CDHO

COLLEGE OF DENTAL
HYGIENISTS OF ONTARIO

Bylaws

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Preamble to the Bylaws

The Council is authorized by the *Regulated Health Professions Act, 1991* (Ontario) to make bylaws relating to the administration and internal affairs of the College. The purpose of these bylaws is to transparently set out how the College will administer itself and to specify certain obligations of Registrants.

Bylaws

BE IT ENACTED that all previous bylaws of the College of Dental Hygienists of Ontario (the "College") be hereby revoked and the following are hereby enacted as the bylaws of the College of Dental Hygienists of Ontario:

ARTICLE 1: DEFINITIONS AND PRINCIPLES OF INTERPRETATION

1.1 DEFINITIONS AND OTHER VARIATIONS OF THE WORD

In these bylaws, unless otherwise defined or required by the context:

"**Academic Member**" means a member of Council who has been Selected from among registrants who are Faculty;

"**Act**" means the *Regulated Health Professions Act, 1991* and its related schedules, the *Dental Hygiene Act*, and the regulations made under them;

"**Appointed**" means one of the two following processes:

(a) Whereby a Public Member is chosen to serve on Council through an Order-in-Council by the Government of Ontario.

(b) Whereby a Council Member or a Non-Council Committee Member is designated to serve on one or more of the College's Committees;

"**Client**" means patient as the term is used in the Act;

"**Code**" means the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18;

"**College**" means the College of Dental Hygienists of Ontario (CDHO);

"**Committee**" means a Committee of the College, whether Statutory, standing or special Committee;

"**Council**" means the Council of the College;

"**Council Chair**" or "**Chair**" means the Chair of the Council;

"**Council Member**" means a member of Council duly Elected, Selected or Appointed to serve on Council;

"**Elected**" means one of the two following processes:

(a) A Registrant of the College who is democratically chosen to serve on Council; or

(b) A member of Council who is democratically chosen to serve on the College's Executive Committee;

"**Elected Member**" means a Registrant of the College who has been elected to serve on Council from an electoral district;

"**Ex-officio**" means "by virtue of the office" and, for greater certainty, unless otherwise specifically provided for, an ex-officio member of a Committee has all of the rights, responsibilities and powers of any other member of the Committee, including the right to vote and to be counted as part of quorum;

"**Faculty**" means registrants engaged in full-time instruction or administration in an accredited educational institution in Ontario that is authorized to grant diplomas or degrees in dental hygiene;

"**Federal Offence**" means an act that is made illegal by federal legislation including the *Criminal Code*, RSC 1985, c. C-46.

"**Fiscal Year**" means the fiscal year of the College which shall be the calendar year;

"**Non-Council Committee Member**" means a Registrant of the College or a member of the public who is not a member of the Council and who is appointed by Council to serve on one or more of the College's Committees;

"**Non-Statutory Committee**" means any Committee that supports the work of the College but is not required under the Act;

"**Professional Advocacy Association**" means an organization whose principal mandate is to represent the interests of and advocate on behalf of oral health practitioners, including dental hygienists, or a segment of them, including those registered in or practising in Canada;

"**Public Member**" means an individual who has been Appointed to serve on Council through an Order-in-Council by the Government of Ontario;

"**Registrant**" means a member of the College who holds a general, specialty or inactive certificate of registration;

"**Registrar**" means the Registrar or in the Registrar's absence, the Deputy Registrar of the College unless the context otherwise specifies or requires;

"**Selected**" means the process whereby a Registrant of the College has been elected to serve as an Academic Member on Council from among members who are Faculty;

"**Statutory Committee**" means any of the Committees that are required under section 10 of the Code. The statutory Committees include:

- Inquiries, Complaints and Reports Committee
- Discipline Committee
- Fitness to Practise Committee
- Registration Committee
- Quality Assurance Committee
- Patient Relations Committee
- Executive Committee;

"**Vice-Chair**" means the Vice-Chair of the Council.

1.2 EXTENDED MEANINGS

Words importing the singular number only are intended to include the plural and vice versa. Words importing a gender are intended to include the other and neuter genders. Words importing persons are intended to include corporations and other unincorporated entities as well as natural persons unless the context otherwise specifies or requires.

1.3 MEANING OF WORDS USED IN ACT

All words and terms appearing in these bylaws, which are defined in the Act, are intended to have the same meaning in these bylaws unless the context otherwise specifies or requires.

ARTICLE 2: REGISTRATION AND CODE OF ETHICS

2.1 CODE OF ETHICS

Council will, from time to time, adopt a Code of Ethics for Registrants. This Code of Ethics outlines the principles underlying the obligations and professional duties to be observed by each Registrant. Complying with the Code of Ethics will ensure that Registrants conduct themselves with integrity and dignity. Each Registrant is expected to adhere to the provisions of the Code of Ethics and also to the underlying spirit and precepts thereof. The current Code of Ethics is attached as Schedule I and forms part of these bylaws.

2.2 PRIVACY POLICY

Council shall have a privacy policy to guide the College's collection, use and disclosure of personal information which shall be posted on the College's website.

ARTICLE 3: THE COUNCIL AND ITS OFFICERS

3.1 ELIGIBILITY CRITERIA FOR COUNCIL AND NON-COUNCIL COMMITTEE MEMBERS

(1) A Registrant is eligible for election as an Elected Member, selection as an Academic Member or appointment as a Non-Council Committee Member if the following criteria are met:

(a) The Registrant holds a certificate of registration;

(b) For the purposes of election as an Elected Member, the Registrant is principally engaged in the practice of dental hygiene in the electoral district for which they have been nominated or, if the Registrant is not engaged in the practice of dental hygiene, the Registrant principally resides in the electoral district for which they have been nominated;

(c) For the purposes of selection as an Academic Member, the Registrant is Faculty;

(d) For the purposes of appointment as a Non-Council Committee Member, the Registrant is engaged in the practice of dental hygiene in Ontario or, if the Registrant is not engaged in the practice of dental hygiene, the Registrant resides in Ontario;

(e) The Registrant is not in default of any fees payable to the College;

(f) The Registrant is not in default of any requirement to provide information to the College;

(g) The Registrant is not the subject of any current disciplinary or incapacity proceeding;

(h) A period of at least six years has elapsed since the Registrant complied with all aspects of an order of the Discipline Committee;

(i) The Registrant's certificate of registration is currently not subject to a term, condition or limitation imposed by the Quality Assurance Committee or the Fitness to Practise Committee;

(j) The Registrant has not, within the last three years, been found guilty of an offence under the Criminal Code (Canada) or any other criminal offence in any jurisdiction, and a period of at least three years has elapsed since the Registrant fully complied with any penalty imposed as a result of a finding;

(k) A period of at least one year has passed since the Registrant has been an officer, director or employee of any Professional Advocacy Association, but nothing in this Article shall prevent a Registrant who serves on an organization to which they have been appointed by Council as a representative of the College, from running for election to Council;

(l) The Registrant is not an employee of the College and has not been an employee of the College for at least one year;

(m) Council has not disqualified the Registrant from sitting on Council or serving as a Non-Council Committee Member during the three years before the date of the election, selection or appointment;

(n) The Registrant is not a member of the Council of any other College created or governed under the Act;

(o) The Registrant is not a candidate for election in another electoral district;

(p) The Registrant has not initiated, joined, continued or materially contributed to a legal proceeding against the College or any Committee or representative of the College; and

(q) The Registrant does not have a conflict of interest to serve as a member of Council or has agreed to remove any such conflict of interest before taking office.

(2) An individual who is not a Registrant is eligible for appointment as a Non-Council Committee Member if the following criteria are met:

(a) The individual resides in Ontario;

(b) The individual is not currently the subject of a disciplinary or incapacity proceeding;

(c) At least six years have elapsed since the individual complied with all aspects of any disciplinary order;

(d) The individual has not, within the last three years, been found guilty of an offence under the Criminal Code (Canada) or any other criminal offence in any jurisdiction, and a period of at least three years has elapsed since the individual fully complied with any penalty imposed as a result of any such finding;

(e) A period of at least one year has passed since the individual has been an officer, director or employee of any Professional Advocacy Association but nothing in this Article shall prevent an individual who serves on an organization to which they have been appointed by Council as a representative of the College, from being eligible for appointment;

(f) The individual is not an employee of the College and has not been an employee of the College for at least one year;

(g) Council has not disqualified the individual from serving as a Non-Council Committee Member during the three years before the date of the appointment;

(h) The individual is not a member of the Council of any other College created or governed under the Act;

(i) The individual has not initiated, joined, continued or materially contributed to a legal proceeding against the College or any Committee or representative of the College;

(j) The individual does not have a conflict of interest to serve as a Non-Council Committee Member or has agreed to remove any such conflict of interest before taking office.

3.2 NOMINATIONS AND VOTING PROCEDURES FOR ELECTED AND ACADEMIC MEMBERS

(1) The Registrar shall supervise the nomination of candidates.

(2) No later than 60 days before the date of an election or selection, the Registrar shall notify every Registrant who is eligible to vote in the election or selection, of the date and time of the election or selection and the nomination procedures.

(3) The nomination of a candidate for election as an Elected Member or selection as an Academic Member shall be in writing and shall be given to the Registrar at least 30 days before the date of the election or selection.

(a) The nomination shall be signed by the candidate and by at least five Registrants who support the nomination and who are eligible to vote in the election or selection;

(b) A candidate for election or selection shall fully and accurately complete a conflict of interest questionnaire provided by the Registrar;

(c) A candidate for election or selection shall be permitted to submit a suitable personal statement that will be circulated by the Registrar along with the ballots;

(d) A candidate may withdraw their nomination for election or selection by advising the Registrar in writing not less than 24 days before the date of the election or selection;

(e) A candidate cannot, at the same time, be nominated for more than one position, whether Elected or Selected or both.

(4) Registrants who are not in default of paying any required fees or providing any required information to the College are eligible to nominate and vote for another eligible Registrant.

(5) For the purposes of an election, the electoral district in which a Registrant is eligible to vote is the district in which, 30 days before the date of an election, the Registrant principally practises or, if the Registrant is not engaged in the practice of dental hygiene, the Registrant principally resides.

(6) For the purposes of selection of an Academic Member, a Registrant who is Faculty is eligible to vote in the selection.

(7) If the number of candidates nominated for election or selection is less than, or equal to, the number of Registrants to be Elected or Selected, the Registrar shall declare the candidates to be Elected or Selected by acclamation.

(8) No later than 14 days before the date of an election or selection, the Registrar shall send to every Registrant eligible to vote, a list of the candidates, a ballot and an explanation of the voting procedures (or equivalent if ballots are supplied electronically).

(9) Voting for candidates for election or selection to the Council shall be by secret ballot using the ballot forms supplied by the Registrar (or equivalent if ballots are supplied electronically).

(10) Where there is an interruption of mail service (or equivalent if ballots are supplied electronically) during a nomination, election or selection, the Registrar may extend the nomination period, or the holding of the election or selection for such a period as the Registrar considers necessary to compensate for the interruption.

(11) A Registrant who is eligible to vote may cast as many votes on a ballot as there are vacancies. A Registrant shall not cast more than one vote for any one candidate. If there is a tie in an election or selection of candidates to the Council, the Registrar shall break the tie by lot in the presence of at least one member of the Executive Committee.

(12) A candidate is entitled to request a recount by putting the request in writing to the Registrar no more than 15 days after the date of the election or selection and paying the fee required by Article 16.5 of these bylaws.

(13) The Registrar shall hold the recount no more than 15 days after receiving the request.

(14) If no eligible candidate is nominated in an election or selection, a vacancy shall be deemed to exist and the Council shall direct the Registrar to hold a by-election or by-selection in accordance with Article 3.10 of these bylaws.

3.3 NOMINATION PROCEDURES FOR NON-COUNCIL COMMITTEE MEMBERS

(1) The Council may appoint to a Committee a Registrant or a member of the public who is not a Council Member. These individuals shall be designated as Non-Council Committee Members.

