



College of Chiropractors of Ontario  
L'Ordre des Chiropraticiens de l'Ontario

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## ITEM 3.1

### ***President's Message: September 19, 2023 - Draft Amendments to Standard of Practice S-003: Professional Portfolio and By-laws for Circulation and Feedback***

#### **Update – Council Meeting September 8, 2023 and Strategic Planning Sessions September 9, 10, 2023**

CCO Council and staff have just returned from a successful Council meeting and strategic planning sessions. Here is an update on some of our initiatives, and two opportunities for you to have input into items being considered by Council.

#### **Potential Amendment to Standard of Practice S-003: Professional Portfolio**

The Quality Assurance Committee recommended to Council circulation of amendments to S-003: Professional Portfolio to include five (5) hours of hands-on activity relating to spinal adjustment or manipulation to be completed once every three (3) CE cycles (or six years). Members will be aware that although there is a continuing education (CE) requirement for five (5) hours in diagnostic or therapeutic procedures related to controlled acts, peer assessors have observed that much of this requirement is being completed through remote learning related to communicating a diagnosis and/or ordering radiographs. Council approved the circulation of changes to require hands-on learning specific to members' authority to perform the controlled act of moving the joints of the spine. The public interest rationale includes ensuring a basic level of competency in a fundamental skill that members are authorized to perform by governing legislation.

Please review the [draft amendments to Standard of Practice S-003: Professional Portfolio](#), indicated in underline on page five (5), and provide any [feedback through the portal](#) by **November 19, 2023**.

#### **By-law Amendments Being Considered**

For several years now, CCO has been engaged in a process of systematically reviewing, consulting on, and amending its by-laws, in keeping with the College's commitment to regulatory excellence in a diverse environment.

As President, helping to guide this work of carefully analyzing and amending by-laws to strengthen the College's governance, all while building on the efforts of previous Councils, is a significant priority.

A leading expert on regulatory performance, Harvard Professor Malcolm Sparrow, observed that a regulatory system is not just supported by formal rules, but also by norms, best practices and, of equal importance, community expectations. This is why when examining our by-laws we should not just ask

if something is technically permissible within the relevant governing statutes, but also whether it is the right thing to do.

The CCO's ongoing by-law review has been informed by this spirit.

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At the August 11, 2023 meeting of the CCO Executive Committee, several by-law amendments were approved to be brought forward to CCO Council. Most of these recent amendments make the language used more inclusive and gender neutral, such as replacing "his/her" with "their", or "member", as appropriate (11 by-laws were affected). A significant number of amendments were undertaken to make minor grammatical changes for sentence clarity, or to be consistent with related by-laws, or to correct small typographic errors (10 by-laws were affected).

In the remaining instances, the by-law amendments were designed to enhance the efficacy of CCO's Council and committees, to ensure that the members who serve on them are the best equipped to do so. This has been done in accordance with the College's published Competencies for Council and Committee members. For example, following a detailed review of best practices at 11 Ontario health regulatory colleges and three non-health regulatory bodies concerning the nomination of candidates to committees, an amendment was made to By-law 7 Elections Within Council. (The best practices review was undertaken by outside legal counsel engaged by CCO and governance experts at SML Law.) Specifically, By-law 7.11 was amended to include the CCO President on the Nomination Committee. The rationale being, in part, that the President likely has a great deal of experience of Council and its committees and is well versed in their various roles and mandates in terms of nominating suitable candidates. The details will be set out in policy.

Additional amendments pertained to eligibility for Council. These included amendments to by-law 6.9 which, in the interest of consistency, extend the 'cooling off' period from three to six years for any member seeking to be elected from when they had been last engaged with the leadership (as defined) of a chiropractic advocacy group, or chiropractic education organization, or had resigned from CCO Council before the completion of their term. The suggestion to harmonize the cooling off periods was first proposed by a former CCO President during the College's recent consultations on amendments to By-law 6.

Other amendments to by-law 6.9 address a member's ineligibility to become a candidate for Council. These require that a member is not, and has not been within the preceding six years, an adverse party in litigation against CCO 6.9(q); that the member is not an accused currently charged with a criminal offence under the Criminal Code of Canada 6.9(r); and that the member has not been convicted of a criminal offence for which the member has not received a pardon pursuant to the Criminal Code of Canada 6.9(s). The clear public interest rationale for these three amendments (q), (r), (s) is that the member is ineligible as a result being in a *conflict of interest* – in 6.9 (q) with CCO itself, and in the case of 6.9 (r) and (s), the conflict of interest is with the duty to serve and protect the public interest as a member of CCO Council.

In addition to meeting eligibility criteria, the competencies expected of candidates for, or members of, Council and Committee also include a deep understanding of the fiduciary responsibilities of Council members as stewards of CCO. Fiduciary responsibilities extend beyond a narrow reading of financial accountability, to include due diligence, respect, ethics, confidentiality, loyalty and of course conflict of interest.

To be fair, it is not assumed that all prospective candidates or Council members are already experts in all the competencies and responsibilities. CCO provides many orientation sessions, modules and ongoing training and support for Council members that I and many other Council colleagues have found invaluable. This training, alongside the formal articulation of core competencies for Council members, are a key component of CCO's (and other leading health regulatory colleges') efforts to strengthen college leadership, and to align with the goals and benchmarks of the Ministry of Health and Long-Term Care's College Performance Measurement Framework.

A review and opinion were also sought on related governance matters with respect to voting on amendments (and other business), and specifically the role of the Chair. CCO's existing by-law stipulates that the Council Chair votes only in the event of a tie, although that is not a universal practice within other colleges or organizations generally. For example, while the Ontario College of Pharmacists mirrors CCO's approach, the College of Nurses of Ontario does not require the Chair to vote regardless of the outcome, though they may vote if they wish. In the event of a tie, the motion is considered to be defeated. The Royal College of Dental Surgeons of Ontario and the College of Physicians and Surgeons of Ontario likewise have the by-law provision that a tied vote defeats the motion, although in both colleges the vote of the Chair *is* counted along with every other council member. Council agreed to include a right to vote for the Chair to vote as part of the by-law amendments, with the proviso that the Chair votes last on any matter before Council. There are other by-law amendments under active consideration including, for example, requiring a 2/3 majority vote to amend a by-law. The Executive Committee will be considering these and other amendments with further recommendations going to Council.

Proposed amendments to By-law 12: Appointment of Non-Council Members include applying the same criteria for the election of Council members to the appointment of non-Council committee members to help ensure consistent practices are applied. As well, proposed amendments to By-law 13: Fees include the addition of certificate and application fees to the new Emergency class of registration certificate (approved by the Ministry of Health on August 31, 2023), and the exemption of additional registration fees for those members moving from the Emergency class to the General class of registration. Proposed new By-laws 13.14 and 13.26 codify fees payable by a member for a Specified Continuing Education or Remediation Program (SCERP) or reinstatement application.

I realize that in the course of our busy lives, some of these amendments and considerations may seem like minutiae, and that for many people the world of by-laws and governance can be obscure and complex at best—and cause their eyes to glaze over at worst.

What I have attempted to share with you in this message is but a glimpse of the breadth and depth of the ongoing by-law review and reform at CCO, spurred on by our commitment to exceed expectations. There will be further communication to all stakeholders, including members, on the topics discussed during strategic planning, including evaluating Council effectiveness, the College Performance Measurement Framework, and effective communications. Stay tuned for further updates.

Please review the proposed by-law amendments, [summarized in the following chart](#) and provide any [feedback through the portal](#) by **November 19, 2023**.

Feedback from all stakeholders, including members will be reviewed by the Quality Assurance Committee and the Executive Committee with further

recommendations, informed by the feedback, to be considered by the full Council. Thank you for participating in CCO's ongoing efforts in delivering competent, diligent and ethical regulation of chiropractic in the public interest in Ontario!

Sincerely,



Dr. Sarah Green  
CCO President



Council and staff at Strategic Planning September 9, 10, 2023

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**DRAFT PROPOSED BY-LAW AMENDMENTS APPROVED BY COUNCIL FOR DISTRIBUTION AND FEEDBACK:  
 SEPTEMBER 8, 2023 (PROPOSED AMENDMENTS UNDERLINED)  
 CIRCULATED TO STAKEHOLDERS, INCLUDING MEMBERS: SEPTEMBER 19, 2023**

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**BY-LAW 1: DEFINITIONS AND INTERPRETATION**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
1.1	<p>In these by-laws, unless the context otherwise dictates,</p> <p>“Administrator” in the context of a chiropractic educational institution means one who occupies an executive, management and/or policy-making position;</p> <p>“AFC” means the Alliance for Chiropractic</p> <p>“Appointed Member” means a member of the Council appointed by the Lieutenant Governor in Council;</p> <p>“By-laws” means by-laws made by the Council;</p> <p>“CAC” means the Chiropractic Awareness Council;</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>“CCA” means the Canadian Chiropractic Association;</p> <p>“CCEB” means the Canadian Chiropractic Examining Board;</p> <p>“CCEC” means the Council on Chiropractic Education (Canada);</p> <p>“CCPA” means the Canadian Chiropractic Protective Association;</p> <p>“CCRF” means the Canadian Chiropractic Research Foundation;</p> <p>“<i>Chiropractic Act</i>” means the <i>Chiropractic Act, 1991</i>;</p> <p>“CMCC” means the Canadian Memorial Chiropractic College;</p> <p>“CNAC” means the Canadian National Alliance for Chiropractic;</p> <p>“<i>Code</i>” means the Health Professions Procedural Code, Schedule 2 to the <i>Regulated Health Professions Act, 1991</i>;</p> <p>“Council Member” means a member of the Council of CCO</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>“CSCE” means the Canadian Society of Chiropractic Evaluators;</p> <p>“CCO” means the College of Chiropractors of Ontario;</p> <p>“Council” means the Council of the CCO;</p> <p>“Elected Member” means a member of the Council elected by the members of the CCO;</p> <p>“FCC” mean the Federation of Canadian Chiropractic;</p> <p>“Member” means a member of the CCO;</p> <p>“OCA” means the Ontario Chiropractic Association;</p> <p>“Non-Chiropractic Committee Member” means an individual appointed under the by-laws to serve as a member of a committee who is neither a member of the Council nor a Member;</p> <p>“Non-Council Member” means a committee member who is a member of the College but is not a member of Council;</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>“Prescribed” means prescribed in the regulations or by-laws;</p> <p>“Primary practice” is the business address of the member as reported to CCO in accordance with the RHPA and By-law 17;</p> <p>“Primary residence” is the member’s residential address as reported to CCO in accordance with By-law 17;</p> <p>“RHPA” means the <i>Regulated Health Professions Act, 1991</i>;</p> <p>“UQTR” means Université du Québec à Trois-Rivières.</p>		
1.2	<p>The definitions contained in the <i>RHPA</i> and <i>Chiropractic Act</i> are incorporated and adopted in the by-laws unless the context otherwise dictates.</p>		
1.3	<p>Any act referred to by name shall mean that act in force at the relevant time as amended, or replaced.</p>		
1.4	<p>The by-laws shall be governed and construed in accordance with the laws of Ontario.</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
1.5	In the event of an inconsistency between the by-laws and the <i>RHPA, Chiropractic Act</i> , or the regulations under those acts, the <i>RHPA, the Chiropractic Act</i> and the regulations under those acts shall govern.		
1.6	The CCO and its representatives are excused from complying with an obligation set out in these by-laws, including acting within a specified time period, where compliance is not feasible because of an emergency such as a pandemic or war.		
1.7	The registrar is authorized to make non-substantive corrections to the official version of these by-laws including where there are typographical errors, spelling and grammar mistakes, formatting anomalies, incorrect numbering of provisions, and inaccurate cross-references to other provisions.		

**BY-LAW 2: SEAL**

<b>By-law</b>	<b>Current CCO By-law</b>	<b>Recommended Amendments</b>	<b>Public Interest Rationale</b>
2.1	The seal shown on this page is the seal of CCO.		
2.2	The registrar, president, vice-president and treasurer and such other person or persons as may be authorized by Council shall each have authority to affix the seal of CCO to any document.		

