair and reasonable process to determine those facts which may include the appointment of an independent third party ("ITP") to investigate and provide a written report to Council respecting those facts.
- 15.03** Where Council does not appoint an ITP, the process to determine those facts shall provide the person whose conduct is in question with disclosure of the allegations and relevant information supporting the allegations as well as an opportunity to make written or oral submissions or both to the Council.
- 15.04** Where Council does not appoint an ITP, it shall endeavour to make the decisions required by Article 19 at or before the next regular meeting of Council.
- 16.01** Whether or not Council determines to appoint an ITP, it may suspend the person whose conduct has been brought into question from all of his or her duties with the Council, including all committees of the College, until the matter is finally disposed of provided Council is satisfied that the suspension is necessary to ensure the integrity of the College and/or its processes.
- 17.01** Where an ITP is appointed, the ITP shall use a process that provides the person whose conduct is in question with disclosure of the allegations and relevant information supporting the allegations as well as an opportunity to make written or oral submissions or both to the ITP.
- 17.02** After completing the investigation, the ITP shall provide a written report to Council which shall include the ITP's findings as to whether, in the

ITP's opinion, the person whose conduct is the subject of concern acted in conflict of interest or breached this by-law and, if so,

- i) whether, in the ITP's opinion, the breach was due to inadvertence or as a result of the wilful conduct or the gross neglect of the person; and
- ii) whether, in the ITP's opinion, the person's actions have had or are likely to have serious and substantial negative implications for the College as well as the ITP's reasons for those findings and opinions.

- 17.03** The ITP shall complete the investigation and deliver to the Executive Director the report referred to in Article 17.02 within forty-five days or such longer period of time as may be permitted by the Executive Committee.
- 17.04** The Executive Director shall provide a copy of the report to the Executive Committee and unless the Executive Committee directs that a special meeting of Council be called, the report and the determination of what action to take in respect of the person whose conduct is the subject of concern shall be included in the agenda of the next regular meeting of Council.
- 18.01** The Council may adopt either in whole or in part any of the findings and opinions of the ITP.
- 19.01** Following the determination of all of the relevant facts, Council shall determine whether the person acted in conflict of interest or breached this by-law.
- 19.02** If Council determines that the person did not act in conflict of interest or breach this by-law, no further action shall be taken and any suspension imposed by Article 16.01 shall automatically be lifted.
- 19.03** Where Council determines that the person acted in conflict of interest or breached this by-law, it shall
- i) in the case of a councillor, and where Council determines that the breach was wilful or caused by the gross neglect of the councillor or, that although inadvertent, the councillor's actions have had or are likely to have serious and substantial negative implications for the College, request the immediate written resignation of the person from the Council and all committees, and if the resignation is not received forthwith, disqualify the councillor;

- ii) in the case of a committee member who is not a councillor, and where Council determines that the breach was wilful or caused by the gross neglect of the committee member or, that although inadvertent, the committee member's actions have had or are likely to have serious and substantial negative implications for the College, request the immediate written resignation of the person from all committees, and if the resignation is not received forthwith, disqualify the committee member; or
- iii) where action under clause (i) or (ii) is not considered appropriate, demand an apology and, if considered appropriate, suspend the person from any and all duties of Council or a committee or both until an apology is received or other resolution acceptable to Council is reached.

19.04 If Council determines to disqualify a councillor from Council, it shall

- i) in the case of an elected councillor, treat the situation in the same way as if a vacancy had been created as a result of the resignation of that councillor; and
- ii) in the case of a councillor appointed by the Lieutenant-Governor in Council, suspend the councillor from all of his or her duties with the Council including all committees of the College and immediately advise the Minister of Health and Long-Term Care of its decision and the reasons for it.

19.05 If Council determines to disqualify a committee member, it shall

- i) in the case of an elected committee member, treat the situation in the same way as if a vacancy had been created as a result of the resignation of that elected committee member; and
- ii) in the case of a committee member who is not an elected committee member, remove the person from all committees.