(2) The Registrar shall solicit applications for Non-Council Committee Members in accordance with the policy approved by the Council.

(3) Non-Council Committee Members may serve on the College's Committees and while they shall have voting rights on such Committees, they may not serve as chair of a Committee.

(4) The term of office of a Non-Council Committee Member appointed by the Council is three years to a maximum term of service of six years.

(a) The term of office commences on January 1 in the calendar year following the appointment of the Non-Council Committee Member unless otherwise specified by the Council.

3.4 ELECTION AND SELECTION PROCEDURES FOR ELECTED AND ACADEMIC MEMBERS TO THE COUNCIL

(1) The Registrar shall supervise and administer the election and selection of candidates and, for the purpose of carrying out that duty, the Registrar may, subject to these bylaws:

(a) appoint returning officers and scrutineers;

(b) establish a deadline for the receiving of ballots;

(c) establish procedures for the counting of ballots;

(d) provide for the notification of all candidates and Registrants of the results of the election or selection; and

(e) provide for the destruction of ballots following an election or selection and any recounts.

(2) For the purposes of election to the Council as an Elected Member, the following electoral districts are established (with necessary modifications by the Registrar to ensure that the entire province is covered and that there is no overlap of districts):

(a) Electoral district 1, the southwestern district, composed of the counties of Bruce, Grey, Elgin, Essex, Huron, Kent, Lambton, Middlesex, Oxford and Perth;

(b) Electoral district 2, the central western (north) district, composed of the counties of Wellington, Simcoe, Dufferin and the regional municipalities of Halton and Peel;

(c) Electoral district 3, the central western (south) district, composed of the county of Brant and the regional municipalities of Haldimand-Norfolk, Hamilton-Wentworth, Niagara and Waterloo;

(d) Electoral district 4, the central district, composed of the regional municipalities of York and Metropolitan Toronto;

(e) Electoral district 5, the central eastern district, composed of the counties of Frontenac, Peterborough, Hastings, Lanark, Lennox and Addington, Prince Edward, Victoria, Haliburton, Northumberland, and the regional municipality of Durham;

(f) Electoral district 6, the eastern district, composed of the counties of Dundas, Glengarry, Leeds and Grenville, Prescott and Russell and United Counties, Renfrew and Stormont and The Regional Municipality of Ottawa-Carleton;

(g) Electoral district 7, the northeastern district, composed of the territorial districts of Algoma, Cochrane, Manitoulin, Muskoka, Nipissing, Parry Sound, Sudbury and Timiskaming;

(h) Electoral district 8, the northwestern district, composed of the territorial districts of Rainy River, Thunder Bay and Kenora.

(3) The number of Registrants to be Elected in district 4 is two. The number of Registrants to be Elected in districts 1, 2, 3, 5, 6, 7 and 8 is one.

(4) For the purposes of selection to the Council as an Academic Member, two Registrants from among members who are Faculty shall be Selected to serve on Council as outlined in section 7(1)(c) of the *Dental Hygiene Act*.

(5) Elections and selections shall be held in November in the year before the year in which the term of office of that electoral district's Elected Member(s) or the Academic Member's term of office expires.

(a) The election of Elected Members and/or selection of Academic Members shall be held on the third Wednesday in November, unless Council sets a different date.

(6) The term of office of a member Elected or Selected to serve on the Council in an election is three years commencing at the beginning of the first Council meeting after the election or selection where the election of the members of the Executive Committee is properly on the agenda. A member may be Elected or Selected for more than one term but no member who is Elected or Selected to serve on Council may be a member of Council for more than nine years.

(a) The Elected Members or Selected Academic Members of the Council shall continue in office until the commencement of their successors' term of office unless disqualified or otherwise removed from office under these bylaws.

3.5 ELIGIBILITY FOR RE-ELECTION, RE-SELECTION AND/OR RE-APPOINTMENT

A Registrant who has served in any combination as an Elected Member or Selected Academic Member for nine years is not eligible for re-election, re-selection or re-appointment to Council.

An individual who has served as a Non-Council Committee Member for six years is not eligible for re-appointment as a Non-Council Committee Member.

For greater certainty, an individual may serve for a maximum of six years as a Non-Council Committee Member in addition to serving for a maximum of nine years as a Council member.

3.6 ELECTION OR SELECTION IRREGULARITIES

If the Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election or selection of any Council Member, the Council shall hold an inquiry and decide whether the election or selection of the member is valid and, if found to be invalid, the Council shall direct another election or selection to be held. Council shall not declare an election or selection result to be invalid solely on the basis of a minor irregularity regarding the requirements of these bylaws or a procedure established by the Registrar.

3.7 COUNCIL AND NON-COUNCIL COMMITTEE MEMBER CODE OF CONDUCT

(1) This entire Code of Conduct as set out in sections 3.7 to 3.9 applies to both Council Members and Non-Council Committee Members. Any reference to Council Members shall include Non-Council Committee Members, with such necessary modifications, except where specified otherwise.

Fiduciary Duties

(2) Council Members shall act in the best interests of the College and of the public of Ontario. They shall perform their duties in accordance with the Act, the bylaws and any policies of the College.

(3) Council Members shall conduct themselves in a manner which is ethical, business-like and lawful and upholds the reputation of the CDHO. This includes proper use of authority and appropriate decorum when acting as Council Members. Council Members shall treat one another and staff members with respect, co-operation and a willingness to deal openly on all matters.

(4) Council Members must have loyalty to the College that supersedes any loyalties to staff, other organizations or any personal interest as a consumer.

(5) Council Members are accountable to exercise the powers and discharge the duties of their office honestly and in good faith. Members shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

(6) Council Members will not attempt to exercise individual authority over the organization.

(7) When interacting with staff, Council Members must recognize that individual Council Members have no authority to instruct or evaluate employees, and no authority to insert themselves into employee operations.

(8) Council Members shall recognize that the Chair or designate is the only person authorized to speak to the media on behalf of the Council. Council Members shall not presume to speak for the Council when interacting with the public. Council Members shall only report actual Council policy decisions when interacting with the public.

(9) Council Members shall be familiar with the incorporating documents, relevant legislation and regulations, bylaws, and policies of the organization as well as the rules of procedure and proper conduct of a meeting so that any decision of the Council may be made in an efficient, knowledgeable and expeditious fashion.

(10) Council Members will be properly prepared for, and actively participate in Council deliberation.

(11) Council Members will support the legitimacy and authority of Council decisions, regardless of the member's personal position on the issue.

(12) Council Members shall regularly take part in educational activities that will assist them in carrying out their responsibilities.

(13) Council Members are expected to attend all meetings and to be punctual. All Council Members must remain engaged in Council meetings and not allow their personal electronic devices to interfere with their attention or the attention of others.

(14) Council Members who are unable to attend a meeting shall inform the Chair and the Registrar/CEO of their expected absence and the reason for it.

(15) Council Members shall be prepared **to serve on** committees and complete individual tasks as assigned by the Council from time to time.

Conflict of Interest

(16) The terms "conflict of interest" and "appearance of bias" are often used interchangeably. The term "conflict of interest" generally applies to policy or administrative decisions while the term "appearance of bias" generally applies to an adjudicative type of decision. For the purpose of these bylaws, they mean the same thing.

(17) Council Members must not carry out their duties when they are in a conflict of interest. A conflict of interest exists where a reasonable person could conclude that the personal interests of the individual or a related person or company could improperly influence the individual's judgment in performing their duties as a Council Member.

(18) There must be no self-dealing or any conduct of private business or personal services between any Council Member and the organization, except as procedurally controlled to assure openness, competitive opportunity, and equal access to otherwise "inside" information. Council Members will annually disclose their involvements with other organizations, with vendors, or any associations that might be or might reasonably be seen as being a conflict.

(19) (a) Council Members may not apply for an employment or administrative position with the College, including that of Registrar, until at least one year has passed since they last served as a Council Member.

(b) Non-Council Committee Members must resign their position on all Committees on which they serve prior to applying for an employment or administrative position with the College, including that of Registrar.

(20) Council Members will not use their position to obtain employment in the College for themselves, family members, or close associates. Family members are spouse, life partner, child, parent, in-law, live-in grandparent or sibling.

Examples of Conflicts of Interest

(21) Without limiting the usual and ordinary meaning of "conflict of interest" or "appearance of bias", some examples of activities or circumstances that would usually constitute a conflict of interest or an appearance of bias for a Council or Non-Council Committee Member include the following:

(a) Where the decision could confer a more than trivial financial or other benefit or burden to the Council Member or their close relative or friend or affiliated entity;

(b) Where the Council Member or their close relative or friend or affiliated entity seeks or accepts more than a nominal gift from a person or entity connected to or affected by the College or its mandate or a gift which could reasonably be viewed as influencing the Council or Committee Member;

(c) Where the Council Member or their close relative or friend or affiliated entity uses the Council Member's position with the College to advance their personal or financial interests;

(d) Where the Council Member takes action or counsels another to take action against the College, the reputation of the College or its staff;

(e) Where the Council Member is running for national or provincial public office and where the Council or Committee Member has not taken a leave of absence from all Council and committee positions at the College;

(f) Where the Council Member agrees to give or gives a presentation on an issue related to the College's role or activities without prior College approval;

(g) Where the Council Member agrees to participate or participates in a committee, working group, task force or other group related to the College's role or activities without prior College approval;

(h) Where the Council Member, who is not the official spokesperson for the College, is in communication with government officials, politicians or the media on any matter related to the College without prior College approval;

(i) Where the Council Member publishes, including a posting on social media, a statement that could impair the public's confidence in the College or compromise the policy or public image of the College or the Council Member's ability to make transparent, objective, impartial and fair decisions that are in the public interest;

(j) Where the Council Member appears to give preferential access to a person or entity that advances the interests of dental hygienists or that has policy-making responsibilities for dental hygienists or that oversees the regulation of dental hygienists without prior College approval;

(k) Where the Council Member advises or assists anyone in their dealings with the College, including acting as a peer mentor unless the Council Member has prior College approval;

(l) Where the Council Member demonstrates a closed mind on an issue that is coming up, or is likely to come up, before the College;

(m) Where the Council Member is the subject of an inquiry or investigation by the College, the police or another authority that impairs the ability of the Council Member to participate in a decision or to continue to serve in their position or has the potential to jeopardize public trust in the member, the Council, the Committee or the College;

(n) Where the Council Member has a connection with a person or issue to be determined that would reasonably be seen by those who know all of the circumstances as incompatible with their responsibilities as an impartial decision-maker; and

(o) Where the Council Member or their close relative or friend or affiliated entity uses materials developed for the College for commercial purposes without prior College approval.

Preventing and Addressing Conflicts of Interest

(22) Council Members shall avoid, where feasible, situations where they would have conflicting duties of confidentiality and disclosure between their role with the College and with another person or entity.

(23) Where a Council Member is in doubt as to whether they have a conflict of interest, the Council Member shall consult with an appropriate person such as the Chair of the affected committee, the Council Chair, the Registrar, or independent legal counsel in a hearing.

(24) If a Council Member believes that they have a conflict of interest in a particular matter, they shall,

(a) prior to any consideration of the matter, declare to the Council or the committee that they have a conflict of interest that prevents them from participating;

(b) not take part in the discussion of or vote on any question in respect of the matter;

(c) leave the room for the portion of the meeting relating to the matter even where the meeting is open to the public; and

(d) not attempt in any way to influence the voting or do anything which might be reasonably perceived as an attempt to influence other Council or Committee Members or the decision relating to that matter.

(25) Where a Council Member declares a conflict of interest, that fact shall be recorded in the minutes of that meeting of Council or the committee.