Seal on Website

**BY-LAW 3: EXECUTION OF DOCUMENTS**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
3.1	Unless otherwise provided by law or the by-laws, a document of CCO shall be signed by: the registrar or the deputy registrar and one of the president, vice-president or treasurer if the document has financial implications for CCO; and the registrar or the deputy registrar, or someone authorized by him/her, if the document does not have financial implications for CCO.	Unless otherwise provided by law or the by-laws, a document <u>that has financial implications for CCO</u> <del>of CCO</del> shall be signed by: the registrar or the deputy registrar and one of the president, vice-president or treasurer <del>if the document has financial implications for CCO;</del> and <u>a document that does not have financial implications for CCO may be signed by</u> the registrar or the deputy registrar, or someone authorized by <u>either of them.</u> <del>him/her, if the document does not have financial implications for CCO.</del>	For clarity: the type of document is identified before those authorized to sign it.  DEI: gender neutral language
3.2	Notwithstanding any provision to the contrary contained in the by-laws of CCO, Council may, at any time, by resolution, direct the manner in which, and the person or persons by whom, any instrument in writing or class of instruments in writing made on behalf of CCO may or shall be executed.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
3.3	A person who may sign a document may impress the seal of CCO upon the document if the seal is required and if the document has been signed as required by the by-laws.		
3.4	Minutes of Council meetings shall be signed by any two of the president, vice-president, treasurer or registrar.		
3.5	Proposed regulations shall be signed by the registrar and one of the president, vice-president or treasurer.		
3.6	Decisions made by the panel of the Discipline Committee and/or the Fitness to Practise Committee of CCO shall be signed by all members participating in the decision.		
3.7	Documents of a committee, such as a notice of a summons, shall be signed by a representative of the committee.		

**BY-LAW 4: BANKING AND FINANCE**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
4.1	The Executive Committee shall appoint a chartered bank where deposits are insured by the Canadian Deposit Insurance Corporation for the use of CCO.		
4.2	All money belonging to CCO shall be deposited in the name of CCO with the bank without deduction for any purpose whatsoever.		
4.3	The registrar or deputy registrar may endorse any negotiable instrument for collection on account of CCO through the bank for deposit to the credit of CCO with the bank.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
4.4	<p>The registrar or deputy registrar and one of the president, vice-president or treasurer may invest or reinvest funds of CCO, not immediately required, in:</p> <p>(a) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada or the Government of Ontario; or</p> <p>(b) deposit receipts, deposit notes, certificates of deposit, and other similar instruments issued or endorsed by a chartered bank.</p>		
4.5	<p>The Executive Committee may by resolution decide to invest or reinvest funds of CCO, not immediately required, in securities outlined in By-law 4.4 above.</p>		
4.6	<p>The registrar or deputy registrar and one of the president, vice-president or treasurer shall sign documents to implement a decision made by the Executive Committee pursuant to By-law 4.5 above.</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
4.7	The Council may from time to time by resolution:  (a) borrow money on the credit of CCO;  (b) limit or increase the amount or amounts to be borrowed; and  (c) secure any present or future borrowing, or any debt, obligation, or liability of the College, by charging, mortgaging, hypothecating or pledging all or any of the real or personal property of CCO, whether present or future.		
4.8	The Executive Committee shall not exercise the powers or duties of the Council under By-law 4.7 above or take any similar action.		
4.9	The registrar or deputy registrar and one of the president, vice-president or treasurer shall sign documents to implement a decision made by the Council pursuant to By-law 4.7 above.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
4.10	<p>Goods or services may be purchased or leased for the benefit of CCO if the purchase or lease is approved by:</p> <p>(a) the registrar or the deputy registrar, if the resulting obligation does not exceed \$25,000;</p> <p>(b) the registrar or the deputy registrar and one of the president, vice-president, or treasurer if the resulting obligation is between \$25,000 and \$50,000; and</p> <p>(c) the registrar or the deputy registrar and two of the president, vice-president, or treasurer if the resulting obligation exceeds \$50,000.</p>		

**BY-LAW 5: FINANCIAL YEAR AND AUDITING**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
5.1	The financial year of CCO shall be from the 1st of January of one year to the 31st of December of the same year.		
5.2	Council shall appoint annually one or more Auditors who are licensed under the Public Accounting Act, 2004 to audit CCO's financial statements.		
5.3	Financial statements for CCO shall be prepared at the close of each Fiscal Year and audited financial statements, together with the Auditor's report, shall be presented annually to Council.		
5.4	The Auditor shall serve for a term of one year, but if an appointment is not made the Auditor shall continue to serve until a successor is appointed.		
5.5	The Auditor may be re-appointed at the discretion of Council.		
5.6	If the Auditor is unable to continue his or her duties or in the event Council is dissatisfied with the Auditor, Council may appoint a new Auditor.	If the Auditor is unable to continue <del>his or her</del> <u>duties to act</u> , or in the event Council is dissatisfied with the Auditor, Council may appoint a new Auditor.	DEI: gender neutral language

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
5.7	Council shall cause the performance of the Auditor to be evaluated on an annual basis and shall take such evaluation into account when considering the re-appointment of the Auditor.		
5.8	Council shall set the remuneration of the Auditor and confirm the appointment and remuneration in writing.		
5.9	The Auditor has a right of access at all reasonable times to all records, documents, books, accounts and vouchers of CCO and is entitled to require from the Council members, officers and employees and relevant payees of CCO such information as in his or her opinion is necessary to enable him or her to report as required by law or under this section.	The Auditor has a right of access at all reasonable times to all records, documents, books, accounts and vouchers of CCO and is entitled to require from the Council members, officers and employees and relevant payees of CCO such information as in <del>his or her</del> <u>the Auditor's</u> opinion is necessary to enable <del>him or her</del> <u>the Auditor</u> to report as required by law or under this section.	DEI: gender neutral language
5.10	The Auditor is entitled to attend any meeting of Council and to be heard at any such meeting that he or she attends on any part of the business of the meeting that concerns them as Auditor.	The Auditor is entitled to attend any meeting of Council and to be heard at any such meeting <del>that he or she attends</del> on any part of the business of the meeting that concerns <u>the audit</u> <del>them as Auditor</del> .	DEI: gender neutral language

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
5.11	The auditor shall report to the Executive Committee upon reasonable request by the Executive Committee and in any event at the last meeting of the Executive Committee before the annual meeting of Council.	The <del>Auditor</del> <u>auditor</u> shall report to the Executive Committee upon reasonable request by the Executive Committee and in any event at the last meeting of the Executive Committee before the annual meeting of Council.	Consistency with prior by-law provisions
5.12	The auditor shall report in writing to the Council at the annual meeting of Council on the financial statement which shall be submitted to each annual meeting and shall state in the report whether, in his/her opinion, the financial statement presents fairly the financial position of CCO and the results or its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period.	The <del>auditor</del> <u>Auditor</u> shall report in writing to the Council at the annual meeting of Council on the financial statement which shall be submitted to each annual meeting and shall state in the report whether, in <del>his/her</del> <u>the Auditor's</u> opinion, the financial statement presents fairly the financial position of CCO and the results or its operations for the period under review in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period.	Consistency with prior by-law provisions  DEI: gender neutral language
5.13	The Executive Committee shall not exercise the powers or duties of the Council under this by-law.		

**BY-LAW 6: ELECTION OF COUNCIL MEMBERS**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.1	<p><b>Electoral District 1: Northern</b> comprised of the districts of Kenora, Rainy River, Thunder Bay, Algoma, Cochrane, Manitoulin, Parry Sound, Nipissing, Timiskaming; the district municipality of Muskoka; and the city of Greater Sudbury.</p> <p><b>Electoral District 2: Eastern</b> comprised of the counties of Frontenac, Hastings, Lanark, Prince Edward, Renfrew, Lennox and Addington; the united counties of Leeds and Grenville, Prescott and Russell, Stormont, Dundas and Glengarry; and the city of Ottawa.</p> <p><b>Electoral District 3: Central East</b> comprised of the counties of Haliburton, Northumberland, Peterborough, and Simcoe, the city of Kawartha Lakes, the regional municipality of Durham and the township of Scugog.</p> <p><b>Electoral District 4: Central</b> comprised of the city of Toronto and the regional municipality of York.</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p><b>Electoral District 5: Central West</b> comprised of the counties of Brant, Dufferin, Wellington, Haldimand and Norfolk, the regional municipalities of Halton, Niagara, Peel and Waterloo, and the city of Hamilton.</p> <p><b>Electoral District 6: Western</b> comprised of the counties of Essex, Bruce, Grey, Lambton, Elgin, Middlesex, Huron, Perth and Oxford, and the municipality of Chatham-Kent.</p> <p><b>Electoral District 7: Academic</b> comprised of the entire province of Ontario.</p>		
6.2	<p>A member is eligible to vote in District 7 and in the electoral district in which the member, as of January 1<sup>st</sup> of the election year, has his/her primary practice, or if the member is not engaged in the practice of chiropractic, in which the member has his/her primary residence.</p>	<p>A member is eligible to vote in District 7 and in the electoral district in which <del>the member</del>, as of January 1<sup>st</sup> of the election year, <u>has his/her the member's</u> primary practice <u>is located</u>, or if the member is not engaged in the practice of chiropractic, in which the member's <del>has his/her</del> primary residence <u>is located</u>.</p>	DEI: gender neutral language