Procedural and Other Safeguards

- 20.01** In determining whether to appoint an ITP, whether an interim suspension should be imposed, whether a sanction should be imposed and, if so, the appropriate sanction to be imposed, Council shall be mindful of the general principle that sanctions, except in the most extreme cases, shall not be used to punish members of Council, but rather to protect the College and to change behaviour which would be potentially harmful to the College.
- 21.01** Council shall not consider whether to appoint an ITP, suspend the person whose conduct is the subject of concern or take any action to disqualify the person without first providing that person with an opportunity to address Council either personally or by his or her solicitor.
- 22.01** A resolution of at least two-thirds of the councillors present at a meeting of Council duly called for that purpose shall be required in order to
- i) appoint an ITP pursuant to Article 15.02;
 - ii) impose an interim suspension in accordance with Article 16.01; or
 - iii) disqualify the person in accordance with this by-law.
- 23.01** A councillor whose conduct is the subject of a debate or vote under this by-law shall not be present during the debate or vote and shall not be counted as a member of Council in determining whether a quorum exists or whether the motion was carried or defeated.
- 24.01** Before any debate is had or vote taken by Council pursuant to this by-law, Council shall consider whether the public should be excluded from the meeting in accordance with the Code.

BY-LAW NO. 4: HEALTH PROFESSION CORPORATIONS

1. Initial Certificate of Authorization

1.01 The Executive Director shall issue a certificate of authorization on behalf of the College if the Executive Director is satisfied that each of the following conditions have been met:

1. The corporation has applied for a certificate of authorization by completing an application in the form approved by the College.
2. The corporation submitted along with the application, the application fee and the fee for the issuance of the certificate of authorization.
3. The corporation meets all of the eligibility requirements to be issued a certificate of authorization including those set out in the Regulations passed pursuant to the *Regulated Health Professions Act, 1991*.²

² The Regulation as of the date of first introduction of this by-law required the following:

- i) The articles of the corporation provide that the corporation cannot carry on a business other than the practice of the profession governed by the College and activities related to or ancillary to the practice of that profession.
- ii) Each shareholder of the corporation holds a certificate of registration issued by the Executive Director of the College.
- iii) The name of the corporation must meet the requirements in section 3.2 of the *Business Corporations Act* which provision as of the date of first introduction of this by-law required that
 - a) the name of the corporation shall include the words “Professional Corporation” or “Société professionnelle” and shall comply with the rules respecting the names of professional corporations set out in the regulations passed under the *Business Corporations Act* and with the rules respecting names set out in the regulations or by-laws made under the *Regulated Health Professions Act, 1991* and the *Nursing Act, 1991*; and
 - b) the corporation shall not have a number name.
- iv) The name of the corporation must not violate the provisions of any other Act.
- v) The name of the corporation must include the surname of one or more shareholders of the corporation, as the surname is set out in the College register, and may also include the shareholder's given name, one or more of the shareholder's initials or combination of his or her given name and initials.
- vi) The name of the corporation must include the word nursing.
- vii) The name of the corporation must not include any information other than the information permitted or required by paragraphs iii, iv, v and vi above.

4. The College has received an original certificate of status of the corporation, issued by the Ministry of Consumer and Business Services not more than thirty days before the application was submitted to the Executive Director, which certificate indicates that the corporation is active.
5. The College has received a certified copy of the certificate of incorporation of the corporation.
6. The College has received a certified copy of every certificate of the corporation that has been endorsed under the *Business Corporations Act* as of the day the application was submitted to the Executive Director.
7. The College has received a statutory declaration of a director of the corporation, executed not more than fifteen days before the application was submitted to the Executive Director, certifying,
 - i) that the corporation was in compliance with section 3.2 of the *Business Corporations Act* as of the date the statutory declaration was executed,
 - ii) that the corporation does not carry on, and does not plan to carry on, any business that is not the practice of the profession governed by the College or activities related to or ancillary to the practice of that profession,
 - iii) that there has been no change in the status of the corporation since the date of the certificate of status referred to in paragraph 4 above, and
 - iv) that the information contained in the application is complete and accurate as of the day the statutory declaration was executed.
8. The College has received the name of each person who is a shareholder of the corporation as of the day the application was submitted and his or her business address, business telephone number and registration number with the College as of the day the application was submitted.
9. The College has received the names of the directors and officers of the corporation as of the day the application was submitted.