(26) Where a Council Member believes that another Council Member has a conflict of interest that has not been declared despite any appropriate informal communications with the other Council Member, the first Council Member shall advise an appropriate person such as the Chair of the affected committee, the Council Chair, the Registrar, or independent legal counsel in hearing matters. The person who is suggested as having a conflict of interest is entitled to address the matter before any decision is made regarding the issue under paragraph 28 of this Article.

(27) Where a Council Member believes that another Council or Committee Member has already acted in a conflict of interest or is in an ongoing conflict of interest, they shall advise in writing an appropriate person such as the Chair of the affected committee, the Council Chair, the Registrar or independent legal counsel in hearing matters. The person who is suggested as having a conflict of interest is entitled to make submissions about the matter before any decision is made regarding the issue under paragraph 28 of this Article.

(28) Where the Council or a Committee concludes that one of its members has a conflict of interest that has not been declared, it can, after allowing the affected member to make submissions regarding the issue, direct that the Council or Committee Member not participate in the discussion or decision, leave the room for that portion of the meeting and not try to or otherwise exert influence in the matter.

Declaration of Conflict of Interest by Council and Non-Council Committee Members

(29) Every Council Member shall declare, verbally, and where the Council deems it appropriate, in writing, if they have an actual or perceived conflict of interest pertaining to their duties as a Council or Committee Member. This declaration will take place at the first Council or Committee meeting at which they become aware of an actual or perceived conflict of interest and subsequently at the first Council meeting of each year.

Confidentiality

(30) The purpose of this part of the bylaw is to provide helpful explanations as how to comply with the confidentiality provisions of the Code of Conduct. These provisions in no way limit the full extent of the duties set out in the Code of Conduct.

(31) Council Members shall treat all information learned in the course of their duties, whether or not the information is related to an individual, as confidential and shall not disclose it unless a clearly identified exception applies.

(32) Council Members shall review at least annually and when there are changes, the provisions in the *Regulated Health Professions Act* (especially section 36) and the Health Professions Procedural Code (especially sections 83 and 83.1), relating to confidentiality.

(33) Council Members shall generally leave to College staff the disclosure of information under the legal exceptions to the duty of confidentiality. However, in appropriate circumstances, Council Members may disclose information directly when performing their duties, such as in rendering a decision and reasons on behalf of a committee, when appropriately discussing information that is public under the legislation and when consulting with their own legal counsel.

(34) Even for communications within the College, Council Members shall only obtain or disclose information on a need-to-know basis.

(35) Council Members will not share or post information on social media that compromises the organization or the Council's policy or public image.

(36) Council Members shall take reasonable measures to safeguard College information including the safe management of paper documents and portable electronic devices and avoiding the use of unsecure electronic forms of communication or the use of social media for such communications.

(37) Where a Council Member believes that there has been a breach of confidentiality by a Council or Committee Member, whether intentional or unintentional, they shall immediately advise the Registrar in writing providing all of the details. The Registrar shall notify the Chair as soon as possible of any breach of confidentiality by a Council or Committee Member.

(38) Council Members will sign annually their agreement to abide by the Code of Conduct in its entirety.

3.8 DISQUALIFICATION OF COUNCIL AND NON-COUNCIL COMMITTEE MEMBERS

(1) The Council shall disqualify a Registrant from sitting on Council or a Committee or serving as a Non-Council Committee Member if the Registrant:

(a) is found by a panel of the Discipline Committee to have committed an act of professional misconduct or to be incompetent;

(b) is found by a panel of the Fitness to Practise Committee to be incapacitated;

(c) subject to the discretion of Council to excuse the absence, fails, without reasonable cause, to attend two consecutive meetings of the Council or fails, for any reason, to attend three consecutive meetings of the Council;

(d) subject to the discretion of Council to excuse the absence, fails to attend two consecutive meetings of a Committee without reasonable cause or fails, for any reason, to attend three consecutive meetings of a Committee of which they are a member;

(e) fails, without reasonable cause, to attend a hearing of a panel for which they have been selected;

(f) in the case of an Elected Member, ceases to qualify for election in the electoral district for which the Elected Member was Elected;

(g) in the case of an Academic Member, ceases to be Faculty;

(h) breaches section 36 of the Act which, in the opinion of Council, is of such a nature that warrants disqualification;

(i) ceases to be a Registrant;

(j) fails, in the opinion of the Council, to discharge properly or honestly any office to which they have been Elected, Selected or Appointed;

(k) has breached the Code of Conduct or conflict of interest provisions of these bylaws which, in the opinion of the Conduct Committee or its delegate, is of such a nature that warrants disqualification;

(l) becomes a member of a Council of any other College regulated under the Act;

(m) is found guilty of a criminal offence which, in the opinion of Council, is of such a nature that warrants disqualification;

(n) has not complied, within 30 days, or as otherwise specified, of being given notice of the failure, the College's requirements to pay fees, or the College's requirements for the provision of information;

(o) has a term, limit or condition imposed by the Quality Assurance Committee, the Discipline Committee or the Fitness to Practise Committee on their certificate of registration;

(p) is or becomes an officer, director or employee of a Professional Advocacy Association (however, a Council Member shall not be disqualified by reason of serving on an association or organization to which they have been appointed by the Council as a representative of the College);

(q) initiates, joins, continues or materially contributes to a legal proceeding against the College of any Committee or representatives of the College;

(r) has been directed by the Inquiries, Complaints and Reports Committee to complete a specified continuing education or remediation program and/or to appear before a panel of the Committee to be cautioned in the six years prior to the term of such Member, or during the term of such Member; or

(s) has given an undertaking to the College in response to a request by a panel of the Inquiries, Complaints and Reports Committee related to a complaint or for a matter in which an investigator is appointed under clause 75(1)(a) or clause 75(1)(b) of the Code, in the six years prior to the term of such Member, or during the term of such Member.

(2) Jurisdiction for disqualifying a Public Member falls to the Lieutenant Governor in Council. The Chair on behalf of Council shall report to the Public Appointments Secretariat if a Public Member:

(a) subject to the discretion of Council to excuse the absence, fails, without reasonable cause, to attend two consecutive regular meetings of the Council or fails, for any reason, to attend three consecutive meetings of the Council;

(b) subject to the discretion of Council to excuse the absence, fails, without reasonable cause, to attend two consecutive regular meetings of a Committee of which they are a member or fails, for any reason, to attend three consecutive meetings of a Committee of which they are a member;

(c) fails, without reasonable cause, to attend a hearing of a panel for which they have been selected;

(d) breaches section 36 of the Act which, in the opinion of Council, is of such a nature that warrants disqualification;

(e) has breached the Code of Conduct or conflict of interest provisions of these bylaws which, in the opinion of the Conduct Committee or its delegate, is of such a nature that warrants disqualification;

(f) ceases to be a resident of Ontario;

(g) fails, in the opinion of the Council, to discharge properly or honestly any office to which they have been appointed;

(h) becomes a member of a Council of any other College regulated under the Act;

(i) is found guilty of a criminal offence which, in the opinion of Council, is of such a nature that warrants disqualification;

(j) is or becomes an officer, director or employee of a Professional Advocacy Association (however, a Public Member shall not be reported to the Public Appointments Secretariat by reason of serving on an association or organization to which they have been appointed by the Council as a representative of the College); or

(k) initiates, joins, continues or materially contributes to a legal proceeding against the College or any Committee or representatives of the College.

(3) The Council shall disqualify an individual who is not a Registrant from serving as a Non-Council Committee Member if the individual:

(a) is found to have engaged in professional misconduct, to be incompetent, or to be incapacitated by a regulatory authority to which they are subject;

(b) subject to the discretion of Council to excuse the absence, fails to attend two consecutive meetings of a Committee without reasonable cause or fails, for any reason, to attend three consecutive meetings of a Committee of which they are a member;

(c) fails, without reasonable cause, to attend a hearing of a panel for which they have been selected;

(d) breaches section 36 of the Act which, in the opinion of Council, is of such a nature that warrants disqualification;

(e) fails, in the opinion of the Council, to discharge properly or honestly any office to which they have been appointed;

(f) has breached the Code of Conduct or conflict of interest provisions of these bylaws which, in the opinion of the Conduct Committee or its delegate, is of such a nature that warrants disqualification;

(g) ceases to be a resident of Ontario;

(h) becomes a member of a Council of any other College regulated under the Act;

(i) is found guilty of a criminal offence which, in the opinion of Council, is of such a nature that warrants disqualification;

(j) is or becomes an officer, director or employee of a Professional Advocacy Association;

(k) initiates, joins, continues or materially contributes to a legal proceeding against the College of any Committee or representatives of the College.

(4) A person who has served as a Council or Non-Council Committee Member may not become an employee of the College until one year has passed following the expiration of their term of office.

(5) A Council Member who has been disqualified from sitting on the Council ceases to be a member of the Council and ceases to be a member of any Committees, including any panel, to which they have been appointed.

(6) A Non-Council Committee Member who has been disqualified ceases to be a member of any Committee, including any panel, to which they had been appointed.

3.9 DISQUALIFICATION PROCEEDINGS FOR COUNCIL AND NON-COUNCIL COMMITTEE MEMBERS

(1) This Article does not apply to and shall not be interpreted as in any way limiting the ability of Council or the Executive Committee under Article 3.8 (with the exceptions of clauses 3.8(1)(k), 3.8(2)(e) and 3.8(3)(f))to remove or disqualify a Council or Non-Council Committee Member from a Committee or office. When removing or disqualifying under any provision of Article 3.8 (with the exceptions of clauses 3.8(1)(k), 3.8(2)(e) or 3.8(3)(f)) there is no requirement to follow the procedure set out below.

(2) **Wherever possible, unless it is inappropriate to do so, informal resolution between the person with the concern and the Council or Non-Council Committee Member about whom the person has the concern should be attempted before engaging the formal complaints process.** Nothing in this by-law prevents the informal resolution of Code of Conduct concerns including by providing feedback, guidance, reminders, advice or counselling or by negotiating agreements or undertakings.

(3) The following procedure shall be followed to address a complaint filed about a Code of Conduct concern **only if it has not been possible to reach an informal resolution before or during the process**.

(4) A written complaint shall be filed with both the Chair of the Conduct Committee and the Registrar. A complaint may be made by any person, including a member of the public, a Council or Committee Member or the Registrar. If the complaint is made to only one of the named persons then that person shall immediately file a copy of the complaint with the other person referenced in this article.

(5) If the Conduct Committee as a whole has a conflict of interest with respect to the complaint or if the Conduct Committee is otherwise unable to act on the complaint, it shall appoint an independent investigator from a list approved by the Council to investigate on its behalf under this Article and it shall appoint an independent commissioner from a list approved by the Council to make decisions on its behalf under this Article.

(6) The Conduct Committee or its delegate shall conduct any investigation it deems appropriate. If material facts are in dispute, the Conduct Committee or its delegate shall adopt a fair and reasonable process to determine those facts which may include the appointment of an independent investigator to investigate and provide a written report respecting those facts.

(7) After providing the Council or Non-Council Committee Member an opportunity to make written submissions to it, the Conduct Committee or its delegate shall determine whether there has been a breach of the Code of Conduct and, if so, whether the matter should be resolved informally or whether the matter should be resolved formally at a determination meeting pursuant to Article 3.9(10).

(8) Where the Conduct Committee or its delegate believes that the complaint does not warrant formal resolution, it shall provide a report to the Executive Committee or its delegate about the investigation and conclusion, with reasons for the conclusion. The Executive Committee or its delegate may accept the report and resolve the matter informally or may return the matter to the Conduct Committee for additional investigation or other action.

(9) The Conduct Committee or its delegate may make an interim direction at any time to protect the integrity and reputation of the College including directing that the Council or Non-Council Committee Member be suspended from their positions or duties until the matter is finally resolved.

(10) The Conduct Committee, or its delegate, the complainant and the Council or Non-Council Committee Member whose conduct is the subject of concern shall be the parties at the determination meeting. The Council or Non-Council Committee Member whose conduct is the subject of concern shall be given reasonable notice of the complaint, the relevant supporting information gathered in relation to the complaint, and all parties shall be given the opportunity to make written and oral submissions at the determination meeting. The Conduct Committee or its delegate is not required to hold a hearing.