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale																		
6.3	<p>For each electoral district referred to in column 1 of the following table, there shall be elected to Council the number of members set out opposite in column 2.</p> <table border="1" data-bbox="352 540 705 889"> <thead> <tr> <th>Column 1</th> <th>Column 2</th> </tr> <tr> <th>Electoral District</th> <th>Number of Members</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>1</td> </tr> <tr> <td>2</td> <td>1</td> </tr> <tr> <td>3</td> <td>1</td> </tr> <tr> <td>4</td> <td>2</td> </tr> <tr> <td>5</td> <td>2</td> </tr> <tr> <td>6</td> <td>1</td> </tr> <tr> <td>7</td> <td>1</td> </tr> </tbody> </table>	Column 1	Column 2	Electoral District	Number of Members	1	1	2	1	3	1	4	2	5	2	6	1	7	1		
Column 1	Column 2																				
Electoral District	Number of Members																				
1	1																				
2	1																				
3	1																				
4	2																				
5	2																				
6	1																				
7	1																				
6.4	<p>The term of office of a member elected to Council is approximately three years, commencing with the first regular meeting of Council immediately following the election. The member shall continue to serve in office until his/her successor takes office in accordance with this by-law.</p>	<p>The term of office of a member elected to Council is approximately three years, commencing with the first regular meeting of Council immediately following the election. The member shall continue to serve in office until <del>his/her</del> a successor takes office in accordance with this by-law.</p>	<p>DEI: gender neutral language</p>																		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.5	A member who has served on Council for nine consecutive years is ineligible for election to Council until a full three year term has passed since that member last served on Council.		
6.6	<p>An election of members to Council shall be held in or about of March of each year in accordance with the following schedule:</p> <p>(a) in 2021 and every third year after that for electoral district 1 and one Council member for each of electoral districts 4 and 5;</p> <p>(b) in 2022 and every third year after that for electoral districts 2 and 3 and one Council member for electoral district 4;</p> <p>(c) in 2023 and every third year after that for electoral districts 6 and 7 and one Council member for electoral district 5.</p>		
6.7	The registrar shall set the date for the election of members to Council.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.8	A member is ineligible to vote in a council election if he/she is in default of payment of any fees prescribed by by-law or any fine or order for costs to CCO imposed by a CCO committee or court of law or is in default in providing and returning any information required by CCO.	A member is ineligible to vote in a council election if <del>he/she</del> is in default of payment of any fees prescribed by by-law or any fine or order for costs to CCO imposed by a CCO committee or court of law or <del>is</del> <u>if</u> in default in providing and returning any information required by CCO.	DEI: gender neutral language
6.9	<p>A member is eligible for election to Council in an electoral district, if on the closing date of nominations and anytime up to and including the date of the election:</p> <p>(a) the member has his/her primary practice of chiropractic located in the electoral district in which he/she is nominated or, if the member is not engaged in the practice of chiropractic, has his/her primary residence located in the electoral district in which he/she is nominated;</p> <p>(b) the member is not in default of payments of any fees prescribed by by-law or any fine or order for costs to CCO imposed by a CCO committee or court of law;</p>	<p>A member is eligible for election to Council in an electoral district, if on the closing date of nominations and anytime up to and including the date of the election:</p> <p>(a) the member's <del>has his/her</del> primary practice of chiropractic <u>is</u> located in the electoral district in which <del>he/she</del> <u>the member</u> is nominated or, if the member is not engaged in the practice of chiropractic, <del>has his/her</del> <u>the member's</u> primary residence <u>is</u> located in the electoral district in which <del>he/she</del> <u>the member</u> is nominated;</p> <p>(b) the member is not in default of payments of any fees prescribed by by-law or any fine or order <del>for to pay</del> costs to CCO imposed by a CCO committee or court of law;</p>	<p>DEI: gender neutral language</p> <p>Clarity in language</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(c) the member is not in default in completing and returning any form required by CCO;</p> <p>(d) the member is not the subject of any disciplinary or incapacity proceeding;</p> <p>(e) a finding of professional misconduct, incompetence or incapacity has not been made against the member in the preceding six years;</p> <p>(f) the member has not resigned from a position on Council, before completing their term, within the last three years and four months;</p> <p>(g) the member does not have an outstanding code of conduct matter with the College.</p>	<p>(c) the member is not in default in completing and returning any form required by CCO;</p> <p>(d) the member is not the subject of any disciplinary or incapacity proceeding;</p> <p>(e) a finding of professional misconduct, incompetence or incapacity has not been made against the member in the preceding six years;</p> <p><u>(f) (new) if a member has been found to be incapacitated, CCO receives confirmation from their treating practitioner that the member is physically and mentally capable to serve on Council or a committee.</u></p> <p><u>(g)</u> the member has not resigned from a position on Council, before completing <u>the</u> <del>their</del> term, within the last <del>three</del> <u>six</u> years and four months;</p> <p><u>(h)</u> the member does not have an outstanding code of conduct matter with the College.</p>	<p>Best practices: Incapacity is a form or illness. It requires different treatment from professional misconduct or incompetence.</p> <p>Consistency: cooling off period</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(h) the member is not, and has not been in preceding three years, an employee, officer or director of any professional chiropractic association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the OCA, CCA, CCPA, AFC, CCEB, CSCE, the CCEC of the FCC, CCRF or CNAC;</p> <p>(i) the member is not, and has not been in the proceeding three years, an officer, director, or administrator of any chiropractic educational institution, including but not limited to, CMCC and UQTR, such that a real or apparent conflict of interest may arise;</p> <p>(j) the member has not been disqualified from the Council or a committee of the Council in the previous six years;</p> <p>(k) the member is not a member of the Council or of a committee of the College of any other health profession;</p>	<p>(i) the member is not, and has not been in preceding <del>three</del> <u>six</u> years, an employee, officer or director of any professional chiropractic association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the OCA, CCA, CCPA, AFC, CCEB, CSCE, the CCEC of the FCC, CCRF or CNAC;</p> <p>(i) the member is not, and has not been in the <del>proceeding</del> <u>preceding</u> <del>three</del> <u>six</u> years, an officer, director, or administrator of any chiropractic educational institution, including but not limited to, CMCC and UQTR, such that a real or apparent conflict of interest may arise;</p> <p>(k) the member has not been disqualified from the Council or a committee of the Council in the previous six years;</p> <p>(l) the member is not a member of the Council or of a committee of the College of any other health profession;</p>	<p>Consistency: cooling off period</p> <p>Consistency: cooling off period</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(l) the member has not been a member of the staff of CCO at any time within the preceding three years;</p> <p>(m) for District 7 only, the member is a member of the faculty of an accredited educational institution; and</p> <p>(n) for any district other than District 7, the member is not eligible for election in District 7, and has not been eligible for election in District 7 in the preceding three years.</p>	<p><u>(m)</u> the member has not been a member of the staff of CCO at any time within the preceding <del>three</del> <u>six</u> years;</p> <p><u>(o)</u> for District 7 only, the member is a member of the faculty of an accredited educational institution; <del>and</del></p> <p><u>(p)</u> for any district other than District 7, the member is not eligible for election in District 7, and has not been eligible for election in District 7 in the preceding <del>three</del> <u>six</u> years;</p> <p><u>(q) (new) the member is not, and has not been within the preceding six years, an adverse party in litigation against CCO, the Council of CCO, a committee of CCO, or any of CCO's directors, officers, employees or agents, on a matter related to CCO business;</u></p> <p><u>(r) (new) the member is not an accused currently charged with a criminal offence under the Criminal Code of Canada; and</u></p> <p><u>(s) (new) the member has not been convicted of a criminal offence for which the member has not received a pardon pursuant to the Criminal Code of Canada.</u></p>	<p>Consistency: cooling off period</p> <p>Consistency: cooling off period</p> <p>Best practices: A member who engages or has engaged in litigation against CCO is in a real or perceived conflict of interest</p> <p>Best practices: A member facing a criminal prosecution or convicted of a criminal offence is in a conflict of interest with the duty to serve and protect the public interest. Criminal offences that are unrelated to the practice of the profession and might not warrant discipline proceedings do not reflect on the member's integrity to be eligible for election as a Council member</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.10	The registrar shall supervise the nomination of candidates.		
6.11	No later than 50 days before the date of an election, the registrar shall notify every member eligible to vote of the date, time and place of the election and of the nomination procedure.		
6.12	The nomination of a candidate for election as a member of Council, and undertaking to the CCO Registrar shall be in writing and shall be given to the registrar at least 35 days before the date of the election (i.e., the nomination date).	The nomination of a candidate for election as a member of Council, <del>and</del> <u>together with the written</u> undertaking to the CCO Registrar <del>shall be in writing and shall be</del> given to the registrar at least 35 days before the date of the election (i.e., the nomination date).	For clarity
6.13	The nomination shall be signed by the candidate and by at least 10 members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.14	The candidate shall provide to the registrar by the nomination date or such later date as the registrar permits, biographical information in a manner acceptable to the registrar including content that is suitable for CCO's public interest mandate, for the purpose of distribution to eligible members in accordance with the by-laws.		
6.15	The candidate may withdraw his or her nomination for election to Council no later than 25 days before the date of the election.	<del>The</del> <u>A</u> candidate may withdraw <del>his or her nomination for</del> <u>from the</u> election to Council no later than 25 days before the date of the election.	DEI: gender neutral language
6.16	If the number of candidates nominated for an electoral district is less than or equal to the number of members to be elected, the registrar shall declare the candidates to be elected by acclamation.	If the number of <u>eligible</u> candidates <u>who have been</u> nominated for an electoral district is less than or equal to the number of members to be elected, the registrar shall declare the candidates to be elected by acclamation.	Clarity: only eligible candidates

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.17	<p>The registrar shall supervise and administer the election of candidates and, for the purpose of carrying out that duty, the registrar may, subject to the by-laws,</p> <p>(a) appoint returning officers and scrutineers;</p> <p>(b) establish a deadline for the receiving of electronic ballots;</p> <p>(c) provide for the notification of all candidates and members of the results of the election;</p> <p>(d) if there has been a non-compliance with a nomination or election requirement, determine whether the non-compliance should be waived in circumstances where the fairness of the election will not be affected; and</p> <p>(e) provide for the destruction of electronic ballots following an election.</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.18	No later than 10 days before the date of an election, the registrar shall send electronically, or any other medium as determined by Council, to every member eligible to vote in an electoral district in which an election is to take place, a list of the candidates, the candidates' biographical information if provided, an explanation of the voting procedure, and electronic access to a ballot for voting.	No later than 10 days before the date of an election, the registrar shall send electronically, or <u>by</u> any other medium as determined by Council, to every member eligible to vote in an electoral district in which an election is to take place, a list of the candidates, the candidates' biographical information if provided, an explanation of the voting procedure, and electronic access to a ballot for voting.	
6.19	Voting for elections of member to Council shall be by electronic method or any other medium as determined by Council.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.20	<p>The instruction for voting shall contain the following:</p> <ul style="list-style-type: none"> <li>a) a member may cast as many votes on a ballot in an election of members to the Council as there are members to be elected to Council from the electoral district in which the member is eligible to vote;</li> <li>b) a member shall not cast more than one vote for any one candidate;</li> <li>c) a member shall clearly indicate the voter's choice in one of the appropriate places on the electronic ballot to indicate the voter's choice;</li> <li>d) the electronic vote shall be received by 4 pm on the date indicated in the notice of election and voting guide; and</li> <li>e) the electronic vote will not be counted in the election unless it has been received in accordance with the instructions for voting.</li> </ul>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.21	On the date of the election, the registrar or his/her agent shall tally the votes for each candidate in each electoral district with a contested election.	On the date of the election, the registrar or <del>his/her</del> <u>an</u> agent designated by the registrar, shall tally the votes for each candidate in each electoral district with a contested election.	DEI: gender neutral language
6.22	The counting of the electronic votes shall be conducted so that no person knows for whom any member voted.		
6.23	Candidates or their representatives may be present when the electronic votes are counted.		
6.24	If there is a tie in an election of members to the Council, the registrar shall break the tie by lot.		
6.25	A candidate may require a recount by giving a written request and <del>deposition</del> the sum or \$150 with the registrar no more than 15 days after the date of an election.	A candidate may require a recount by giving a written request and <del>deposition</del> <u>depositing</u> the sum or \$150 with the registrar no more than 15 days after the date of an election.	To correct typographical error
6.26	The registrar shall hold the recount no more than 10 days after receiving the request.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.27	If the recount changes the election result, the full amount of the deposit shall be refunded to the candidate. If the recount does not change the election result, CCO will keep the deposit to partially offset recount costs, including staff time.		
6.28	When there is an interruption of communications during a nomination or election, the registrar shall extend the holding of nominations and election for such minimum period of time as the registrar considers necessary to compensate for the interruption.		
6.29	<p>The Council shall disqualify an elected member from sitting on Council if the elected member:</p> <p>(a) is subject of any disciplinary or incapacity proceeding;</p> <p>(b) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;</p>	<p>The Council shall disqualify an elected member from sitting on Council if the elected member:</p> <p>(a) is subject of any disciplinary or incapacity proceeding;</p> <p>(b) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;</p>	