10. The College has received the address of the premises at which the corporation carries on activities as of the day the application was submitted.

1.02 A certificate of authorization is subject to annual renewal by the College.

1.03 A certificate of authorization is subject to revocation.³

2. Revised Certificate of Authorization

2.01 The Executive Director shall issue on behalf of the College a revised certificate of authorization to a corporation if the corporation changes its name after the certificate of authorization has been issued to it provided the Executive Director is satisfied that

1. The corporation has applied for a revised certificate of authorization by completing an application in the form approved by the College.
2. The corporation submitted along with the application, the fee for the issuance of the revised certificate of authorization.

³ Revocation of a corporation's certificate of authorization is currently dealt with under a Regulation passed pursuant to the *Regulated Health Professions Act*, 1991. As of the date of first introduction of this By-Law, the Regulation provided:

1. That a corporation's certificate of authorization may be revoked where:
 - i) The corporation ceases to be eligible to hold a certificate of authorization.
 - ii) The corporation ceases to practise the profession in respect of which the certificate of authorization was issued.
 - iii) The corporation fails to comply with one or more of the requirements for a renewal of the certificate.
 - iv) The corporation carries on any business that is not the practice of nursing or activities related to or ancillary to the practice of that profession.
 - v) The corporation fails to notify the Executive Director of a change in shareholders in accordance with section 85.9 of the Health Professions Procedural Code of the *Regulated Health Professions Act*, 1991.
2. If the College proposes to revoke a corporation's certificate of authorization, the College shall give notice of the proposed revocation, setting out the date the revocation will take effect and the grounds for the proposed revocation.
3. The College is required to revoke the corporation's certificate of authorization sixty days after the date on which notice is given, if any of the grounds for revocation exist on the revocation date specified in the notice.
4. The College is required to notify the corporation if a corporation's certificate of authorization is revoked.
5. If the corporation's certificate of authorization is revoked, a new certificate of authorization may be issued to the corporation only if the corporation is eligible to hold one and applies for a new certificate.

3. The corporation continues to be eligible to hold a certificate of authorization.

3. Renewal

3.01 The Executive Director shall issue on behalf of the College a renewal of the certificate of authorization for a corporation if the Executive Director is satisfied that

1. The corporation has applied for the renewal of a current certificate of authorization by completing an application for renewal in the form approved by the College.
2. The corporation submitted along with the application, the fee for the annual renewal.
3. The College has received a certificate of status of the corporation, issued by the Ministry of Consumer and Business Services not more than thirty days before the day it was submitted to the Executive Director, which certificate indicates that the corporation is active.
4. The College has received a certified copy of every certificate of the corporation that has been endorsed under the *Business Corporations Act* since the corporation's most recent application for a certificate of authorization or for renewal of its certificate of authorization.
5. The College has received a statutory declaration of a director of the corporation, executed not more than 15 days before the application for renewal is submitted to the Executive Director, certifying,
 - i) that the corporation was in compliance with section 3.2 of the *Business Corporations Act* as of the date the statutory declaration was executed,
 - ii) that the corporation does not carry on, and does not plan to carry on, any business that is not the practice of the profession governed by the College or activities related to or ancillary to the practice of that profession,
 - iii) that there has been no change in the status of the corporation since the date of the certificate of status referred to in paragraph 3, and
 - iv) that the information contained in the application for renewal is complete and accurate as of the date the statutory declaration was executed.