(11) An appropriate sanction imposed by the Conduct Committee may include one or more of the following:

(a) censure of the Council or Non-Council Committee Member verbally or in writing;

(b) removal of the Council or Non-Council Committee Member from any committee on which they serve;

(c) removal of a Council or Non-Council Committee Member as a Chair of any committee on which they serve;

(d) exclusion of the Council or Non-Council Committee Member from all or part of meetings of the Council or any committees;

(e) restricting access to confidential information by the Council or Non-Council Committee Member;

(f) disqualification of an elected Council Member;

(g) delivery of a report to the Public Appointments Secretariat requesting the removal of a Council Member who has been appointed by the Lieutenant Governor in Council; or

(h) any other sanction appropriate to the circumstances.

(12) Any sanction under Article 3.9 requires a majority vote of the members of the Conduct Committee or its delegate (if more than one), present at the meeting.

(13) If the sanction imposed by the Conduct Committee was either 3.9(11)(f) or (g), the Council or Non-Council Committee Member who is the subject of the complaint may appeal the decision of the Conduct Committee or its delegate to the Council. The Council is not required to hold a hearing and may establish its own procedures for determining the appeal. A written indication of intention to appeal shall be given within 14 days of the Conduct Committee decision, unless Council agrees to extend the time for appeal. The Council has all of the powers of the Conduct Committee or its delegate in making the determination. Council will be acting in an appellate capacity, and any decision to overturn a decision of the Conduct Committee requires a two-thirds majority of the votes cast at the meeting by those present. Failure to obtain a two-thirds majority vote of those Council Members in attendance means that the Conduct Committee decision is upheld. The Council or Non-Council Committee Member whose conduct is in issue and the complainant, if a Council Member, shall not be entitled to vote at the Council meeting.

(14) The procedure set out in this Article is intended to be followed in a timely manner recognizing the risk of possible continuing conduct and that the reputation of individuals and the College is at stake while also recognizing the need to provide a fair process for all concerned.

(15) No Council Member shall take action, or permit any person to take action, against any person for making a complaint, or cooperating with the investigation of a complaint, under these bylaws.

(16) Legal costs are only payable by the College to the subject of the complaint if no breach of the Code of Conduct was found and Council votes, on a two-thirds majority, to reimburse some or all of their legal costs.

3.10 VACANCIES ON COUNCIL AND NON-COUNCIL COMMITTEE MEMBER POSITIONS

(1) The seat of a Council or Non-Council Committee Member shall be deemed to be vacant upon the death, resignation or disqualification of the member.

(2) If the seat of a Council Member becomes vacant not more than 12 months before the expiry of the member's term of office, the Council may:

(a) leave the seat vacant;

(b) direct the Registrar to hold an election or selection in accordance with these bylaws;

(c) direct the Registrar to appoint an individual who may fill the vacancy for a duration determined by Council, but not to exceed the duration of the term of the vacated position; or

(d) request that a Public Member of Council be appointed via the offices of the Public Appointments Secretariat of the Government of Ontario.

(3) If the seat of a Council Member becomes vacant more than 12 months before the expiry of the Council Member's term of office, the Council shall:

(a) direct the Registrar to hold an election or selection, in accordance with these bylaws (and Council may direct the Registrar to appoint an individual who may fill the vacancy until the election is completed where Council would not otherwise be properly constituted); or

(b) request that a member be appointed via the offices of the Public Appointments Secretariat of the Government of Ontario.

(4) If a Non-Council Committee Member's appointment becomes vacant before the expiry of the Non-Council Committee Member's term of office, the Council may:

(a) leave the position vacant; or

(b) appoint an individual to fill the vacancy for a duration determined by Council, but not to exceed the duration of the term of the vacated seat.

3.11 ELECTION OF THE CHAIR

(1) Any Council Member is eligible to stand for election to the office of Council Chair.

(2) Each year, at the first Council meeting after the election or selection where the election of the members of the Executive Committee is properly on the agenda, or as soon after that time as possible, the election of the Council Chair shall be conducted by the Registrar or their delegate as outlined in Schedule II, which forms part of these bylaws.

3.12 ELECTION OF THE VICE-CHAIR

(1) Any Council Member is eligible to stand for election to the office of Vice-Chair of Council.

(2) As soon as possible after the election of the Chair, the election of the Vice-Chair shall be conducted by the Registrar or their delegate as outlined in Schedule II, which forms part of these bylaws.

3.13 ELECTION OF THE EXECUTIVE COMMITTEE

(1) Any Council Member is eligible to stand for election to serve on the Executive Committee.

(2) As soon as possible after the election of the Chair and Vice-Chair, the election of the other members of the Executive Committee shall be conducted by the Registrar as outlined in Schedule II, which forms part of these bylaws.

3.14 DUTIES OF THE CHAIR

(1) Subject to Article 4.9, the Chair shall be the chair of the Council, and the chair of the Executive Committee and shall be charged with the general supervision and leadership of the affairs and business of the Council and such other duties as may, from time to time, be assigned to them by the Council, in accordance with the Act and the bylaws. The Chair shall also facilitate dialogue at meetings in a manner that welcomes all Council Members' perspectives on issues, encourages independent thinking, promotes alignment on decisions that are balanced and demonstrates good judgment for the successful fulfilment of the Council's purpose.

(2) The Chair shall have the right to attend all Committee meetings of the College as an observer/participant without voting privileges.

(3) During the absence or inability of the Chair, the Chair's duties, rights and powers shall be exercised by the Vice-Chair.

(4) During the absence or inability of both the Chair and Vice-Chair, the Chair's duties, rights and powers may be exercised by any Council Member as the Council may appoint for such purpose.

3.15 DUTIES OF THE VICE-CHAIR

(1) In addition to the duties set out in Article 3.14(3), the Vice-Chair shall have such other powers, rights and duties as may, from time to time be assigned to them by the Council.

(2) The Vice-Chair shall also be the vice-chair of the Council and the vice-chair of the Executive Committee.

3.16 TERMS OF OFFICE FOR CHAIR AND VICE-CHAIR

(1) The term of office for the Chair and Vice-Chair shall be one year, in accordance with the Act.

(2) The term of office for the Chair and Vice-Chair commences immediately following their election and expires upon the election of the new Chair and Vice-Chair at the first regular meeting of Council in the following year.

(3) No Council Member may serve as Chair for more than an aggregate of three years. No Council Member may serve as Vice-Chair for more than an aggregate of three years.

(4) Following the completion of three years of service as Chair, a Council Member is ineligible for re-election as Chair but may be eligible for election as Vice-Chair, provided that the Council Member has not already served for three years as Vice-Chair.

(5) Following the completion of three years of service as Vice-Chair, a Council Member is ineligible for re-election as Vice-Chair but may be eligible for election as Chair, provided that the Council Member has not already served for three years as Chair.

3.17 REMOVAL OF THE CHAIR OR VICE-CHAIR

The Chair and/or Vice-Chair may be removed from office by a resolution adopted by not less than two-thirds of Council Members present and voting subject to the following criteria:

(1) The Chair and/or Vice-Chair has been given advance notice of the resolution consistent with the notice period required for Council meetings;

(2) The resolution is presented at a Council meeting;

(3) The Registrar shall preside over the resolution and shall appoint, where possible, the Deputy Registrar as scrutineer for the vote;

(4) The vote regarding this resolution shall be taken by secret ballot;

(5) Following the tally of the vote and the report to Council, the Registrar shall ensure that the ballots are destroyed.

3.18 VACANCY OF CHAIR AND/OR VICE-CHAIR OFFICES

(1) Despite Article 3.16(3), if the office of Chair becomes vacant before the expiry of their term of office, the Vice-Chair shall assume the office of Chair for the remainder of the term.

(2) If the office of Vice-Chair becomes vacant before the expiry of their term of office, an election for Vice-Chair shall occur at the next regular meeting of the Council and the new Vice-Chair shall assume the office for the remainder of the term.

(3) If both the offices of Chair and Vice-Chair become vacant concurrently before the expiry of their respective terms of office, the Council shall appoint an interim Chair and Vice-Chair from among the remaining members of the Council to fill the positions of Chair and Vice-Chair and shall hold an election to fill any resultant vacant seats on Executive Committee in accordance with these bylaws.

ARTICLE 4: MEETINGS OF THE COUNCIL

4.1 LOCATION OF MEETINGS

Meetings of the Council may be held electronically or at the College offices or at any other place in Ontario as may be fixed by the Registrar or as the Council may determine.

4.2 NUMBER OF MEETINGS

The first meeting of the Council shall be held in the first quarter of the calendar year. The Council shall hold in each calendar year at least three Council meetings, called by the Council Chair. Notice of the time and place of Council meetings shall be given by the Registrar.

4.3 ADDITIONAL MEETINGS

In addition to the Council meetings contemplated in Articles 4.2 and 3.9(7) above, the Chair or the Council may determine to hold additional meetings.

4.4 SPECIAL MEETINGS

In addition to the Council meetings contemplated in Articles 4.2, 4.3 and 3.9(7), ten Council Members can request a meeting by filing a requisition with the Registrar, who shall schedule the meeting as soon as is reasonably feasible. The requisition shall set out the business that is to be transacted at the meeting.

4.5 BUSINESS TO BE TRANSACTED AT MEETINGS

Except as otherwise provided in the bylaws, the Council may only consider or transact at any Council meeting, other than a special meeting which may only consider the business specified in the requisition;

(a) matters brought forward by the Executive Committee for education, deliberation or ratification;

(b) recommendations and reports by Committees;

(c) matters of which notice was given to the Registrar by a Council Member at the preceding Council meeting or where written notice has been given 21 days in advance of the Council meeting;

(d) reports by the Registrar and the Council Chair; or

(e) such other matters, not included in the agenda for the Council meeting, as a majority of Council Members in attendance determine to be urgent in nature.

4.6 AGENDA

The Chair, in conjunction with the Registrar, shall establish, or cause to be established, the agenda for each Council meeting. The agenda for each Council meeting, other than a special meeting which may only consider the business specified in the requisition, shall include a reasonable period during which any Council Member may raise for discussion topics relevant to the affairs of the College, whether or not otherwise part of the business to be transacted at the Council meeting. However, any motions made in respect of those items shall be made in accordance with Article 4.5(e).

4.7 QUORUM AND VOTING

(1) A majority of Council Members shall constitute a quorum for the transaction of business. Unless otherwise provided for, questions arising at any meeting of the Council shall be decided by a majority of votes of those present and voting. In the event that a vote is tied following deliberation of the question, the question shall be deemed to have been defeated.

(2) A vote at a Council meeting shall be by a show of hands. Any Council Member may request a roll call vote unless the Council Members have determined to vote by secret ballot or the bylaws require a secret ballot.

(3) In the event of a roll call vote, the Registrar shall request each Council Member in turn to record their vote and such vote shall be recorded in the minutes of the meeting relating to the motion or resolution under consideration.

(4) Despite Article 4.7(1), a question may be decided by consensus where no Council Member requires a vote.

(5) Proxy voting is prohibited.

(6) Voting via conference call or other electronic means is permitted during a Council meeting where a Council Member makes a request of the Council Chair for such an accommodation at least three business days in advance of the meeting. Such requests are considered unusual, and it is expected that the majority of Council Members will vote in person at a Council meeting unless the meeting is being held electronically or in a hybrid format.

4.8 CHAIR OF COUNCIL

(1) For the purposes of the conduct of its meetings, unless an alternate chair has been appointed as set out in Article 4.9, the Council Chair shall preside at all meetings. The Vice-Chair shall preside at all meetings where the Chair is absent and in the absence of both the Chair and the Vice-Chair, the meeting shall be chaired by another Council Member chosen by a majority of the Council Members present and voting at such meeting.