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(c) is found to be an incapacitated member by a panel of the Fitness to Practice Committee;</p> <p>(d) fails to attend two consecutive meetings of the Council or of a committee or of a subcommittee in which he/she is a member, without reasonable cause in the opinion of Council;</p> <p>(e) fails to attend a hearing or review of a panel for which he/she has been selected, without reasonable cause in the opinion of Council;</p> <p>(f) becomes an employee, officer or director of any professional chiropractic association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the OCA, CCA, CCPA, AFC, CCEB, CSCE or the Accreditation Standards and Policies Committee or the CCEC of the FCC;</p> <p>(g) in the case of a Council member from District 7, ceases to be a member of the faculty of CMCC;</p>	<p>(c) is found to be an incapacitated member by a panel of the Fitness to Practice Committee;</p> <p>(d) fails to attend two consecutive meetings of the Council or of a committee or of a subcommittee <del>in</del> <u>on</u> which <del>he/she</del> <u>is a the member sits</u>, without reasonable cause in the opinion of Council;</p> <p>(e) fails to attend a hearing or review of a panel for which <del>he/she</del> <u>the member</u> has been selected, without reasonable cause in the opinion of Council;</p> <p>(f) becomes an employee, officer or director of any professional chiropractic association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the OCA, CCA, CCPA, AFC, CCEB, CSCE or the Accreditation Standards and Policies Committee or the CCEC of the FCC;</p> <p>(g) in the case of a Council member from District 7, ceases to be a member of the faculty of CMCC;</p>	<p>DEI: gender neutral language</p> <p>DEI: gender neutral language</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(h) becomes an officer, director or administrator of any chiropractic educational institution, including but not limited to CMCC and UQTR;</p> <p>(i) becomes a member of the Council or a committee of the College of any other health profession;</p> <p>(j) breaches the conflict of interest provision(s) for members of Council and committees, in the opinion of the Council after giving notice to the member of the concern and giving the member an opportunity to respond to the concern;</p> <p>(k) fails to discharge properly or honestly any office to which he/she has been elected or appointed or engages in conduct unbecoming of a Council member, in the opinion of the Council, after being given notice of the concern and an opportunity to respond;</p>	<p>(h) becomes an officer, director or administrator of any chiropractic educational institution, including but not limited to CMCC and UQTR;</p> <p>(i) becomes a member of the Council or a committee of the College of any other health profession;</p> <p>(j) breaches the conflict of interest provision(s) for members of Council and committees, in the opinion of the Council after giving notice to the member of the concern and giving the member <del>an</del> a <u>reasonable</u> opportunity to respond to the concern;</p> <p>(k) fails to discharge properly or honestly any office to which <del>he/she</del> <u>the member</u> has been elected or appointed or engages in conduct unbecoming of a Council member, in the opinion of the Council, after being given notice of the concern and <del>an</del> a <u>reasonable</u> opportunity to respond;</p>	<p>Best practices: procedural fairness requires only a reasonable opportunity to respond</p> <p>DEI: gender neutral language</p> <p>Best practices: procedural fairness requires only a reasonable opportunity to respond</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(l) becomes in default of payment of any fees prescribed by by-law or any fine or order for costs imposed by a CCO committee or court of law;</p> <p>(m) becomes in default of completing and returning any form required by CCO; or</p> <p>(n) with the exception of District 7 (Academic), becomes a member of the faculty of an accredited educational institution.</p>	<p>(l) becomes in default of payment of any fees prescribed by by-law or any fine or order for costs imposed by a CCO committee or court of law;</p> <p>(m) becomes in default of completing and returning any form required by CCO; or</p> <p>(n) with the exception of District 7 (Academic), becomes a member of the faculty of an accredited educational institution;</p> <p><u>(o) (new) becomes an adverse party in litigation against CCO, the Council of CCO, a committee of CCO, or any of CCO's directors, officers, employees or agents, on a matter related to CCO business;</u></p> <p><u>(p) (new) is charged with a criminal offence contrary to the Criminal Code of Canada; and</u></p>	<p>Best practices: a member who litigates against CCO is in a real or perceived conflict of interest</p> <p>Best practices: A member charged with a criminal offence is in a conflict of interest with the public interest mandate of CCO</p>
6.30	A council member shall resign from Council prior to applying for any CCO staff position.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.31	The seat of an elected Council member shall be deemed to be vacant upon the death, resignation or disqualification of the Council member.		
6.32	<p>If the seat of an elected council member becomes vacant in an electoral district no more than 12 months before the expiry of the member's term of office, the Council may,</p> <p>(a) leave a seat vacant;</p> <p>(b) appoint as an elected member the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of council members for that electoral district; or</p> <p>(c) direct the registrar to hold an election in accordance with this by-law for that electoral district.</p>	<p>If the seat of an elected council member becomes vacant in an electoral district <del>no more</del> <u>less</u> than 12 months before the expiry of the member's term of office, the Council may,</p> <p>(a) leave a <u>the</u> seat vacant;</p> <p>(b) appoint as an elected member the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of council members for that electoral district; or</p> <p>(c) direct the registrar to hold an election in accordance with this by-law for that electoral district.</p>	Clarity
6.33	If the seat of an elected council member becomes vacant in an electoral district more than 12 months before the expiry of the member's term of office, the registrar shall hold an election in accordance with this by-law for that electoral district.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.34	The term of a member appointed under By-law 6.32(b) or elected in an election under By-law 6.32(c) shall continue until the time the former council member's term would have expired.		
6.35	<p>Despite By-law 6.32, 6.33, and 6.34, where vacancy would result in the Council not being properly constituted, the Council (in anticipation of the event before it is not properly constituted) or the Executive Committee (after the Council is not properly constituted) may appoint as an elected member for that district an eligible member in that electoral district, where feasible. The appointed member shall serve until the vacancy can otherwise be filled for that district. When temporarily filling the vacancy in this way, the Council or the Executive Committee shall:</p> <p>(a) solicit interest from eligible members where feasible<sup>1</sup>,</p> <p>(b) take into account the criteria set out in By-law 12.5,</p>		

<sup>1</sup> There may not be sufficient time to solicit interest in every case and Council should be reconstituted as soon as possible.

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	(c) require the prospective appointed member to sign an undertaking to not seek or accept a nomination in the next election for the electoral district before the appointment becomes final <sup>2</sup> .		
6.36	If, within 90 days from the date of the election, the Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election of any member of Council, the Council shall hold an inquiry and decide whether the election of the member is valid and, if an election is found to be invalid, the Council shall direct another election to be held.	If, within 90 days <del>from</del> <u>after</u> the date of the election, the Council is of the opinion that there is a reasonable ground for doubt or dispute as to the validity of the election of any member of Council, the Council shall hold an inquiry and decide whether the election of the member is valid and, if an election is found to be invalid, the Council shall direct another election to be held.	To clarify an ambiguity
6.37	The election in District 1 in 2020 shall be for approximately a one-year term commencing with the first regular meeting of Council immediately following the election.	<del>The election in District 1 in 2020 shall be for approximately a one-year term commencing with the first regular meeting of Council immediately following the election.</del>	Not necessary anymore

<sup>2</sup> This is intended to preserve the neutrality of the process. Where a person intends to run in the next election, they would receive a distinct advantage in being appointed to fill the vacancy until the election is held.

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
6.38	Where insufficient candidates are nominated for a district by the close of nominations, the Council may nominate a member even though the member does not have his/her primary practice and is not engaged in the practice of chiropractic in the district, and for District 7, is not a member of the faculty of the CMCC.	<u>6.37</u> Where insufficient candidates are nominated for a district by the close of nominations, the Council may nominate a member <del>even though the member who</del> <u>does not practice</u> <del>have his/her primary practice and is not engaged in the practice of chiropractic</del> in the district, and for District 7, is not a member of the faculty of the CMCC.	For clarity

**BY-LAW 7: ELECTIONS (WITHIN COUNCIL)**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
7.1	An elected member of the Council is eligible:  (a) to vote for elections within Council;  (b) for election to the position of president, vice-president or treasurer; and  (c) for election to the position of chair or member of a statutory or non-statutory committee; if the member is eligible for election to Council as of that date.	An elected member of the Council, <u>who is not disqualified under By-law 6.29</u> is eligible:  (a) to vote for elections within Council;  (d) for election to the position of president, vice-president or treasurer; and  (c) for election to the position of chair or member of a statutory or non-statutory committee; <del>if the member is eligible for election to Council as of that date.</del>	For clarity
7.2	An appointed member of the Council is eligible:  (a) to vote for elections within Council;  (b) for election to the position of president, vice-president or treasurer; and  (c) for election to the position of chair or member of a statutory or non-statutory committee.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
7.3	The Council shall at the first meeting of Council following the general election, or as soon thereafter as practicable, elect a president, vice-president and treasurer to hold office until the first meeting of Council following the general election in the subsequent year, and if an election is not so held, the president, vice-president and treasurer for the preceding year shall continue in office until their successors are elected.	The Council shall at <del>the</del> <u>its</u> first meeting of <del>Council</del> following the general election, or as soon thereafter as practicable, elect a president, vice-president and treasurer to hold office until the first meeting of Council following the general election in the subsequent year, and if an election is not so held, the president, vice-president and treasurer for the preceding year shall continue in office until their successors are elected.	For clarity
7.4	The election of the president, vice-president and treasurer shall be by secret ballot using generally accepted democratic procedures, and where more than two council members are nominated, the nominee who receives the lowest number of votes on each ballot shall be deleted from the nomination unless one nominee receives a majority of the votes cast on the ballot, and this procedure shall be followed until one nominee receives a majority of the votes cast.		
7.5	Each member of Council has one vote with respect to each of the offices of president, vice-president and treasurer.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
7.6	The president is the chief officer of CCO and the vice-president shall assist the president in the discharge of his/her duties.	The president is the chief officer of CCO and the vice-president shall assist the president in the discharge of <del>his/her</del> <u>the president's</u> duties.	DEI: gender neutral language
7.7	The president, vice-president or treasurer, may be removed from office by a two-thirds vote of the Council at a special meeting called for that purpose, and the Council may elect a new president, vice-president or treasurer from its members to hold office for the remainder of the year.		
7.8	The office of president, vice-president or treasurer becomes vacant if the holder of the office dies, resigns or stops being a council member.		
7.9	If the office of the president becomes vacant, the vice-president shall become the president for the unexpired term of the office and the office of vice-president thereby becomes vacant.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
7.10	The Council shall fill any vacancy in the office of vice-president or treasurer using the procedures in By-law 7.4 at a special meeting which the president shall call for that purpose as soon as practicable after the vacancy occurs.		
7.11	The president of the Council shall be the chair of the Executive Committee.	The president of the Council shall be the chair of the Executive Committee <u>and shall participate in the Nominating Committee.</u>	The President generally has the greatest experience with all Council members. The details of the Nominating Committee are reflected in policy.
7.12	The Council shall at the first meeting of Council following the general election, or as soon thereafter as is practicable, elect the chairs and members of all statutory and non-statutory committees of CCO. If such elections are not so held, the chairs and members of the committees for the preceding year shall continue until their successors are elected.	The Council shall at <del>the</del> its first meeting of <del>Council</del> following the general election, or as soon thereafter as is practicable, elect the chairs and members of all statutory and non-statutory committees of CCO. If such elections are not so held, the chairs and members of the committees for the preceding year shall continue until their successors are elected.	For clarity

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
7.13	The election of chairs and members of statutory and non-statutory committees shall be by secret ballot using generally accepted democratic procedures, and where more individuals are nominated than available positions, the nominee who receives the lowest number of votes on each ballot shall be deleted from nomination and this procedures shall be repeated until each nominee receives a majority of the votes cast.	The election of chairs and members of statutory and non-statutory committees shall be by secret ballot using generally accepted democratic procedures, and where more individuals are nominated than available positions, the nominee who receives the lowest number of votes on each ballot shall be deleted from nomination and <del>this</del> <u>these</u> procedures shall be repeated until each nominee receives a majority of the votes cast.	To correct a typographical error
7.14	Following the election of a particular committee, a member of that committee shall be elected as chair. Each member of Council has one vote with respect to the position of chairs of all statutory and non-statutory committees.		
7.15	The chair of any statutory or non-statutory committee may be filled by an elected or appointed member of Council but not by a non-council member of CCO.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
7.16	A chair or committee member of a statutory or non-statutory committee may be removed from office by a two-thirds vote of the Council, with or without cause, at a special meeting called for that purpose, and the Council may elect a new chair to hold the position for the remainder of the year.		
7.17	The position of chair of a statutory or non-statutory committee becomes vacant if the holder of the position dies, resigns or stops being a Council member.		
7.18	If the position of chair or committee member of a statutory or non-statutory committee becomes vacant, the Executive Committee shall appoint a chair or committee member for the unexpired term of the position.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
7.19	<p>The duties and powers of the Council include:</p> <p>(a) administering the <i>RHPA</i>, <i>Chiropractic Act</i> and the regulations and by-laws under those acts;</p> <p>(b) reviewing the activities of statutory and non-statutory committees of the Council and requiring committees to provide reports and information to the Council;</p> <p>(c) requiring statutory and non-statutory committees of the Council to do anything that, in the opinion of the Council, is necessary or advisable to carry out the intent of the <i>RHPA</i>, <i>Chiropractic Act</i>, and the regulations under those acts;</p> <p>(d) finalizing and proposing amendments to regulations and by-laws under the <i>RHPA</i> or the <i>Chiropractic Act</i>.</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
7.20	<p>The duties and powers of the president of the Council include:</p> <ul style="list-style-type: none"> <li>(a) facilitating the activities of CCO;</li> <li>(b) chairing meetings of Council;</li> <li>(c) chairing meetings of the Executive Committee;</li> <li>(d) participating in the preparation of agendas of the meetings of Council and meetings of the Executive Committee;</li> <li>(e) supervising the arrangements for the annual meeting;</li> <li>(f) taking all reasonable steps to ensure that directions of the Council and the Executive Committee are implemented;</li> <li>(g) ensuring CCO is represented at all appropriate meetings;</li> <li>(h) presenting an Executive report at each Council meeting;</li> <li>(i) acting as a liaison between CCO and other professional organizations as appropriate; and</li> </ul>	<p>The duties and powers of the president of the Council include:</p> <ul style="list-style-type: none"> <li>(a) facilitating the activities of CCO;</li> <li>(b) chairing meetings of Council;</li> <li>(c) chairing meetings of the Executive Committee;</li> <li>(d) participating in the preparation of agendas of the meetings of Council and meetings of the Executive Committee;</li> <li>(e) supervising the arrangements for the annual meeting;</li> <li>(f) taking all reasonable steps to ensure that directions of the Council and the Executive Committee are implemented;</li> <li>(g) ensuring CCO is represented at all appropriate meetings;</li> <li>(h) presenting an Executive report at each Council meeting;</li> <li>(i) acting as a liaison between CCO and other professional organizations as appropriate; and</li> </ul>	