6. The College has received the name of each person who is a shareholder of the corporation as of the day the application for renewal was submitted and his or her business address, business telephone number and registration number with the College as of the day the application was submitted.
7. The College has received the names of the directors and officers of the corporation as of the day the application for renewal was submitted.
8. The College has received the address or addresses of each of the premises at which the corporation carries on activities as of the day the application for renewal was submitted.

4. Fees

- 4.01 The application fee for a certificate of authorization is \$500.00, is non-refundable and includes the fee for the issuance of a certificate of authorization is \$25.00.
- 4.02 The fee for the issuance of a duplicate certificate of authorization is \$25.00.
- 4.03 The fee for the issuance of a revised certificate of authorization is \$150.00 and is non-refundable.
- 4.04 The fee for the annual renewal of a certificate of authorization is \$250.00 and is non-refundable.

5. Information from Health Profession Corporations

- 5.01 A corporation who holds a certificate of authorization is required to notify the College of every change in the shareholders of the corporation by completing and submitting to the Executive Director a notice in the form approved by the College.
- 5.02 The notice of change shall be submitted to the Executive Director within ten days of each and every change of shareholder of the corporation.

6. Rejection of Application

6.01 In the event the College receives an application for a certificate of authorization, a revised certificate of authorization or a renewal of a current certificate of authorization which application does not include all of the documents or things required to be filed in order to meet the conditions required for the issuance of that certificate or renewal, the Executive Director may reject the application.

6.02 Where the Executive Director rejects an application under Article 6.01, the Executive Director shall return to the corporation all documents and things included with the application, save and except for any non-refundable fee.

7. Verification Certificate

7.01 The Executive Director shall issue a certificate confirming that a corporation holds a certificate of authorization issued by the College if such certificate is requested upon payment of a fee of \$25.00.

8. Interpretation

8.01 Where a document or thing, including a payment, is required to be filed with, submitted to or received by the College under this by-law, it shall be deemed to have been filed with, submitted to or received by the College

1. on the day the document or thing is actually received by the College provided it is actually received at the College's offices during the normal business hours of the College on a day when the College is open for business, or
2. where actually received at the College's offices at a time when the College is not open for business, on 9:00 a.m. of the first business day of the College following the day upon which the document or thing is actually received at the College's offices.

9. Fee Payment

9.01 Where a fee is required to be submitted along with an application under this by-law, the fee must be submitted in cash, by certified cheque or money order.

9.02

Payment by any other means other than those specified in Article 9.01 is not the submission or payment of a fee under this by-law

College of Nurses of Ontario By-Laws

Index

A

acclamation, **45**
Acting Executive Director, **10–11**
Acting President, **10**
ad hoc committees, **1, 11**
annual fee, **35**
annual information from members, **36**, *see also*
register information
Annual Payment Card, **35–36**
application fee for certificate of authorization
(corporations), **82**
application for renewal (corporations), **81**
appointments to committees, **11, 18**
audit. *see financial audit*
auditors, duties of, **28**

B

banking, **23**
bias. *see conflict of interest or bias*
Board of Inquiry, **22**
borrowing, **27**
Business Corporations Act, **80**
by-election due to vacancy, **56**
by-laws, interpretation, **59**

C

certificate of authorization, fees, **83**
certificate of authorization, initial, **79**
certificate of authorization, rejection, **84**
certificate of authorization, renewal, **82**
certificate of authorization, revised, **81**
certificate of incorporation, **80**
certificate of registration, **2, 36, 39, 42, 52**
certificate, verification. *see verification certificate*
chairs of committees, **20–23**
chairs, selection process, **63**
cheques, **27**
Chief Executive Officer of the College. *see Executive Director*
classes of members, **2, 49, 54**
Client Relations Committee, **14, 57**
committee meetings, **21–22**
committee meetings, majority vote, **19**
committee meetings, minutes, **22**
committee meetings, teleconference, **21**
competing fiduciary obligation, **44–45, 44–45**
Complaints Committee, **12**
conduct of councillors and committee members, **49–50, 69, 73–77**
Conflict of Interest form, **43–45**
conflict of interest or bias, **69–74**

conflict of interest or breach of by-law, **74–77**
conflict of interest, declaration, **73–74**
consecutive terms, **8, 19**
contract of employment (Executive Director), **10**
contracts, **27**
corporation fees, **83**
corporations, **69–70, 79–83**
counting of ballots, **47–48, 61**