(2) If the Chair chooses to step down as chair during a Council meeting, the Vice-Chair shall assume the chair's role. If the Vice-Chair is unable to serve as chair, an alternate chair will be chosen from among the Council Members.

4.9 ALTERNATE CHAIR

For the purposes of the conduct of its meetings, the Council may appoint a non-voting chair who is not a Registrant of the College or a Council Member to preside at any or all meetings. Such a chair shall function solely as an arbiter of procedure in accordance with the procedures adopted in these bylaws. Before assuming their duties, the appointed chair shall undertake to maintain confidentiality in accordance with the Act.

4.10 EVIDENCE OF MEETING PROCEEDINGS

(1) At any meeting, unless a poll is demanded, a declaration by the chair of the meeting that a resolution has been carried or carried unanimously or by a particular majority or lost or not carried by a particular majority shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of, or against a matter.

(2) The Council shall cause minutes to be kept of its proceedings and meetings to form a record of all motions and decisions, which shall be kept at the College office unless the Council otherwise decides.

The written record of the proceedings of a Council meeting when confirmed at a subsequent Council meeting, subject to any corrections made at such subsequent meeting, is proof of the accuracy of the contents of every such record.

4.11 ADJOURNMENTS

Whether or not a quorum is present, the chair of a meeting may, with the consent of the Council Members present, adjourn the meeting. Notice of the time and place of the adjourned meeting shall be given to the Council Members and to the public. Any business which might have been brought before and dealt with at the original meeting may be brought before and dealt with at any adjourned meeting.

4.12 OTHER MEETING PROCEDURES

With respect to procedural matters relating to the conduct of a Council meeting and not otherwise provided for in these bylaws, all questions arising as to any such procedure shall be determined having regard to the procedures adopted by Council.

4.13 MEETINGS HELD BY ELECTRONIC COMMUNICATION

Meetings of Council may be held in any manner that allows all persons participating to communicate with each other simultaneously and instantaneously.

4.14 WRITTEN RESOLUTION

A resolution signed by all Council Members is as valid and effective as if passed at a meeting of the Council held for the purpose of the resolution.

ARTICLE 5: COMMITTEES

5.1 DUTIES OF THE EXECUTIVE COMMITTEE

(1) Between the meetings of the Council, the Executive Committee has all the powers of the Council with respect to any matter that, in the Committee's opinion, requires immediate attention, other than the power to make, amend or revoke a regulation or bylaw in accordance with the Act.

(2) If the Executive Committee exercises a power of the Council under Article 5.1(1), it shall report on its actions to the Council at the Council's next meeting.

(3) The Executive Committee shall also be constituted as the Nominating Committee.

5.2 APPOINTMENT OF COUNCIL MEMBERS AND OTHERS TO COMMITTEES

The Executive Committee in its capacity as the Nominating Committee shall present to Council for approval a slate of candidates to all Committee appointments, including the appointment of Non-Council Committee Members. Council may propose additional suggestions or alternative Committee assignments.

5.3 TERM OF APPOINTMENT

(1) Except as otherwise provided in the bylaws, appointments to all Committees, other than Executive, Discipline or Fitness to Practise (the latter two of which all members of Council are members), shall be for a one-year term and Committee Members may be reappointed for a maximum of two more consecutive terms. Subject to the other provisions of the bylaws relating to the Executive, Discipline and Fitness to Practise Committees, under special circumstances that Council identifies at the meeting and documents in the minutes of the meeting, a person may be reappointed to a Committee despite serving on that Committee for three consecutive years.

(a) In a manner consistent with Article 3.16, a Council Member may serve on the Executive Committee for more than three consecutive years including as Chair and Vice-Chair so long as the aggregate number of years as Chair is not more than three, the aggregate number of years as Vice-Chair is not more than three and the aggregate number of years serving as a member of the Executive Committee while not Chair or Vice-Chair is not more than three.

(2) Subject to Article 5.3(1), a Committee Member who has served the maximum term of three consecutive years on any respective Committee, other than the Executive, Discipline and Fitness to Practise Committees, is deemed ineligible for re-appointment to that Committee for a period of at least 12 months following the expiry of their final term of office.

5.4 ADDING AND REMOVING MEMBERS

Council may add or remove members to a Committee as required for the efficient operation of the Committee. Where a Committee member is being removed for cause, however, the procedures in the bylaws on disqualification apply.

5.5 VACANCY

Subject to Article 3.18, where a vacancy occurs in respect of the membership by a Council Member on a Statutory Committee, the Executive Committee shall, if necessary for a Committee to achieve its quorum or if necessary to give effect to the provisions of the Act, appoint Council Members to fill any vacancies. Every Council Member of a Committee so appointed shall continue to be a member of such Committee until confirmed or replaced, provided that any such appointment shall not extend beyond the then remaining term of the Council Member being replaced. Where a Council Member vacancy has occurred on any Committee, the Council shall, at its next meeting, fill such vacancy from among the remaining Council Members or, if appropriate, confirm the replacement of the Council Member who was installed as a replacement by the Executive Committee as contemplated above.

5.6 APPOINTMENT OF COMMITTEE CHAIR

At the first meeting of a Committee after the first regular Council meeting in each year, the members of the Committee shall choose a chair from among their number, provided that the chair of each Statutory Committee is a Council Member.

5.7 LIMITATIONS ON POWERS

Where Council delegates to any Committee any power or authority not specifically provided to that Committee under the Act or the bylaws of the College, the exercise of such power or authority by such Committee is subject to review and approval by the Council.

5.8 CONDUCT COMMITTEE AND OTHER NON-STATUTORY COMMITTEES

(1) There shall be a Conduct Committee which shall be composed of between three and five Council Members from statutory regulators other than the College, at least one of whom shall be a Public Member. A quorum of the Conduct Committee shall be three members, at least one of whom shall be a Public Member.

(2) The members of the Conduct Committee shall be appointed by the Council at the first Council meeting of the year.

(3) A member of the Conduct Committee who ceases to be a Council member of a statutory regulator after a Code of Conduct matter has commenced under the College's Council Code of Conduct shall be deemed for the purpose of dealing with that matter, to remain a member of the Committee until the final disposition of the matter unless the Executive Committee determines otherwise.

(4) The Conduct Committee shall perform the duties assigned to it in these bylaws and any other duties assigned to it by Council in its terms of reference.

(5) The Council may, from time to time, create other Non-Statutory Committees to complete specific projects or tasks. The creation or dissolution of such a Committee requires a motion from Council.

(6) In the event of a vacancy on any Non-Statutory Committee, the provisions relating to filling a vacancy on a Statutory Committee shall apply.

(7) Committees are composed of a minimum of three persons.

(8) When required, Non-Statutory Committees may be supported by legal and/or technical consultants, and other resource persons as required.

(9) Non-Statutory Committees shall prepare and/or maintain:

(a) agendas and minutes for each meeting; and

(b) reports to Council for each Council meeting.

5.9 PROCEDURES FOR MEETINGS OF COMMITTEES

(1) Subject to the Act and unless otherwise required by law, each Committee shall meet from time to time at the direction of the Council or the Executive Committee or at the direction of the chair or a majority of the members of such Committee on a date and time designated. Meetings may be held by electronic means.

(2) A College staff person supporting the Committee's activities shall make reasonable efforts to notify all Committee members, via telephone, e-mail, written correspondence or some other mode of communication to arrange the meeting date and time for the convenience of the majority of the Committee members.

(3) The majority of members (at least one of whom is a Public Member) of any Committee shall constitute a quorum unless the Act provides otherwise.

(4) Every question that comes before a Committee shall be decided by a majority of those members present and voting. In the event that a vote is tied following deliberation of the question, the question shall be deemed to have been defeated.

(5) Except for hearings[1] held pursuant to the Act, each Committee shall cause minutes to be kept of its proceedings and meetings to form a record of all motions and decisions, which shall be kept at the College office unless the Council otherwise decides.

The written record of the proceedings of a Committee meeting when confirmed at a subsequent Committee meeting, subject to any corrections made at such subsequent meeting, is proof of the accuracy of the contents of every such record.

5.10 COMMITTEE REPORTS

The Registrar shall keep a written record of every Committee meeting.

5.11 COMPOSITION OF STATUTORY COMMITTEES

(1) The Executive Committee shall be composed of:

(a) three Council Members who are Registrants; and

(b) two Council Members who are Public Members.

(2) The Chair and Vice-Chair of the Council shall be Ex-officio members of the Executive Committee.

[1] Procedure for hearing panels are dealt with by the Health Professions Procedural Code, *Statutory Powers Procedure Act* and the Committee's rules of procedure.

(3) The **Registration Committee** shall be composed of at least:

(a) three Council Members who are Registrants;
(b) two Council Members who are Public Members;
(c) one or more Non-Council Committee Members, as needed.

(4) The **Inquiries, Complaints and Reports Committee** shall be composed of at least:

(a) four Council Members who are Registrants;
(b) four Council Members who are Public Members; and
(c) one or more Non-Council Committee Members, as needed.

(5) The **Discipline Committee** shall be composed of:

(a) every Council Member; and
(b) one or more Non-Council Committee Members, as needed.

(6) The **Fitness to Practise Committee** shall be composed of:

(a) every Council Member; and
(b) one or more Non-Council Committee Members, as needed.

(7) The **Quality Assurance Committee** shall be composed of at least:

(a) three Council Members who are Registrants;
(b) two Council Members who are Public Members; and
(c) one or more Non-Council Committee Members, as needed.

(8) The **Patient Relations Committee** shall be composed of at least:

(a) two Council Members who are Registrants;
(b) three Council Members who are Public Members; and
(c) one or more Non-Council Committee Members, as needed.

5.12 CONSTITUTION OF A COMMITTEE

Despite this Article, a Committee is properly constituted, even with a vacancy, so long as a quorum of the Committee can be formed.

5.13 COMPOSITION OF PANELS

Panels shall be selected by the respective Committee chair and this selection will be documented in writing and filed.

ARTICLE 6: APPOINTMENT OF REGISTRAR AND OTHER REPRESENTATIVES

6.1 REGISTRAR

In accordance with the Act, Council shall appoint the Registrar who shall serve as the Chief Executive Officer of the College.

6.2 DEPUTY REGISTRAR

The Registrar shall appoint a Deputy Registrar who shall be the Acting Registrar and have all of the powers and duties of the Registrar should the Registrar be unable to act due to absence from the College or being unavailable or the position of the Registrar becoming vacant.

6.3 INSPECTORS, INVESTIGATORS, EVALUATORS AND ASSESSORS

(1) The Registrar may from time to time appoint persons to act in the capacity of inspector, investigator, evaluator or assessor on behalf of the College. Persons so appointed shall perform such duties as may be determined by the Registrar or a Committee of the College, as the case may be, in accordance with the powers granted under the Act.

(2) Each inspector, investigator, evaluator or assessor appointed shall make a written report to the Registrar or the appropriate Committee of every inquiry made.

6.4 REMOVAL OF THE REGISTRAR

Council shall have the authority to remove the Registrar from their position and/or terminate the Registrar's employment with the College for any lawful reason.

ARTICLE 7: REMUNERATION AND PROTECTION OF COUNCIL MEMBERS, NON-COUNCIL COMMITTEE MEMBERS AND OTHERS

7.1 REMUNERATION OF COUNCIL MEMBERS

(1) Any remuneration of Elected and Academic Members shall be set and reviewed at least once every three years by the Council.

(2) Any remuneration of Non-Council Committee Members and others shall be set by the Registrar.

(3) The information in Article 7.1(1)(2) shall be posted on the College's website.