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	(j) performing all acts and deeds pertaining to his/her office and such other acts and deeds as may be decided by Council.	(j) performing all acts and deeds pertaining to <del>his/her</del> <u>the office of president</u> and such other acts and deeds as may be decided by Council.	DEI: gender neutral language
7.21	The president, while chairing a Council meeting or Executive Committee meeting, votes only to break a tie.	The president, while chairing a Council meeting or Executive Committee Meeting, votes <del>only to break a tie</del> <u>after all others have voted.</u>	Allowing the president to vote is consistent with a number of other colleges.  Having the President vote last reduces potential undue influence and facilitates all Council members having a voice
7.22	The president of Council shall be eligible for election to a maximum of two consecutive one-year terms in the presidency.		
7.23	The duties and powers of the vice-president include:  (a) assuming the role of president in the absence of the president or when appointed to do so by the president; and  (b) performing all acts and deeds pertaining to his/her office and such other acts and deeds as may be decided by Council.	The duties and powers of the vice-president include:  (a) assuming the role of president in the absence of the president or when appointed to do so by the president; and  (b) performing all acts and deeds pertaining to <del>his/her</del> <u>the office of vice-president</u> and such other acts and deeds as may be decided by Council.	DEI: gender neutral language

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
7.24	The vice-president shall be eligible for election to a maximum of two consecutive one-year terms in the vice-presidency.		
7.25	The duties and powers of the treasurer of the Council include:  (a) overseeing all matters relating to the financial affairs of CCO; and  (b) performing all acts and deeds pertaining to his/her office and such other acts and deeds as may be decided by Council.	The duties and powers of the treasurer of the Council include:  (a) overseeing all matters relating to the financial affairs of CCO; and  (b) performing all acts and deeds pertaining to <u>his/her</u> the office of <u>treasurer</u> and such other acts and deeds as may be decided by Council.	DEI: gender neutral language
7.26	The treasurer shall be eligible for election to a maximum of two consecutive one-year terms in the office.		
7.27	The duties and powers of the secretary of the Council include:  (a) keeping a record of matters that the Council has referred to the committees;  (b) having custody and care of the records and documents of the Council;	The duties and powers of the secretary of the Council include:  (a) keeping a record of matters that the Council has referred to the committees;  (b) having custody and care of the records and documents of the Council;	

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	(c) giving or causing to be given notice of all council meetings and statutory and non-statutory committees; and  (d) performing all acts and deeds pertaining to his/her office and such other acts and deeds as may be decided by Council.	(c) giving or causing to be given notice of all council meetings and statutory and non-statutory committees; and  (d) performing all acts and deeds pertaining to <del>his/her</del> office <u>of secretary</u> and such other acts and deeds as may be decided by Council.	DEI: gender neutral language
7.28	The agendas for the meetings of Council shall be prepared by the Executive Committee in collaboration with the registrar and shall include a period during which council members may raise for discussion topics relevant to the affairs of CCO for possible inclusion in future agendas.		
7.29	The registrar shall be the secretary of the Council.		
7.30	The duties and powers of the chairs of each committee shall include:  (a) facilitating the activities of the committee and reporting to Council;  (b) chairing meetings of the committee;	The duties and powers of the chairs of each committee shall include:  (a) facilitating the activities of the committee and reporting to Council;  (b) chairing meetings of the committee;	

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(c) participating in the preparation of agendas of the meetings of the committee;</p> <p>(d) taking all reasonable steps to ensure that directions of the committee are implemented;</p> <p>(e) acting as a liaison between the Council or Executive Committee and the committee;</p> <p>(f) reporting to the Executive Committee upon reasonable request by the Executive;</p> <p>(g) reporting in writing to the Council at the meetings of Council on the activities of the committee for the preceding year;</p> <p>(h) preparing a work plan for the subsequent year, which includes all budgetary requirements for the committee, by November 1 of each and every year, or by such other time as directed by Council;</p>	<p>(c) participating in the preparation of agendas of the meetings of the committee;</p> <p>(d) taking all reasonable steps to ensure that directions of the committee are implemented;</p> <p>(e) acting as a liaison between the Council or Executive Committee and the committee;</p> <p>(f) reporting to the Executive Committee upon reasonable request by the Executive;</p> <p>(g) reporting in writing to the Council at the meetings of Council on the activities of the committee for the preceding year;</p> <p>(h) preparing a work plan for the subsequent year, which includes all budgetary requirements for the committee, by November 1 of each and every year, or by such other time as directed by Council;</p>	

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	(i) ensuring the activities of the committee are conducted in a fiscally responsible manner within approved budgetary restraints; and  (j) performing all acts and deeds pertaining to his/her office and such other acts and deeds as may be decided by Council.	(i) ensuring the activities of the committee are conducted in a fiscally responsible manner within approved budgetary restraints; and  (j) performing all acts and deeds pertaining to <del>his/her</del> the office of chair and such other acts and deeds as may be decided by Council.	DEI: gender neutral language
7.31	The chair of every statutory and non-statutory committee shall be eligible for election to a maximum of two consecutive one-year terms.		

**BY-LAW 8: COUNCIL AND COMMITTEE MEETINGS**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
8.1	<p>The Council shall hold,</p> <p>(a) an annual meeting which shall be called by the president between April 1 and June 30 of each year;</p> <p>(b) regular meetings which shall be called by the president from time to time; and</p> <p>(c) any special meetings which may be called the by the president, or a majority of council members, who deposit with the registrar a written request for the meeting containing specifics of the matter or matters for decision at the meeting.</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
8.2	The registrar shall cause each council member to be notified in writing of the place, date and time of a council meeting by sending such notification by ordinary prepaid mail, facsimile, e-mail or similarly effective method at least, <ul style="list-style-type: none"> <li>(a) 30 days before an annual meeting;</li> <li>(b) 14 days before a regular meeting; and</li> <li>(c) five days before a special meeting.</li> </ul>		
8.3	The registrar shall cause to be included in or with the notification of all meetings to council members, the agenda for the meeting.		
8.4.1 (New)		<u>The registrar shall cause to be included in or with the notification to council members of the first meeting, and any other meeting if appointment of a chair or member of a committee is on the agenda, a copy of the Competencies for Council and Committee Members and Peer Assessors</u>	Best practices: This should encourage Council members to remind themselves of the competencies before electing the chair and members of each committee

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
8.4.2	The registrar shall cause to be included in or with the notification of a special meeting to council members sufficient information about the matter or matters for decision contained in the requisition of the meeting deposited with him/her to permit the member to form a reasonable judgment.	The registrar shall cause to be included in or with the notification of a special meeting to council members sufficient information about the matter or matters for decision contained in the requisition of the meeting deposited with <del>him/her</del> <u>the registrar</u> to permit the member to form a reasonable judgment.	DEI: gender neutral language
8.5	The registrar shall cause the public to be notified of council meetings in accordance with any provisions under the <i>RHPA</i> and, if there are not applicable regulations or not otherwise specified, in a generally accepted manner.	The registrar shall cause the public to be notified of council meetings in accordance with <del>any provisions</del> <u>requirements prescribed</u> under the <i>RHPA</i> , <u>if any</u> , and, if <del>there are not applicable regulations or not otherwise specified</del> , <u>none</u> , in a generally accepted <u>similar</u> manner.	For clarity
8.6	No annual, regular or special meeting shall be made void because of an inadvertent or accidental error or omission in giving notice. In addition, any council member may waive the notice requirements and ratify, approve and confirm any proceedings taken at the meeting.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
8.7	Meeting of the Council shall take place in Ontario at a place, date and time designated by the president or the majority of council members calling the meeting but, if a place, date or time is not designated or is incompatible with the by-laws, the registrar shall select a place, date and time compatible with the by-laws which is as close as he/she can reasonably select to the place, date and time designated by the person or people calling the meeting.	Subject to By-law 8.18, every meeting of the Council shall take place in Ontario at a place, date and time designated by the president or the majority of council members calling the meeting but, if a place, date or time is not designated or is incompatible with the by-laws, the registrar shall select a place, date and time compatible with the by-laws which is as <del>close as he/she can</del> reasonably select <u>close to the place, date and time designated requested</u> by the person or people calling the meeting.	For clarity and consistency with By-law 8.18
8.8	Unless otherwise required by law or by-law, every question which properly comes before the Council may be decided by a simple majority of the votes cast at the meeting by council members, and, if there is an equal number of votes on a question, the chair may cast a deciding vote.	Unless otherwise required by law or by-law, every question which properly comes before the Council may be decided by a simple majority of the votes cast at the meeting by council members, <del>and, if there is an equal number of votes on a question, the chair may cast a deciding vote.</del> <u>including the President who votes last on every question.</u>	Allowing the president to vote is consistent with a number of other colleges.  Having the President vote last reduces potential undue influence and facilitates all Council members having a voice
8.9	Voting at a council meeting shall be by a show of hands, or if appropriate, by secret ballot.		
8.10	Voting by proxy at council meetings shall not be permitted in any circumstances.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
8.11	<p>The Council shall consider or transact at the annual meeting:</p> <ul style="list-style-type: none"> <li>(a) the annual report for the preceding year;</li> <li>(b) the reports of the committees established under the <i>RHPA</i>;</li> <li>(c) the financial statement of CCO;</li> <li>(d) the report of the auditor; and</li> <li>(e) the appointment of the auditors for the ensuing year.</li> </ul>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
8.12	<p>The Council may consider or transact at a regular meeting:</p> <ul style="list-style-type: none"> <li>(a) matters brought by the Executive Committee;</li> <li>(b) reports by statutory committees;</li> <li>(c) reports by non-statutory committees which have received prior review by the Executive Committee;</li> <li>(d) any motion notice of which has been delivered in writing to the Registrar at least 30 days before the Council meeting and which the majority of Council members present and voting at the meeting view as warranting Council discussion; and</li> <li>(e) any other business that the majority of Council members present and voting at the meeting view as urgent and requiring Council's immediate attention.</li> </ul>		
8.13	<p>The Council may only consider or transact at a special meeting, the matter or matters for decision at the meeting contained in the requisition deposited with the registrar.</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
8.14	The president shall cause a record of the proceedings of the council meeting including all motions and recommendations to be recorded, and the written record of the Council meeting, when signed by any two of the president, vice-president, treasurer or registrar, is prima facie proof of the accuracy of the contents of every such record.		
8.15	The written record of the proceedings of a council meeting when accepted at a subsequent council meeting, subject to any corrections made at such subsequent meeting, is conclusive proof of the accuracy of the contents of every such record.		
8.16	Whether or not a quorum is present, the president may adjourn any council meeting and reconvene it at any time and from time to time and, if a quorum is present at any reconvened meeting, any matter may be considered and transacted which could have been transacted at the original meeting which was adjourned.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
8.17	The rules of order for council meetings adopted from time to time by Council shall guide the conduct of its meetings.		
8.18	Any meeting of the Council or of a committee or of a panel that is held for any purpose other than for the conducting of a hearing, except as permitted under the <i>Statutory Powers Procedure Act</i> , may be held in any manner that allows all persons participating to communicate with each other simultaneously and instantaneously.		
8.19	Persons participating in the meeting, as outlined in By-law 8.18, are deemed to be present at the meeting.		
8.20	Notice of a meeting held under By-law 8.18 shall not specify a place for the meeting but rather the means by which the meeting will be conducted.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
8.21	<p>The chair of any committee conducting meetings by conference call shall:</p> <ul style="list-style-type: none"><li>(a) consult with CCO to staff in the calling of a meeting and the preparation of an agenda for the meeting;</li><li>(b) ensure minutes are kept; and</li><li>(c) record the time spent on the meetings.</li></ul>		

**BY-LAW 9: REMUNERATION**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
9.1	The per diems and reasonable expenses paid by CCO to committee members are intended to partially off-set the cost of a contribution to the profession of chiropractic rather than to pay for services rendered or to compensate for lost income or the opportunity to earn income. "Committee members" means elected council members and non-council members of statutory and non-statutory committees.		
9.2	Subject to other direction by Council, the president of the Council will receive an annual honorarium of thirty-five thousand dollars (\$35,000) payable no later than one year after the date the president takes office. In the event the president's tenure is less than one year, the president will receive a pro-rated amount		
9.3	Committee members are entitled to the remuneration outlined in the chart below:		

By-law	Current CCO By-law		Recommended Amendments	Public Interest Rationale
	<b>Description</b>	<b>Allowable Claim</b> effective September 24, 2009		
	1 Committee members; full-day meeting or hearing; meeting in excess of three hours	Attendance per diem: \$400 Preparation per diem: Chairs: \$350 Others: \$200		
	2 Committee members; meeting or hearing lasting less than three hours	One-half attendance per diem: \$200 One-half preparation per diem: Chairs: \$175 Others: \$100		
	3 Conference call meetings: applicable full or one-half day attendance and preparation per diem and reasonable expenses			

By-law	Current CCO By-law		Recommended Amendments	Public Interest Rationale
	(e.g., long distance charges, as outlined in CCO Internal Policy I-012)			
	4Travel time of more than three hours (round trip) for all committee members	Travel per diem: \$300		
	5Travel time of more than one hour and less than three hours (round trip) for all committee members	One-half travel per diem: \$150		
9.4	By-law 9.3, as it relates to payment of per diems and reasonable expenses, applies to Discipline Committee and Fitness to Practise Committee members who perform duties, such as conducting pre-hearing conferences or hearing pre-hearing motions.			