D

definitions, **1–3**
designated register address, **39, 43**
Discipline Committee, **13, 49, 57**
disputes about elections, **15, 44**, *see also* eligibility for
election
disqualification, **15, 43, 49–51, 52, 76–78**
duties of Executive Director. *see Executive Director*
duties of President and Vice-Presidents, **9–10**

E

Election and **Appointments** Committee, **11, 15, 45, 47**
election of council officers, **8, 9, 60–63**
election of councillors, **2, 5, 8, 40–43**
election of President and Vice-Presidents, **8**
election recounts. *see counting of ballots*
elections, **45–48, 56, 77**
electoral districts, **37**
eligibility for election, **42, 55**
eligibility for funding for therapy, **57**
Executive Committee, **7, 9–14, 50, 54**
Executive Director, **10–11**
expenditures, **24–25**
extending an election, **48**

F

fee, **35, 47–50**
fees, corporation, **83**
Finance Committee, **16**
financial audit, **28**
fiscal year, **5, 24–28**
Fitness to Practise Committee, **13**
funding for therapy and counseling, **57**

H

head office of the College, **4–5**
health profession corporations, **79**

I

indemnity, **23**

independent third party investigation, **75–76**
information from corporations, **79**
information from members. *see register information*
insurance, **23**
investments, **24**
ITP. *see independent third party investigation*

L

Lieutenant Governor in Council, **2, 77**, *see also public councillors*

M

meetings of Council, **5–8**
meetings of Council, by teleconference, **6–7**
meetings of Council, June meeting, **2, 8, 11, 16, 17, 18**
meetings of Council, minutes, **8**
meetings of Council, number of meetings, **5**
meetings of Council, reasonable notice, **6**
meetings of Council, special meetings, **5**
meetings of Council, voting, **7–8**
meetings of Council, waiving notice, **6**
minutes of committee meetings. *see committee meetings*
minutes of Council meetings. *see meetings of Council*

N

nomination of candidate, **42**
non-payment of fees, **42, 50, 52**

O

officers of the College, **8**

P

Practical Nurse Program, **2**
Practical Nurse Program Approval Committee, **17–18**
President. *see duties of President*
President's designate, **9**
procedural safeguards, **78**
public councillors, **2, 12–16**
publication of election results, **48**

Q

Quality Assurance Committee, **14**
quorum, **19–21, 51**

R

recount. *see counting of ballots*
Registrar. *see Executive Director*
Registration Committee, **12**
removal of President and Vice-President, **9**
renewal of authorization. *see certificate of authorization, renewal*
rules of order (Wainberg's), **8**

S

seal of the College, **4**
secret ballot, **7–8, 22**
sexual abuse by members. *see funding for therapy and counselling*
shareholder of the corporation, **80–82**
signing authority, **27**
signing of a by-law, **4**
standing committees, **14**
statutory committees, **12**
stipends and expenses, **28**
Sub-Committee on Compensation, **16–17**

T

term of office, **9, 41**
terms of reference, committees, **11**
timing of elections, **41**
travel expenses, **28, 47**, *see also stipends and expenses*

V

vacancies, committees, **20–21**
vacancies, filling of, **2, 11, 15, 46, 55**
vacancy, **55**
vacancy, Executive Director, **10**
verification certificate, **84**
voting eligibility, **39**
voting package, **46**

W

Wainberg's Society Meetings, **8**