7.2 INDEMNITY OF COUNCIL MEMBERS, NON-COUNCIL COMMITTEE MEMBERS AND OTHERS

Every Council Member, every other member of a Committee, and any inspector, investigator, evaluator or assessor appointed from time to time by the College and every employee of the College who, in respect of their duties has undertaken or is to undertake any liability on behalf of the College, and the heirs, executors, administrators and personal legal representatives shall be indemnified and saved harmless out of the funds of the College from and against all costs, charges and expenses whatsoever that such person sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against them in or about the execution or intended execution of the duties of their office or employment or in respect of any other liabilities, save and except such costs, charges or expenses as are occasioned by their own willful neglect or default.

7.3 LIABILITY INSURANCE OF REGISTRANTS

A Registrant, other than an Inactive Registrant who has purchased any run-off coverage (sometimes called enduring or tail coverage) contemplated by these bylaws, must carry professional liability insurance with the following characteristics:

(a) minimum of no less than $1,000,000 per occurrence;

(b) annual aggregate coverage of no less than $5,000,000;

(c) a deductible of no more than $4,000 per occurrence;

(d) run-off coverage (sometimes called enduring or tail coverage) for a minimum of two years;

(e) provided by an insurer licensed with the Financial Services Commission of Ontario or the office of the Superintendent of Financial Institutions Canada; and

(f) a sexual abuse therapy and counselling fund endorsement that,

  (i) provides coverage for therapy and counselling for every person eligible for funding under subsection 85.7(4) of the Code; and

  (ii) provides coverage, in respect of each such eligible person, for the maximum amount of funding that may be provided for the person under the Act, for therapy and counselling as a result of sexual abuse by the Registrant.

ARTICLE 8: BANKING AND INVESTMENTS

8.1 BANKING

(1) The Council shall appoint a Canadian chartered bank (which shall be a Schedule 1 or Schedule 2 bank under the *Bank Act* [Canada]) for the use of the College. All money received shall be deposited in the account or accounts maintained by the College at such bank, without deduction for any purpose whatsoever. The College shall have a petty cash fund for expenditure items where payment by individual cheque is not practical, any such payment not to exceed $200 and such petty cash fund to be operated on an "as needed" basis. Except for payments out of the petty cash fund as herein before contemplated, all payments by the College shall be made by cheque drawn on the College's bank account as contemplated above.

(2) All cheques or payments issued on behalf of the College in excess of $100,000.00 excluding salaries, or such other amount as may be determined by the Council from time to time, must be signed by both the Council Chair and Registrar.

(3) All cheques or payments issued on behalf of the College not in excess of $100,000.00 or such other amount as may be determined by the Council from time to time shall be signed by both the Registrar and the Deputy Registrar, the Director of Corporate Services or the Council Chair. However, the person to whom the cheque is made payable shall not sign it.

(4) The Registrar may not make any payment where amounts or orders have been split to avoid the limit on purchases or where due diligence has not been exercised with respect to potential or actual conflicts of interest.

(5) The Registrar may endorse any negotiable instrument for collection on account of the College through the College's bank or for deposit to the credit of the College with the College's bank. The College's rubber stamp may be used for such endorsement.

8.2 FIDELITY

The College shall, after consulting with an insurance broker regarding the College's requirements, obtain comprehensive insurance coverage for, among other things, directors' and officers' liability, fidelity, property damage and personal injury.

8.3 INVESTMENT

(1) The Registrar may invest or re-invest the funds of the College which are not immediately required for the purposes of the College in such manner as the Council, may from time to time, by resolution direct, and, in order to implement such investment or reinvestment, Council may authorize by resolution an officer or officers of the College to carry out such direction.

(2) The funds of the College to be invested as referred to above in this section may be invested only in securities issued or guaranteed by:

(a) the Government of Canada;
(b) the government of a province of Canada;

(c) a Schedule 1 Canadian chartered bank; or

(d) a corporate bond issued by a corporation with a rating of BBB or higher with the Dominion Bond Rating Service or a rating of four stars or higher with Morningstar Bond Ratings.

8.4 CUSTODY OF SECURITIES

All securities owned by the College from time to time shall be lodged, in the name of the College, with a Canadian chartered bank or a Canadian trust company, or in a safety deposit box, or held in accounts with such brokerage houses as may be authorized by the Council. Any such securities and other documents shall be placed in, or removed from, the College's safety deposit box only by two of the following: Registrar or Deputy Registrar and Council Chair or Vice-Chair.

8.5 OWNERSHIP OF SECURITIES

All share certificates, bonds, debentures, notes or obligations belonging to the College shall be issued in the name of the College.

ARTICLE 9: BORROWING

9.1 BORROWING AND GIVING OF SECURITY

The Registrar, or any one or more officers or employees of the College as the Council from time to time determines, may, from time to time and with the approval of Council:

(a) borrow money on the credit of the College;

(b) limit or increase the amount or amounts to be borrowed;

(c) issue, sell or pledge for such sums and such prices as may be deemed expedient, securities of the College; and

(d) charge, mortgage, hypothecate or pledge all or any of the real or personal property of the College, including book debts, rights, powers, franchises and undertakings, to secure any such securities or any money borrowed, or other debt, or any other obligation or liability of the College.

ARTICLE 10: AUDITORS

10.1 APPOINTMENT OF AUDITORS

Council shall, in each fiscal year, appoint an accountant or firm of accountants licensed under the *Public Accounting Act* to audit the accounts of the College. If an appointment is not so made, the auditors appointed in the immediate previous fiscal year shall continue, until a successor is appointed.

10.2 NOTICE TO AUDITORS

The Registrar shall give notice of every appointment and re-appointment of auditors to the auditors in writing promptly after the appointment or re-appointment is made, together with a copy of these bylaws.

10.3 EXAMINATIONS BY AUDITORS

The auditors shall make such examinations as will enable them to report to the Council as required by law and under these bylaws. Without limiting the generality of the foregoing, the auditors shall report to the Executive Committee at its last meeting before the Council meeting at which the financial statements of the College are to be submitted. The auditors of the College shall report in writing to the Council at the meeting at which the financial statements of the College are to be submitted and shall state in the report whether, in their opinion, the financial statements present fairly the financial position of the College and the results of its operations for the period under review in accordance with Canadian accounting standards for not-for- profit organizations.

10.4 ACCESS

The College's auditors shall be given a right of access at all reasonable times to all records, documents, books, accounts and vouchers of the College and shall be entitled to require from the Council Members and other officers and employees of the College such information as in their opinion, giving due weight to the principle of privacy of personal information, is necessary to enable them to report as required by law and under these bylaws.

10.5 ATTENDANCE AT MEETINGS

The College's auditors shall be entitled to attend any meeting of the Council and to be heard at any such meeting at which their representative is in attendance on any part of the business of the meeting that concerns the auditors or the financial statements of the College. The Registrar shall send a notice of every meeting of the Council to the College's auditors in sufficient time so as to allow the College's auditors to arrange for representation at such meeting.

10.6 LIMITATION OF EXECUTIVE COMMITTEE AUTHORITY

For greater certainty, notwithstanding the delegation of executive authority to the Executive Committee pursuant to the Act or Article 5.1, the Executive Committee shall not exercise the powers or duties of the Council under Article 10.

ARTICLE 11: SEAL

11.1 SEAL



The seal depicted on the right is the seal of the College.

11.2 CUSTODY OF SEAL

The seal shall be kept in the custody of the Registrar on behalf of the College.

11.3 LOGO AND NAME MARK

The logo and name mark depicted on the College website shall be the logo and name mark of the College as depicted below. The College asserts all intellectual property rights over the logo and name mark.

CDHO

COLLEGE OF DENTAL
HYGIENISTS OF ONTARIO

ARTICLE 12: EXECUTION OF DOCUMENTS, ETC.

12.1 BANK SIGNING AUTHORITIES

Subject to Article 8.1, all contracts, documents, cheques, or other instruments in writing pertaining to the College's banking business that require signatures shall be signed by the Registrar.

12.2 EXECUTION OF OTHER DOCUMENTS

All other contracts, documents or instruments in writing requiring the signature of the College may be signed by the Registrar, or by persons to whom the Registrar has delegated such authority, and all contracts, documents or instruments in writing so signed shall be binding upon the College without any further authorization or formality. The Council is also authorized, from time to time, to appoint any officer or officers or any other person or persons on behalf of the College either to sign contracts, documents or instruments in writing generally or to sign specific contracts, documents or instruments in writing as required.

12.3 DEFINITION OF CONTRACTS, ETC.

The term "contracts, documents or instruments in writing" as used in this section is intended to include deeds, mortgages, hypothecs, charges, conveyances, transfers and assignments of property, real or personal, movable or immovable, powers of attorney, agreements, releases, receipts and discharges for the payment of money or other obligations, conveyances, transfers and assignments of shares, bonds, debentures or other securities and all paper writings.

12.4 SUMMONSES

Except where otherwise provided by law, the Registrar may sign summonses, notices and orders on behalf of the College or any Committee.

12.5 AFFIXATION OF SEAL

The seal of the College shall, when required, be affixed to documents by anyone authorized to sign the document.

ARTICLE 13: ENACTMENT, AMENDMENT AND REPEAL OF BYLAWS

13.1 ENACTMENT, AMENDMENT AND REPEAL

A bylaw of the College may be made, amended and repealed by a vote of at least two-thirds of the Council Members present and voting at any Council meeting.

13.2 NOTICE OF PROPOSAL

Where obligated by the Act, proposed bylaws shall be circulated to every Registrant at least 60 days before Council approves them.

13.3 NUMBERING AND MAINTENANCE

Every bylaw and every amendment and repeal thereof shall be numbered according to the order in which it was passed, certified by the Council Chair or Vice-Chair and by the Registrar and sealed and maintained in a book in its numerical order.

ARTICLE 14: INFORMATION REQUIRED BY THE COLLEGE

14.1 TIMING OF ANNUAL RENEWAL

The Registrar shall, at least 45 days before the deadline for annual renewal of the current certificate of registration, send to every Registrant, at the address to which the Registrant wishes correspondence from the College to be sent shown in the register, a notice respecting the required payment of annual fees and the information that is required to be provided at the time of renewal.

14.2 PROVIDING INFORMATION TO THE COLLEGE

When requested, the Registrant shall immediately provide the College with the following information, in the form requested by the College:

(a) Information required to be maintained in the register in accordance with subsection 23(2) of the Code, Regulation 261/18 under the RHPA and Article 15 of these bylaws;

(b) Information required to be provided to the College pursuant to sections 85.6.1 through 85.6.4 of the Health Professions Procedural Code regarding offences (charges and findings), misconduct findings, membership in other regulatory bodies, and bail conditions, etc.;

(c) The address and telephone number of the Registrant's primary residence and a current e-mail address to which only the Registrant has access;

(d) Every business address and business telephone number, and, if available, business facsimile number and business email address;

(e) Proof of professional liability insurance in accordance with Article 7.3 of these bylaws;

(f) The Registrant's areas of practice and categories of Clients seen;

(g) Information regarding the Registrant's employment including:

  (i) the Registrant's title and position,
  (ii) a description of the Registrant's role, duties, and responsibilities, and
  (iii) the Registrant's employment category and status;

(h) If there have been any changes to the Registrant's name since the date of the Registrant's initial application for registration, and where requested by the College, documentation supporting the change;

(i) Any nicknames, short forms of given names, aliases or assumed names that the Registrant uses in any place of practice;

(j) Information about the Registrant's registration with any other body that governs a profession, whether inside or outside of Ontario, including the name of the governing body, the Registrant's registration or licence number and the date the Registrant first became registered and the expiry date of that registration or licence number;

(k) The name of the educational institution where the Registrant obtained a certificate, diploma or degree in dental hygiene, the type of certificate, diploma or degree obtained and the date each was issued;

(l) Information about any referral to a hearing or finding of professional misconduct or incompetence or similar referral to a hearing or finding that has been made against the Registrant by a body that governs a profession, inside or outside of Ontario, where that finding has not been reversed on appeal, including:

(i) the referral to a hearing or finding,
(ii) the name of the governing body that made the referral to a hearing or finding,
(iii) a brief summary of the facts on which the referral to a hearing or finding was based,
(iv) the penalty and any other orders made relative to the referral to a hearing or finding,
(v) the date the referral to a hearing or finding was made,
(vi) information regarding any appeals of the referral to a hearing or finding, and
(vii) the notice of hearing if available;

(m) Information about any finding of incapacity or similar finding that has been made against the Registrant by a body that governs a profession, inside or outside of Ontario, where that finding has not been reversed on appeal, including:

(i) the finding,
(ii) the name of the governing body that made the finding,
(iii) the date the finding was made,
(iv) a summary of any order made, and
(v) information regarding any appeals of the finding;

(n) Information about the Registrant's participation in the Quality Assurance Program;

(o) Information for the purpose of compiling statistical data;

(p) Information about any finding by a court made after June 3, 2009 of professional negligence or malpractice against the Registrant; and

(q) Information required by the Minister of Health and Long-Term Care.