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
9.5	<p>A member who is the principal author of a Discipline, Inquiries, Complaints and Reports or Fitness to Practise Committee decision may charge one attendance per diem for at least three accumulated hours of work to a maximum of three per diems, but no preparation per diem, travel per diem or meal expenses.</p>	<p>A member who is the principal author of a <u>decision of the Discipline Committee, Inquiries, Complaints and Reports Committee or the Fitness to Practise Committee decision</u> may charge one attendance per diem for at least three accumulated hours of work to a maximum of three per diems, but no preparation per diem, travel per diem or meal expenses.</p>	<p>For clarity</p>
9.6	<p>The following conditions apply to the remuneration entitlement of committee members:</p> <p><b>Per Diems and Reasonable Expenses</b></p> <p>Committee members may claim for a full day attendance per diem when a meeting or hearing is in excess of three hours.</p> <p>Committee members may claim for a half day attendance per diem when a meeting or hearing is in excess of one hour but is not in excess of three hours.</p> <p>In extenuating circumstances, and subject to the approval of the Executive Committee, two attendance per diems may be claimed for one calendar day.</p>	<p>The following conditions apply to the remuneration entitlement of committee members:</p> <p><b>Per Diems and Reasonable Expenses</b></p> <p>Committee members may claim for a full day attendance per diem when a meeting or hearing is in excess of three hours.</p> <p>Committee members may claim for a half day attendance per diem when a meeting or hearing is in excess of one hour but is not in excess of three hours.</p> <p>In extenuating circumstances, and subject to the approval of the Executive Committee, two attendance per diems may be claimed for one calendar day.</p>	

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>Extenuating circumstances include committee members being called to an emergency meeting with less than 48 hours notice which requires them to forfeit office time.</p> <p><b>Attendance for Full Duration of Scheduled Meeting</b></p> <p>In order to be eligible for the appropriate attendance per diem, a council or committee shall attend the full duration of the scheduled meeting. If extenuating circumstances apply which necessitate leaving a meeting earlier than the scheduled end time, the council or committee member shall communicate this in writing to the Chair of the meeting.</p> <p>Reasonable expenses, as outlined in CCO Internal Policy I-012, and attendance per diems may be claimed to attend conferences, educational sessions, speaking engagements or other functions directly related to CCO business provided prior approval is obtained from the Executive Committee.</p>	<p>Extenuating circumstances include committee members being called to an emergency meeting with less than 48 hours notice which requires them to forfeit office time.</p> <p><b>Attendance for Full Duration of Scheduled Meeting</b></p> <p>In order to be eligible for the appropriate attendance per diem, a council or committee <u>member</u> shall attend the full duration of the scheduled meeting. If extenuating circumstances apply which necessitate leaving a meeting earlier than the scheduled end time, the council or committee member shall communicate this in writing to the Chair of the meeting.</p> <p>Reasonable expenses, as outlined in CCO Internal Policy I-012, and attendance per diems may be claimed to attend conferences, educational sessions, speaking engagements or other functions directly related to CCO business provided prior approval is obtained from the Executive Committee.</p>	<p>To correct error</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p><b>Cancellation of Meetings/Hearings</b></p> <p>A one-half attendance per diem may be claimed in the event of the cancellation or adjournment of an official meeting without one week’s advance notice being given, subject to the discretion of the Executive Committee:</p> <p>(a) A full attendance per diem but no travel per diem or meal expenses may be claimed in the event of the cancellation or adjournment of a Discipline or Fitness to Practise hearing, without four weeks advance notice being given, provided that the committee member was required, as a result of the scheduled hearing, to make alternate office arrangements in order to be available for the hearing. Unless the committee member ordinarily has office time on Saturdays or Sundays, no per diem will be permitted for the cancellation or adjournment of hearings scheduled on Saturdays or Sundays.</p>	<p><b>Cancellation of Meetings/Hearings</b></p> <p>A one-half attendance per diem may be claimed in the event of the cancellation or adjournment of an official meeting without one week’s advance notice being given, subject to the discretion of the Executive Committee:</p> <p>(a) A full attendance per diem but no travel per diem or meal expenses may be claimed in the event of the cancellation or adjournment of a Discipline or Fitness to Practise hearing, without four weeks advance notice being given, provided that the committee member was required, as a result of the scheduled hearing, to make alternate office arrangements in order to be available for the hearing. Unless the committee member ordinarily has office time on Saturdays or Sundays, no per diem will be permitted for the cancellation or adjournment of hearings scheduled on Saturdays or Sundays.</p>	

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(b) A full attendance per diem including a travel per diem and meal expenses may be claimed in the event a Discipline or Fitness to Practise Committee member attends what he/she anticipates to be a full day hearing even if the hearing is disposed of prior to the expiration of three hours, provided the committee member was required as a result of the scheduled hearing to make alternate office arrangements in order to be available for a full day hearing.</p> <p><b>Conference Calls</b></p> <p>Committees are encouraged to conduct meetings wherever possible and practicable by conference call; committee members will receive the appropriate attendance and preparation per diems and reasonable expenses for such meetings and payment of long-distance charges but will not receive a travel per diem.</p> <p><b>Preparation Time</b></p> <p>Preparation time may only be claimed if preparation is in fact required for the meeting/event/hearing being attended.</p>	<p>(b) A full attendance per diem including a travel per diem and meal expenses may be claimed in the event a Discipline or Fitness to Practise Committee member attends what he/she <del>anticipates</del> <u>is anticipated</u> to be a full day hearing even if the hearing is disposed of prior to the expiration of three hours, provided the committee member was required as a result of the scheduled hearing to make alternate office arrangements in order to be available for a full day hearing.</p> <p><b>Conference Calls</b></p> <p>Committees are encouraged to conduct meetings wherever possible and practicable by conference call; committee members will receive the appropriate attendance and preparation per diems and reasonable expenses for such meetings and payment of long-distance charges but will not receive a travel per diem.</p> <p><b>Preparation Time</b></p> <p>Preparation time may only be claimed if preparation is in fact required for the meeting/event/hearing being attended.</p>	<p>DEI: gender neutral language</p>

<b>By-law</b>	<b>Current CCO By-law</b>	<b>Recommended Amendments</b>	<b>Public Interest Rationale</b>
9.7	At the discretion of Council, this by-law 9 applies to Non-Chiropractic Committee Members with necessary modifications.		

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**BY-LAW 10: INDEMNIFICATION**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
10.1	<p>Every member of the Council, Committee member, officer, employee, agent and appointee of CCO, including assessors, investigators and inspectors, and each of his or her heirs, executors and administrators and estate, respectively, shall from time to time and at all times be indemnified and saved harmless out of the funds of CCO from and against:</p> <p>(a) all costs, charges, expenses, awards and damages whatsoever that he or she sustains or incurs in any action, suit or proceeding that is brought, commenced or prosecuted against him or her, for or in respect of any act, deed, omission, matter or thing whatsoever, made done or permitted by him or her, in the execution of the duties of his or her office; and</p> <p>(b) all other other reasonable costs, charges, expenses, awards and damages that he or she sustains or incurs in or in relation to the affairs of CCO, except such costs, charges, expenses, awards or damages as are occasioned by their own willful neglect or default.</p>	<p><del>Every member of the Council</del> <u>members</u>, <del>Committee members,</del> <u>officers,</u> <del>employees,</del> <u>agents and appointees</u> of CCO, including assessors, investigators and inspectors, and each of <del>his or her</del> <u>their</u> heirs, executors and administrators and estates, respectively, shall from time to time and at all times be indemnified and saved harmless out of the funds of CCO from and against:</p> <p>(a) all costs, charges, expenses, awards and damages whatsoever that <del>he or she</del> <u>they</u> sustains or incurs in any action, suit or proceeding that is brought, commenced or prosecuted against <del>him or her</del> <u>them</u>, for or in respect of any act, deed, omission, matter or thing whatsoever, made done or permitted by <del>him or her</del> <u>them</u>, in the execution of the duties of <del>his or her</del> <u>their</u> office; and</p> <p>(b) all other <del>other</del> reasonable costs, charges, expenses, awards and damages that <del>he or she</del> <u>they</u> sustains or incurs in or in relation to the affairs of CCO, except such costs, charges, expenses, awards or damages as are occasioned by their own willful neglect or default.</p>	DEI: gender neutral language

<b>By-law</b>	<b>Current CCO By-law</b>	<b>Recommended Amendments</b>	<b>Public Interest Rationale</b>
10.2	CCO will purchase and maintain insurance to protect itself and its members of Council, Committee members, officers, employees, agents or appointees and to provide coverage for the indemnity referred to in By-law 10.1		

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**BY-LAW 11: COMMITTEE COMPOSITION**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
11.1	<p>The Executive Committee, inclusive of the president, vice-president and treasurer, shall be composed of the following:</p> <p>(a) Four members of Council who are members of CCO;</p> <p>(b) Three members of Council who are appointed by the Lieutenant Governor in Council;</p>		
11.2	<p>The president of the Council shall be the chair of the Executive Committee.</p>		
11.3	<p>The Registration Committee shall be composed of:</p> <p>(a) two members of Council who are members of CCO; and</p> <p>(b) two members of Councils appointed to the Council by the Lieutenant Governor in Council.</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
11.4	<p>The Inquiries, Complaints and Reports Committee shall be composed of:</p> <p>(a) two members of Council who are members of CCO;</p> <p>(b) two members of Council appointed to Council by the Lieutenant Governor in Council; and</p> <p>(c) one member of CCO who is not a member of Council.</p>		
11.5	<p>The Discipline Committee shall be composed of:</p> <p>(a) every member of Council; and</p> <p>(b) up to three members of CCO who are not members of Council.</p>		
11.6	<p>The Fitness to Practise Committee shall be composed of every member of Council.</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
11.7	<p>The Quality Assurance Committee shall be composed of:</p> <ul style="list-style-type: none"> <li>(a) two members of Council who are members of CCO;</li> <li>(b) two members of Council appointed to Council by the Lieutenant Governor in Council; and</li> <li>(c) one member of CCO who is not a member of Council.</li> </ul>		
11.8	<p>The Patient Relations Committee shall be composed of:</p> <ul style="list-style-type: none"> <li>(a) one member of Council who is a member of CCO;</li> <li>(b) two members of Council appointed to Council by the Lieutenant Governor in Council; and</li> <li>(c) two members of CCO who are not members of Council.</li> </ul>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
11.9	Council may, by resolution, establish non-statutory committees. For each non-statutory committee, Council shall specify in the resolution the duties and responsibilities of the committee, its composition and its termination date or event.	Council may, by resolution, establish non-statutory committees, <u>to include but not be limited to a Nominating Committee.</u> For each non-statutory committee, Council shall specify in the resolution the duties and responsibilities of the committee, its composition and its termination date or event.	Inclusion of reference to Nominating Committee in by-laws
11.10	A committee is still properly constituted if it has vacancies so long as a quorum remains. Unless otherwise specified by the Code, three members of a committee constitute quorum.		
11.11	By-laws 8.18 to 8.21 (electronic meetings) applies to committee meetings.		
11.12	In By-law 11, despite the use of a definite number of committee members in any category, Council may appoint additional committee members in any category, except for the Executive Committee or the Discipline Committee.	<del>In By-law 11,</del> <u>Despite the use in this By-law 11</u> of a definite number of committee members in any category, Council may appoint additional committee members in any category, except for the Executive Committee or the Discipline Committee.	For clarity

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
11.13	In By-law 11, despite the use of a definite number of committee members in any category, Council may appoint alterative committee members in any category. An alternative committee member may attend meetings and participate in discussions but shall not vote unless a full committee member in the same category as the alternative is unable to participate in the matter, including if he/she has a conflict of interest.	<del>In By-law 11,</del> Despite the use <u>in this By-law 11</u> of a definite number of committee members in any category, Council may appoint alterative committee members in any category. An alternative committee member may attend meetings and participate in discussions but shall not vote unless a full committee member in the same category as the alternative is unable to participate in the matter, including if <del>he/she</del> <u>the full committee member</u> has a conflict of interest.	For clarity  DEI: gender neutral language
11.14	Despite any other provision of this By-Law 11, the Council may also appoint one or more Non-Chiropractic Committee Members to any committee other than the Executive Committee.		