14.3 NOTIFICATION OF CHANGES OF INFORMATION

The Registrant shall update their information on the College website or notify the College, in writing, of any changes to the information required to be provided to the College pursuant to article 14.2 within 14 days of the effective date of the change.

ARTICLE 15: THE REGISTER

15.1 MAINTAINING THE REGISTER

The Registrar shall maintain a register in accordance with section 23 of the Code.

15.2 NAME IN THE REGISTER

A Registrant's name in the register shall include their full legal name indicated on the documents used to support the Registrant's initial registration with the College and may also include an additional name pursuant to article 15.3.

15.3 CHANGE OF NAME

The Registrar may also enter a name other than the name referred to in Article 15.2, in the register if the Registrar:

(a) has received a written request from the Registrant;
(b) is satisfied that the Registrant has legally changed their name; and
(c) is satisfied that the name change is not for any improper purpose.

15.4 PRIMARY BUSINESS ADDRESS

A Registrant's primary business address in the register shall be the address of the location in Ontario where the Registrant is practising as a dental hygienist. In the event that the Registrant is practising as a dental hygienist in more than one location in Ontario, the Registrant's primary business address shall be the location where the Registrant currently works the most hours. All other business addresses will be listed as secondary business addresses in the register. In the event that the Registrant is not practising in Ontario as a dental hygienist, the Registrar shall enter as the Registrant's primary business address the location designated by the Registrant or any other location for the Registrant known by the College.

15.5 PRIMARY BUSINESS TELEPHONE NUMBER

A Registrant's primary business telephone number in the register shall be the telephone number of the location in Ontario where the Registrant is practising as a dental hygienist. In the event that the Registrant is employed or self-employed as a dental hygienist in more than one location in Ontario, the Registrant's primary business telephone number shall be the telephone number of the location where the Registrant currently works the most hours. In the event that the Registrant is not employed in Ontario as a dental hygienist, the register shall not contain a business telephone number for the Registrant.

15.6 OTHER INFORMATION IN THE REGISTER

In addition to the information set out in subsection 23(2) of the Code and Regulation 261/18 under the RHPA, the following is designated as public information:

(a) The Registrant's registration number;
(b) The dates on which each class of registration and specialist status that the Registrant holds was obtained and, if applicable, the dates on which each terminated;

(c) If the Registrant ceased to be a Registrant, a notation specifying the reason for the termination of registration and the date upon which the Registrant ceased to be a Registrant;

(d) Information relating to the Registrant's education in dental hygiene, including date of graduation and educational institution;

(e) Where, on or after December 31, 2015, for a complaint or for a matter in which an investigator is appointed under clause 75(1)(a) or clause 75(1)(b) of the Code, a panel of the Inquiries, Complaints and Reports Committee requires a Registrant to appear before a panel of the Committee to be cautioned a fulsome summary of the caution and such other relevant information that the Registrar believes is in the public interest to include;

(f) Where, on or after December 31, 2015, for a complaint or for a matter in which an investigator is appointed under clause 75(1)(a) or clause 75(1)(b) of the Code, a panel of the Inquiries, Complaints and Reports Committee takes other action requiring a Registrant to complete a specified continuing education or remediation program ("SCERP") a fulsome summary of the SCERP and such other relevant information that the Registrar believes is in the public interest to include;

(g) Where, on or after December 31, 2015, for a complaint or for a matter in which an investigator is appointed under clause 75(1)(a) or clause 75(1)(b) of the Code, a panel of the Inquiries, Complaints and Reports Committee obtains an undertaking from the Registrant, a fulsome summary of the undertaking and such other relevant information as the Registrar determines is in the public interest to include;

(h) Notwithstanding paragraphs "e", "f" and "g" where, after a review, the Inquiries, Complaints and Reports Committee has been required to remove or vary the order or undertaking, the notation may be removed once the Committee makes its new decision. Where the original order or requirement to complete an undertaking has been varied, the Registrar may enter a summary of the process leading up to and the results of the variation;

(i) Where, for a pending complaint or other type of investigation, the Registrar confirms that the College is investigating a Registrant because there is a compelling public interest in disclosing this information pursuant to clause 36(1)(g) of the Act, the fact that the Registrant is under investigation;

(j) Where an allegation of a Registrant's professional misconduct or incompetence has been referred to the Discipline Committee or where the Registrar has referred an application for reinstatement to the Discipline Committee under section 73 of the Code and the matter is outstanding, a fulsome summary of the matter and such other information that the Registrar believes is in the public interest to include;

(k) Where the results of a disciplinary proceeding are contained in the 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 made an order;

(l) After December 31, 2015, a summary of any reprimand given publicly to a Registrant as part of the order of a panel of the Discipline Committee, unless the results of the proceeding before the Discipline Committee are not otherwise available to the public under the Code;

(m) A notation, including the date of the referral, for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Fitness to Practise Committee under section 61 of the Code and has not been finally resolved, until the matter has been resolved;

(n) Any information jointly agreed to be placed on the register by the College and the Registrant;

(o) Where the Registrant's certificate of registration is subject to an interim order, a notation of that fact, the nature of the order and the date that the order took effect;

(p) Where the Registrant's certificate of registration is subject to a suspension for failure to pay a fee, the reason for the suspension and the date of the suspension in addition to the fact of the suspension;

(q) Where the College is aware that a Registrant is currently registered or licensed to practise a profession inside or outside of Ontario, a notation of that fact;

(r) Where the College is aware that a pending allegation of professional misconduct or incompetence or a similar allegation has been referred to a discipline type of hearing against a Registrant registered or licensed to practise a profession inside or outside of Ontario, a fulsome summary of the matter and such other relevant information that the Registrar believes is in the public interest to include;

(s) Where the College is aware that a finding of professional misconduct or incompetence or a similar finding has been made against a Registrant registered or licensed to practise a profession inside or outside of Ontario and that finding has not been reversed on appeal, a fulsome summary of the matter and such other relevant information that the Registrar believes is in the public interest to include;

(t) Where the College is aware that a finding of incapacity or similar finding has been made against a Registrant registered or licensed to practise a profession inside or outside of Ontario, and that finding has not been reversed on appeal, a fulsome summary of the matter and such other relevant information that the Registrar believes is in the public interest to include;

(u) Where a decision of a panel of the Discipline Committee has been published by the College with the Registrant's or former Registrant's name included,

  (i) a notation of that fact, and
  (ii) identification of, a link to, or a copy of the specific publication containing that decision;

(v) Where, during or as a result of a proceeding under section 25 of the Code a Registrant has resigned, a notation of that fact and such other relevant information that the Registrar believes is in the public interest to include;

(w) A summary of any current charges against a Registrant, of which the College is aware, in respect of a federal, provincial or other offence;

(x) A summary of any current conditions, terms, orders, directions or agreements relating to the custody or release of the Registrant in respect of provincial, federal or other offence processes, of which the College is aware;

(y) A summary of any findings of guilt, of which the College is aware, made by a court after December 31, 2015, against a Registrant in respect of a provincial, federal or other offence;

(z) In addition to the name of every health profession corporation of which the Registrant is a shareholder, the business address, business telephone number, business e-mail address, if there is one, and any operating names of the health profession corporation;

(aa) Any terms, conditions and limitations imposed on the certificate of registration, as well as a notation when TCLs are successfully completed to the satisfaction of the Registrar and the date of such completion.

15.7 OFFICIAL DOCUMENTATION

Upon request, the Registrar shall issue a written document containing such information as requested from the public portion of the register.

15.8 INFORMATION AFFECTING THE SAFETY OF AN INDIVIDUAL

All of the information in the register is designated, under subsection 23(6) of the Code, as information that may be withheld from the public if the Registrar has reasonable grounds to believe that disclosure may jeopardize the safety of an individual.

ARTICLE 16: FEES

16.1 APPLICATION FEES

(1) A person who submits an application for a general or specialty certificate of registration for consideration by the Registrar pursuant to section 15 of the Code, shall pay an application fee of $50.

16.2 ANNUAL FEES

(1) The annual fee payable by a Registrant is:

(a) $415 for a Registrant who holds a general certificate;
(b) $415 for a Registrant who holds a specialty certificate; and
(c) $215 for a Registrant who holds an inactive certificate.
(d) If an applicant graduated from a program in dental hygiene within 12 months of applying for registration, the annual fee upon initial registration is one half of the annual fee payable by a Registrant who holds a general certificate.

(2) The annual fees are payable by a Registrant upon first becoming a Registrant and, thereafter, on December 1 of each year in the year preceding the year to which the Registration renewal applies.

(3) The penalty for late payment of a fee set out in Article 16.2 (1)(a)–16.2 (1)(c) is $100 and is payable on December 2nd.

16.3 CHANGE OF CLASS

A Registrant who applies, after January 1 of any year, for a certificate of registration of a different class than the one already held by the Registrant, shall pay the difference between the annual fee paid by the Registrant on January 1 and the annual fee payable for the certificate for which the Registrant applied if the latter fee is greater.

16.4 EVALUATION FEES

(1) The fee to take the clinical competency evaluation for entry to practice is $2650.

(2) The fee to take the provincial written assessment for entry to practice is $675.

(3) The fee to re-take the provincial written assessment for entry to practice is $575.

(4) The fee to take an entry-to-practice radiology evaluation is $650.

(5) The fee to take the professional competency assessment for re-entry to practice is $3225.

(6) The fee to take the professional competency assessment for a specialty certificate is $1500.

(7) A person who files an appeal with the Registrar shall pay a non-refundable fee of $350.

(8) The prior learning assessment fee for an applicant from a non-accredited program is $800.

16.5 FEES FOR ELECTION RECOUNT

(1) A candidate for election as an Elected Member or selection as an Academic Member to the Council shall pay a fee of $100 for a recount of the election or selection that the Registrar is required to hold in accordance with Article 3.2(14).

(2) The fee shall be refunded to the candidate if the outcome of the election or selection is changed in their favour as a result of the recount.

16.6 ADDITIONAL FEES

(1) A person who makes requests of the Registrar to do that which is required or authorized to do by statute or by regulation of the Registrar shall pay:

(a) if a fee for doing so is prescribed, the prescribed fee; or

(b) if a fee is not prescribed and a fee is set by the Registrar, the fee set by the Registrar.

16.7 OBLIGATIONS TO PAY

(1) The fee for reinstatement where the Registrant's certificate was suspended or revoked is $500.

(2) The fee for a:

(a) Replacement wall certificate is $20

(b) Replacement of a duplicate receipt is $10

(c) Certificate of professional conduct is $15.

(3) The obligation to pay the annual registration fee or renewal fee and to submit the annual information return continues, even if the Registrar fails to mail a notice, or the Registrant fails to receive such notice.

16.8 ADMINISTRATIVE FEE

After the first notice, a Registrant shall pay an administrative fee of $50 for each subsequent notice sent by the Registrar to a Registrant for failure of the Registrant to provide information or a form to the College or a Committee of the College within 30 days of being requested or required to do so. The fee is due within 30 days of the subsequent notice being sent, unless they have, in the opinion of the Registrar, a valid explanation for failing to submit the information requested within the 30-day period.

ARTICLE 17: INTENTIONALLY LEFT BLANK

ARTICLE 18: FUNDING FOR THERAPY AND COUNSELLING

18.1 REQUIREMENTS UNDER THE PROGRAM

The Patient Relations Committee may require therapists and counsellors, who are providing therapy or counselling that is funded through the program, to submit credentials attesting to their competency in providing sexual abuse therapy and counselling. Persons who are receiving such therapy or counselling shall provide, to the Patient Relations Committee, a written statement, signed in each case by the therapist or counsellor and by the person, containing details of the therapist's or counsellor's training and experience. Persons who are receiving therapy or counselling shall provide to the Patient Relations Committee a written statement that therapy or counselling is being provided and that the funds are being devoted only to that purpose.

ARTICLE 19: PROFESSIONAL INCORPORATION

19.1 CERTIFICATE OF AUTHORIZATION FEE

The fee for the issuance of a certificate of authorization, including any reinstatement of a certificate of authorization, for a professional corporation is $750.

19.2 ANNUAL RENEWAL FEE

The fee for the annual renewal of a certificate of authorization is $100.

19.3 RENEWAL DATE

The annual renewal date for a certificate of authorization is March 1st of each year.

19.4 FAILURE TO RENEW

After the first notice, a professional corporation or a Registrant listed in the College's records as a shareholder of a professional corporation shall pay an administrative fee of $50 for each subsequent notice sent by the Registrar to the corporation and/or Registrants affiliated with the corporation for failure of the corporation to renew its certificate of authorization on time. The fee is due within 30 days of the notice being sent unless they, in the opinion of the Registrar, have a valid explanation for failing to submit the information requested within the 30-day period.

19.5 ADDITIONAL CERTIFICATE

The fee for the issuing of a document or certificate respecting a professional corporation, other than the first certificate of authorization or one annual renewal of a certificate of authorization is $50.

19.6 INFORMATION REQUIRED BY THE COLLEGE

Every Registrant of the College shall, for every professional corporation of which the Registrant is a shareholder, provide in writing the following information on the application and annual renewal forms for a certificate of authorization, upon the written request of the Registrar within 30 days and upon any change in the information within 30 days of the change:

(a) the name of the professional corporation as registered with the Ontario Ministry of Government and Consumer Services;

(b) any practice names used by the professional corporation;

(c) the name, as set out in the register, and registration number of each shareholder of the professional corporation;

(d) the name, as set out in the register, of each officer and director of the professional corporation, and the title or office held by each officer and director;

(e) the principal practice address, telephone number, facsimile number and e-mail address of the professional corporation;

(f) the address and telephone number of all other locations, other than residences of Clients, at which the professional services offered by the professional corporation are provided; and

(g) a brief description of the professional activities carried out by the professional corporation.

19.7 PUBLIC INFORMATION

The information specified in Article 19.6 is designated as public for the purposes of subsection 23(5) of the Code.

ARTICLE 20: DECLARED EMERGENCIES

In the event of the declaration of a state emergency by the Government of Canada or by the government of any province or territory of Canada or for any other reason, the College may waive or extend any deadline under these bylaws or curtail any services of the College for the duration of length of the state of emergency. The College will communicate with Registrants where possible.

Schedule I

CODE OF ETHICS

The mission of the College of Dental Hygienists of Ontario is to regulate the practice of dental hygiene in the interest of the overall health and safety of the public of Ontario.

PRINCIPLE I: BENEFICENCE

- *Involves caring about and promoting the good of another*

  Dental hygienists use their knowledge and skills to assist Clients to achieve and maintain optimal oral health and to promote fair and reasonable access to quality care.

PRINCIPLE II: AUTONOMY

- *Pertains to the right to make one's own choices*

  By communicating relevant information openly and truthfully, dental hygienists assist Clients to make informed choices and to participate actively in achieving and maintaining optimal oral health.

PRINCIPLE III: PRIVACY AND CONFIDENTIALITY

- *Privacy pertains to a person's right to control the collection, use and disclosure of personal information; the right to access and correct inaccurate information; and the right to expect that the information is kept secure.*
- *Confidentiality is the duty to hold secret any information acquired in the professional relationship.*

  Dental hygienists respect the privacy of Clients and hold in confidence the information disclosed to them, subject to certain narrowly defined exceptions.

PRINCIPLE IV: ACCOUNTABILITY

- *Pertains to the acceptance of responsibility for one's actions and omissions in light of relevant principles, standards, laws, regulations and the potential to self-evaluate and to be evaluated accordingly.*

  Dental hygienists practise competently in conformity with relevant principles, standards, laws, and the regulations under their enabling legislation and accept responsibility for their behaviour and decisions in the professional context.

PRINCIPLE V: PROFESSIONALISM

- *Is the commitment to use and advance professional knowledge and skills to serve the Client and the public good.*

  Dental hygienists express their professional commitment individually in their practice and communally through the College and their participation in the College's Quality Assurance Program.

ETHICAL DECISION-MAKING MODEL

STEP 1	IDENTIFY THE PROBLEM	Identify, in a preliminary way, the nature of the challenge or problem.
STEP 2	**GATHER INFORMATION**	Become suitably informed and gather relevant information including: factual information; sequence of events; applicable policies, laws, and regulations; and the views of stakeholders.
STEP 3	**CLARIFY THE PROBLEM**	Clarify and elaborate the problem based on the additional information obtained. Identify the ethical principles at stake.
STEP 4	**IDENTIFY OPTIONS**	Identify the various options for action.
STEP 5	**ASSESS OPTIONS**	Assess the various options.
STEP 6	**CHOOSE A COURSE OF ACTION**	Decide on and justify/defend a course of action.
STEP 7	**IMPLEMENT THE ACTION**	Implement one's decision as thoughtfully and sensitively as possible.
STEP 8	**EVALUATE OUTCOMES**	Assess the consequence of your decision and evaluate the outcomes.

Schedule II

ELECTION OF THE EXECUTIVE COMMITTEE

(1) The elections shall be conducted by the Registrar or their delegate.

(2) No Council Member shall sit at the head table of the meeting until the elections have been finalized.

(3) Nominations to any position on the Executive Committee may be either by self or from any member of Council.

(4) The Registrar or their delegate shall call for nominations for the position of Council Chair.

- (a) Should only one Council Member be a candidate for the position of Council Chair, the Registrar or their delegate will thereupon declare said candidate Elected by acclamation.
- (b) Should there be more than one candidate for the position of Council Chair, an election by secret ballot shall be conducted.
  - (i) Each candidate shall be entitled to briefly address Council.
  - (ii) The Registrar or their delegate shall appoint two scrutineers to count the ballots and the results shall be reported to Council by the Registrar or their delegate with the number of votes for each candidate to remain confidential.

(5) When more than two candidates are nominated, the nominee who received the lowest number of votes in each election shall be deleted from the next ensuing election unless one nominee receives a majority (50% +1) of the votes cast on the ballot, in which case that person is elected. This procedure shall be followed until one nominee receives a majority of the votes cast.

(6) In the event of a tie, a second election will take place. Candidates who are tied shall be entitled to briefly address Council. If the results are once again a tie, then a third election will take place, before which candidates who are tied shall be entitled to briefly address Council. If the results are once again a tie, the tie shall be broken by lot in the presence of the two scrutineers unless Council determines by ordinary resolution to proceed in another manner, which may include the holding of a new election.

(7) The election of the Vice-Chair shall be conducted on a basis identical to that of the procedure applicable to the election of the Chair.

(8) The election of the remaining members of the Executive Committee shall be conducted in a similar, but not necessarily identical manner in a democratic fashion.

(9) The Registrar or their delegate shall call for a motion to destroy the ballots immediately following the election.

Schedule III

RULES OF ORDER OF COUNCIL

(1) In this Schedule, "Member" means a Member of the Council.

(2) Each agenda topic will be introduced briefly by the person or Committee representative raising it. Members may ask questions of clarification, then the person introducing the matter shall make a motion and another Member must second the motion before it can be debated.

(3) When any Member wishes to speak, they shall so indicate by raising their hand and shall address the presiding officer and confine themselves to the matter under discussion.

(4) Staff persons and consultants with expertise in a matter may be permitted by the presiding officer to answer specific questions about the matter.

(5) Observers at a Council meeting are not allowed to speak to a matter that is under debate.

(6) A Member may not speak again on the debate of a matter until every other Member who wishes to speak to it has been given an opportunity to do so. The only exception is that the person introducing the matter or a staff person may answer questions about the matter. Members will not speak to a matter more than twice without the permission of the presiding officer.

(7) A Member may speak up to three (3) minutes upon any motion; additional time may be allotted with the permission of Council.

(8) When a motion is under debate, no other motion can be made except to amend it, to postpone it, to put the motion to a vote, to adjourn the debate or the Council meeting or to refer the motion to a Committee.

(9) A motion to amend the motion then under debate shall be disposed of first. Only one motion to amend the motion under debate can be made at a time.

(10) When it appears to the presiding officer that the debate on a matter has concluded, when Council has passed a motion to vote on the motion, or when the time allocated to the debate on the matter has concluded, the presiding officer shall put the motion to a vote.

(11) When a matter is being voted on, no Member shall enter or leave the Council room, and no further debate is permitted.

(12) No Member is entitled to vote upon any motion in which they have a conflict of interest, and the vote of any Member so interested will be disallowed.

(13) Any motion decided by the Council shall not be re-introduced during the same meeting except by a two-thirds vote of the Members then present.

(14) Whenever the presiding officer is of the opinion that a motion offered to the Council is contrary to these rules or the bylaws, they shall rule the motion out of order and give their reasons for doing so.

(15) The presiding officer shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Council without debate.

(16) The above rules may be relaxed by the presiding officer if it appears that greater informality is beneficial in the particular circumstances, unless the Council requires strict adherence.

(17) Members are not permitted to discuss a matter with observers while it is being debated.

(18) Members must remain engaged in Council meetings and not allow their personal electronic devices to interfere with their attention or the attention of others. Laptops shall only be used during Council meetings to review materials related to Council business (e.g., electronic copies of background documents) and to make personal notes on the issue at hand.

(19) Members are to be silent while others are speaking.

(20) In all cases not provided for in these rules or by other rules of Council, the current edition of "Robert's Rules of Order" shall be followed so far as they may be applicable.

(21) These rules shall apply, with necessary modifications, to meetings conducted by teleconference or any other electronic means permitted by the bylaws, including audio or video conferencing.

Approved by Council September 25, 2015
Article 16.2(1) amended by Council March 4, 2016
Amended by Council June 3, 2016, to include Schedule III
Articles 1.1, 3.2, 3.3, 3.7, 3.9, 4.7, 4.10, 4.12, 4.14, 5.9, 12.1, 12.2, 14.2, 14.3, 15.4–15.6 16.1, 16.2, 16.4, amended by Council March 24, 2017
Articles 3.4(3), 5.8(3), 16.4(1, 2, 3, 5, 7) amended by Council March 22, 2019
Articles 3.7–3.17, 5.8, 19–21 amended by Council June 7, 2019
Articles 3.2(14), 3.15(1), 3.18(1), 4.3, 4.4, 4.12(1, 2, 3), 5.3(1)(a), 5.5, 7.1(1, 2, 3), 19.7 amended by Council September 18, 2020
Articles 1.1, 3.1(17), 3.3(1), 3.5, 3.8(3, 4), 3.9(11), 5.11(3, 4, 5, 6, 7, 8), 16.2(1, 2, 3), amended by Council June 10, 2022
Articles 3.7(13, 17, 19, 20, 21[m] [o], 23, 24, 24[a], 27, 29, 37), and Schedule III (3, 12, 14, 18), amended by Council December 2, 2022
Amended by Council June 7, 2024
Articles 3.7(1, 19, 20, 21), amended by Council March 28, 2025