## BY-LAW 12: APPOINTMENT OF NON-COUNCIL MEMBERS

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
12.1	This by-law applies with respect to the appointment of members who are not members of the Council to a committee of CCO.		
12.2	The Council shall appoint members to committees in the numbers prescribed by By-law 11.		
12.3	The Council shall make the appointments at the first regular council meeting after each regular council election or as soon thereafter as is practicable.		
12.4	The Council may make appointments from time to time to fill any vacancy created by the disqualification, death or resignation of a member appointed under this by-law.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
12.5	In making the appointments, the Council shall take into account location and type of practice, experience, professional qualifications and skills, and other qualifications and characteristics of members to complement the attributes of members of the committees who are members of Council.		
12.6	The term of office of a committee member who is not a member of the Council is approximately one year starting on the date the appointment is made, except where an appointment is made to fill a vacancy in which the person appointed shall complete the term of the previous appointee.		
12.7	A non-council member may only serve on CCO committees for nine consecutive years, whether the time is served as a council member or as a non council member.	A non-council member may <del>only</del> serve on CCO committees for <u>only</u> nine consecutive years, whether the time is served as a council member or as a non council member.	For clarity

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
12.8	A non-council member who has served on CCO committee (s) for nine consecutive years is not eligible to be re-appointed to any CCO committee until at least three years have passed since the member last served on a CCO Committee.		
12.9	<p>A member is eligible for appointment to a committee if, on the date of the appointment:</p> <p>(a) The member has his/her primary practice of chiropractic located in Ontario, or if the member is not engaged in the practice of chiropractic, has his/her primary residence located in Ontario;</p> <p>(b) the member is not in default of payment of any fees prescribed by by-law or any fine or order for costs to CCO imposed by a CCO committee or court of law;</p> <p>(c) the member is not in default in completing and returning any form required by CCO;</p>	<p>A member is eligible for appointment to a committee if, on the date of the appointment <u>the member meets the requirements prescribed in By-law 6.9 for election to Council.</u></p> <p><del>(a) The member has his/her primary practice of chiropractic located in Ontario, or if the member is not engaged in the practice of chiropractic, has his/her primary residence located in Ontario;</del></p> <p><del>(b) the member is not in default of payment of any fees prescribed by by-law or any fine or order for costs to CCO imposed by a CCO committee or court of law;</del></p> <p><del>(c) the member is not in default in completing and returning any form required by CCO;</del></p>	Best practices: the risk of inconsistency can be reduced by cross-referencing rather than repeating the requirements

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(d) the member is not subject of any disciplinary or incapacity proceeding;</p> <p>(e) a finding of professional misconduct, incompetence or incapacity has not been made against the member in the preceding six years;</p> <p>(e.1) the member has not resigned from a position on Council, before completing their term, within the last three years and four months.</p> <p>(f) the member is not an employee, officer or director of any professional chiropractic association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the OCA, CCA, CCPA, AFC, CCEB, CSCE or the Accreditation Standards and Policies Committee or the CCEC of the FCC.</p> <p>(g) the member is not an officer, director or administrator of any chiropractic educational institution, including but not limited to CMCC or UQTR;</p>	<p><del>(d) the member is not subject of any disciplinary or incapacity proceeding;</del></p> <p><del>(e) a finding of professional misconduct, incompetence or incapacity has not been made against the member in the preceding six years;</del></p> <p><del>(e.1) the member has not resigned from a position on Council, before completing their term, within the last three years and four months.</del></p> <p><del>(f) the member is not an employee, officer or director of any professional chiropractic association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the OCA, CCA, CCPA, AFC, CCEB, CSCE or the Accreditation Standards and Policies Committee or the CCEC of the FCC.</del></p> <p><del>(g) the member is not an officer, director or administrator of any chiropractic educational institution, including but not limited to CMCC or UQTR;</del></p>	

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(h) the member has not been disqualified from the Council or a committee of the Council in the previous six years;</p> <p>(i) the member is not a member of Council or of a committee of the College of any other health profession; and</p> <p>(j) the member has not been a member of CCO's staff at any time within the preceding three years.</p>	<p><del>(h) the member has not been disqualified from the Council or a committee of the Council in the previous six years;</del></p> <p><del>(i) the member is not a member of Council or of a committee of the College of any other health profession; and</del></p> <p><del>(j) the member has not been a member of CCO's staff at any time within the preceding three years.</del></p>	
12.10	<p>The Council shall disqualify a member appointed to a committee from sitting on the committee if the member:</p> <p>(a) is the subject of any disciplinary or incapacity proceeding;</p> <p>(b) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;</p> <p>(c) is found to be an incapacitated member by a panel of the Fitness to Practice Committee;</p>	<p>The Council shall disqualify a member appointed to a committee from sitting on the committee <del>if the member:</del> <u>for any reason prescribed in By-law 6.29.</u></p> <p><del>(a) is the subject of any disciplinary or incapacity proceeding;</del></p> <p><del>(b) is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;</del></p> <p><del>(c) is found to be an incapacitated member by a panel of the Fitness to Practice Committee;</del></p>	<p>Best practices: the risk of inconsistency can be reduced by cross-referencing rather than repeating the requirements</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(d) fails to attend two consecutive meetings of the committee or of a subcommittee in which he/she is a member, without reasonable cause in the opinion of Council;</p> <p>(e) fails to attend a hearing or review of a panel for which he/she has been selected; without reasonable cause in the opinion of the Council;</p> <p>(f) becomes an employee, officer or director of any professional chiropractic association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the OCA, CCA, CCPA, AFC, CCEB, CSCE or the Accreditation Standards and Policies Committee or the CCEC of the FCC;</p> <p>(g) becomes an officer, director or administrator of any chiropractic educational institution, including but not limited to CMCC or UQTR;</p> <p>(h) becomes a member of the Council of CCO or a committee of any other health profession;</p>	<p><del>(d) fails to attend two consecutive meetings of the committee or of a subcommittee in which he/she is a member, without reasonable cause in the opinion of Council;</del></p> <p><del>(e) fails to attend a hearing or review of a panel for which he/she has been selected; without reasonable cause in the opinion of the Council;</del></p> <p><del>(g) becomes an employee, officer or director of any professional chiropractic association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the OCA, CCA, CCPA, AFC, CCEB, CSCE or the Accreditation Standards and Policies Committee or the CCEC of the FCC;</del></p> <p><del>(g) becomes an officer, director or administrator of any chiropractic educational institution, including but not limited to CMCC or UQTR;</del></p> <p><del>(h) becomes a member of the Council of CCO or a committee of any other health profession;</del></p>	

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(i) breaches the conflict of interest provision(s) for members of Council and committees, in the opinion of the Council after giving notice to the member of the concern and giving the member an opportunity to respond to the concern;</p> <p>(j) fails to discharge properly or honestly any office to which he/she has been appointed or engages in conduct unbecoming of a committee member, in the opinion of the Council after giving notice to the member of the concern and giving the member an opportunity to respond to the concern;</p> <p>(k) becomes in default of payment of any fees prescribed by by-law or any fine or order for costs imposed by the Discipline Committee; or</p> <p>(l) becomes in default of completing and returning any form required by CCO.</p>	<p><del>(i) breaches the conflict of interest provision(s) for members of Council and committees, in the opinion of the Council after giving notice to the member of the concern and giving the member an opportunity to respond to the concern;</del></p> <p><del>(j) fails to discharge properly or honestly any office to which he/she has been appointed or engages in conduct unbecoming of a committee member, in the opinion of the Council after giving notice to the member of the concern and giving the member an opportunity to respond to the concern;</del></p> <p><del>(k) becomes in default of payment of any fees prescribed by by-law or any fine or order for costs imposed by the Discipline Committee; or</del></p> <p><del>(l) becomes in default of completing and returning any form required by CCO.</del></p>	
12.11	A non-council committee member shall resign from a committee prior to applying for any CCO staff position.		

<b>By-law</b>	<b>Current CCO By-law</b>	<b>Recommended Amendments</b>	<b>Public Interest Rationale</b>
12.12	A member who is disqualified under this by-law from sitting on a committee ceases to be a member of the committee.		

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**BY-LAW 13: FEES**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
13.1	<p>The fee for applying for each class of certificate of registration is as follows:</p> <p>(a) General certificate: \$52</p> <p>(b) Temporary certificate: \$52</p> <p>(c) Retired certificate: NIL</p> <p>(d) Inactive certificate: \$52, unless the applicant already has a general certificate, in which case the application is NIL</p> <p>The application fee is non-refundable.</p>	<p>The fee <del>for applying</del> <u>payable to apply</u> for each class of certificate of registration is as follows:</p> <p>(a) General certificate: \$52</p> <p>(b) Temporary certificate: \$52</p> <p>(c) Retired certificate: NIL</p> <p>(d) Inactive certificate: \$52, unless the applicant already has a general certificate, in which case the application is NIL</p> <p><u>(e) Emergency certificate: \$52</u></p> <p>The application fee is non-refundable.</p>	<p>For clarity</p> <p>Addition of certificate fee for Emergency certificate</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
13.2	<p>In addition to the application fee and the annual fee, an applicant for registration must pay the following initial certificate fee.</p> <p>(a) For a general certificate of registration: \$340</p> <p>(b) For a temporary certificate to actively practise chiropractic in Ontario of registration: \$155</p> <p>(c) For a temporary certificate of registration to participate in a specific event in Ontario: NIL</p> <p>(d) For an inactive certificate of registration: \$340</p> <p>(e) For a retired certificate of registration: NIL</p>	<p>In addition to the application fee and the annual fee, an applicant for registration must pay the following initial certificate fee:</p> <p>(a) For a general certificate of registration: \$340</p> <p>(b) For a temporary certificate <u>of registration</u> to actively practise chiropractic in Ontario <del>of registration</del>: \$155</p> <p>(c) For a temporary certificate of registration to participate in a specific event in Ontario: NIL</p> <p>(d) For an inactive certificate of registration: \$340</p> <p>(e) For a retired certificate of registration: NIL</p> <p><u>(f) For an emergency certificate of registration: \$340</u></p>	<p>To correct typographical errors</p> <p>Addition of application fee for Emergency certificate</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
13.3 (new)		<u>A member registered in the emergency class of registration who is issued a general certificate of registration is exempt from paying the certificate fee and application fee for a general certificate of registration.</u>	Exemption from general certificate and application fees if emergency certificate and application fees have already been paid
13.3 <u>13.4</u>	An applicant for a general certificate of registration who has completed the requirements for graduation from a chiropractic education program that is accredited or the subject of reciprocal recognition by the CCEC within the six months prior to his/her application is exempted from paying the prescribed annual fee for the year in which the certificate is issued.	An applicant for a general certificate of registration who, <u>within six months prior to making the application</u> , <del>has</del> completed the requirements for graduation from a chiropractic education program that is accredited or <u>received the subject of</u> reciprocal recognition by the CCEC <del>within the six months prior to his/her application</del> is exempted from paying the prescribed annual fee for the year in which the certificate is issued.	For clarity  DEI: gender neutral language
13.4 <u>13.5</u>	A member who holds a general certificate of registration is exempted from paying the prescribed certificate and annual fees for an inactive certificate of registration for the year in which the inactive certificate is issued.		
13.5 <u>13.6</u>	Every member except a member who holds a temporary certificate shall pay an annual fee.	Every member except a member who holds a temporary certificate of <u>registration</u> shall pay an annual fee.	Consistent language

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
13.6 <u>13.7</u>	The annual fee is \$1100 for a member who holds a general certificate of registration, \$550 for a member who holds a general certificate of registration who is renewing his/her license for the first time, \$495 for a member who holds an inactive certificate of registration and \$105 for a member who holds a retired certificate of registration.	The annual fee is \$1100 for a member who holds a general certificate of registration, \$550 for <u>the first renewal of</u> a member who holds a general certificate of registration <del>who is renewing his/her license for the first time</del> , \$495 for a member who holds an inactive certificate of registration and \$105 for a member who holds a retired certificate of registration.	For clarity  DEI: gender neutral language
13.7 <u>13.8</u>	Council may, without, amending these by-laws, adjust the amount of any fees or penalties in By-law 13 to reflect annual changes to the Cost of Living Adjustment (Ontario).		
13.8 <u>13.9</u>	The annual fee for a member who holds a general certificate of registration may be paid in two instalments on January 1 <sup>st</sup> and June 1 <sup>st</sup> of each year in amounts to be set by the registrar.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
<p>13.9  <u>13.10</u></p>	<p>No later than 60 days before the annual fee or the first instalment of the annual fee is due, the registrar shall notify the member of:</p> <p>(a) the amount of the annual fee or, if the member is paying by instalment, the amounts of the first and second instalments;</p> <p>(b) the date on which the annual fee or each of the instalments is due; and</p> <p>(c) the penalty for late payment.</p>		
<p>13.10  <u>13.11</u></p>	<p>If a member fails to pay the annual fee or an instalment on or before the day on which it is due, the member shall pay a penalty in addition to the annual fee.</p>		
<p>13.11  <u>13.12</u></p>	<p>The penalty referred to in By-law 13.10 is \$105 for a member who holds a general certificate of registration, \$20 for a member who holds an inactive certificate of registration, and \$20 for a member who holds a retired certificate of registration.</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
13.12 <u>13.13</u>	Where a person requests the registrar to do anything the registrar is required or authorized to do by statute or by regulation, the person shall pay the prescribed fee or the fee set by the registrar for doing so.		
<u>13.14</u> <u>(new)</u>		<u>Where a member is required to complete a Specified Continuing Education or Remediation Program (SCERP), the member shall pay the prescribed fee or the fee set by the registrar.</u>	There may be fees associated with SCERPs  The cost burden should be born by the member
13.13 <u>13.15</u>	If the registrar suspends a member's certificate of registration for failure to pay a prescribed fee, the registrar may lift the suspension on payment of:  (a) the fee the member failed to pay;  (b) the annual fee for the year in which the suspension is to be lifted if it is not the same fee as clause (a); and  (c) any applicable penalty.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
<p>13.14  <u>13.16</u></p>	<p>A member whose certificate of registration was revoked for failure to pay a fee and who applies to be reinstated is required to pay:</p> <p>(a) an application fee of \$52;</p> <p>(b) the annual fees and any applicable penalties the member failed to pay up to the date of revocation; and</p> <p>(c) the annual fee for the year in which the member wishes to be reinstated.</p>		
<p>13.15  <u>13.17</u></p>	<p>The registrar may grant a partial exemption from the fees payable by a member pursuant to this by-law if the committee is satisfied that extraordinary circumstances exist which justify the exemption.</p>		
<p>13.16  <u>13.18</u></p>	<p>The amount payable by a member who applies for reinstatement of a retired certificate of registration is \$52.</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
<p>13.17  <u>13.19</u></p>	<p>The fee for follow-up letters, emails or other notifications to a member who has not complied with a request from CCO, such as a request:</p> <p>(a) to make available the members' professional portfolio to the Quality Assurance Committee,</p> <p>(b) to participate in the peer and practice assessment component of the Quality Assurance Program,</p> <p>(c) to explain an advertisement that does not appear to comply with CCO regulations or guidelines despite previous advice or caution to the member,</p> <p>is \$52 per letter.</p>	<p><del>The</del> A fee of \$52 is payable for <u>each</u> follow-up letters, emails or other notifications to a member who has not complied with a request from CCO, such as a request:</p> <p>(a) to make available the members' professional portfolio to the Quality Assurance Committee,</p> <p>(b) to participate in the peer and practice assessment component of the Quality Assurance Program,</p> <p>(c) to explain an advertisement that does not appear to comply with CCO regulations or guidelines despite previous advice or caution to the member.  <del>is \$52 per letter.</del></p>	<p>For clarity</p>
<p>13.18  <u>13.20</u></p>	<p>Where CCO presents a continuing education or professional development program or course, CCO shall determine whether any fee shall be charged for that course and if so, what the fee shall be.</p>	<p><del>Where</del> <u>If</u> CCO presents a continuing education or professional development program or course, CCO shall determine whether any fee shall be charged for that course and if so, what the fee shall be.</p>	<p>For clarity</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
13.19 <u>13.21</u>	The fee for the application for a certificate of authorization, including on any reinstatement of a certificate of authorization, for a professional corporation is \$52.	<del>The A fee of \$52 is payable for the each application for a certificate of authorization of a professional corporation, including on any and for each application for reinstatement of a certificate of authorization., for a professional corporation is \$52.</del>	For clarity
13.20 <u>13.22</u>	The fee for the issuance of a certificate of authorization is \$625.	<del>The A fee of \$625 is payable for the each issuance of a certificate of authorization of a professional corporation. is \$625.</del>	For clarity
13.21 <u>13.23</u>	The fee for the annual renewal of a certificate of authorization is \$210.	<del>The A fee of \$210 is payable for the each annual renewal of a certificate of authorization of a professional corporation. is \$210.</del>	For clarity
13.22 <u>13.24</u>	A professional corporation or a member listed in CCO's records as a shareholder of a professional corporation shall pay an administrative fee of \$52 for each notice sent by the registrar to the corporation or member 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.		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
13.23 <u>13.25</u>	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 \$52.	<del>The A fee of \$52 is payable for the issuing issuance 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 \$52.</del>	For clarity
<u>New By-law</u> <u>13.26</u>		<u>A fee of \$750 is payable by a person whose certificate of registration has been revoked or suspended as a result of a disciplinary or incapacity proceeding and who applies in writing to the registrar to have a new certificate issued or the suspension removed.</u>	The process for reviewing applications for reinstatement is time consuming and expensive  The cost burden should be born by the applicant

**BY-LAW 14: PROFESSIONAL CORPORATIONS**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
14.1	<p>Every member of CCO shall, for every professional corporation of which the member 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:</p> <p>(a) the name of the professional corporation as registered with the Ministry of Government Services;</p> <p>(b) any business names used by the professional corporation;</p> <p>(c) the name, as set out in the register, and registration number of each shareholder of the professional corporation;</p>	<p>Every member of CCO shall, for every professional corporation of which the member 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:</p> <p>(a) the name of the professional corporation as registered with the <del>Ministry of Government Services</del> <u>Ontario Business Registry</u>;</p> <p>(b) any business names used by the professional corporation;</p> <p>(c) <u>the name of each beneficial owner as required to be recorded by the professional corporation pursuant to the Ontario Business Registry; as set out in the register, and registration number of each shareholder of the professional corporation;</u></p>	<p>Update regarding registration of Ontario business corporations</p> <p>Every individual or family group with a beneficial interest of 25% or more: <a href="https://www.ontario.ca/page/beneficial-ownership-information-requirements">https://www.ontario.ca/page/beneficial-ownership-information-requirements</a></p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(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;</p> <p>(e) the principal practice address, telephone number, facsimile number and e-mail address of the professional corporation;</p> <p>(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</p> <p>(g) a brief description of the professional activities carried out by the professional corporation.</p>	<p><u>(d) (new) the professional corporation's business registration number issued by the Canada Revenue Agency;</u></p> <p>(e) 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;</p> <p>(f) the principal practice address, telephone number, facsimile number and e-mail address of the professional corporation;</p> <p>(g) 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</p> <p>(h) a brief description of the professional activities carried out by the professional corporation.</p>	<p>A corporation's business number is issued by the CRA. The Ontario Business Registry uses the same number.  <a href="#">O. Reg. 400/21</a> under the Corporations Information Act</p>

**BY-LAW 15: THERAPY AND COUNSELING**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
15.1	CCO shall require a therapist or counselor who is providing therapy or counseling that is funded through the program required under By-law 85.7 of the <i>Code</i> to provide a written statement signed by him/her containing details of his/her training and experience and confirming that the therapy or counseling is being provided and that the funds received are being devoted only to that purpose.	CCO shall require a <del>therapist or and counselor</del> <u>counsellors</u> who <del>is providing</del> <u>provide</u> therapy or <del>counseling</del> <u>counselling</u> that is funded <del>through</del> <u>pursuant to</u> the program required under <del>By-law</del> <u>section</u> 85.7 of the <i>Code</i> to provide a written statement signed by <del>him/her</del> <u>them</u> containing details of <del>his/her</del> <u>their</u> training and <del>experience</del> and confirming that the therapy or <del>counseling</del> <u>counselling</u> is being provided and that the funds received are being devoted only to that purpose.	For clarity and spelling  DEI: gender neutral language
15.2	CCO shall require a person who is receiving therapy or counseling that is funded through the program required under By-law 85.7 of the <i>Code</i> to provide a written statement signed by him/her acknowledging that he/she is aware of the details of the training and experience of the therapist or counselor and confirming that the therapy or counseling is being provided and that the funds received are being devoted only to that purpose.	CCO shall require a <u>every</u> person who is receiving therapy or <del>counseling</del> <u>counselling</u> that is funded <del>through</del> <u>pursuant to</u> the program required under <del>By-law</del> <u>section</u> 85.7 of the <i>Code</i> to provide a written statement signed by <del>him/her</del> <u>them</u> acknowledging that <del>he/she is</del> <u>they</u> <u>are</u> aware of the details of the training and experience of the therapist or <del>counselor</del> <u>counsellor</u> and confirming that the therapy or <del>counseling</del> <u>counselling</u> is being provided and that the funds received are being devoted only to that purpose.	For clarity  DEI: Gender neutral language

**BY-LAW 16: PROFESSIONAL LIABILITY PROTECTION OR INSURANCE**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
16.1	<p>Each member holding a general or temporary certificate of registration must carry and provide evidence satisfactory to the registrar of carrying professional liability protection or insurance in the applicable minimum amount per occurrence and minimum aggregate amount per year, including coverage for claims after the member ceases to hold a certificate relating to occurrences while holding a certificate, or membership in a protective association that provides equivalent protection. A member who is or will be when registered, an employee of a member, a health facility or other body that has equivalent professional liability insurance coverage or membership in a protective association that provides equivalent protection is deemed to comply with this section.</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
16.2	The professional liability protection or insurance referred to in By-law 16.1 must have:  (a) a minimum amount of \$5,000,000 per occurrence, and  (b) a minimum aggregate amount of \$5,000,000 per year.		
16.3	When applying for a general or temporary certificate of registration or a renewal of a general or temporary certificate of registration, an applicant must sign a declaration that they comply with By-laws 16.1 and 16.2.		
16.4	A member holding a general or temporary certificate of registration must have available in their office, in written or electronic form, evidence that they comply with By-laws 16.1 and 16.2, or may have the provider of the protection under By-law 16.1 provide regular updates to CCO confirming compliance with By-laws 16.1 and 16.2.		

**BY-LAW 17: PUBLIC REGISTER**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
17.1	Subject to By-law 17.2, a member's name in the register shall be the full name indicated on the document used to support the member's initial registration with the College		
17.2	The Registrar may enter a name other than the name referred to in By-law 17.1 in the register if the Registrar: <ul style="list-style-type: none"> <li>(a) has received a written request from the member;</li> <li>(b) is satisfied that the member has legally changed his or her name; and</li> <li>(c) is satisfied that the name change is not for any improper purpose.</li> </ul>	The Registrar may enter a name other than the name referred to in By-law 17.1 in the register if the Registrar: <ul style="list-style-type: none"> <li>(a) has received a written request from the member;</li> <li>(b) is satisfied that the member's name has <u>been</u> legally changed <del>his or her name</del>; and</li> <li>(c) is satisfied that the name change is not for any improper purpose.</li> </ul>	DEI: gender neutral language

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
17.3	Subject to By-law 17.6(q)(i), a member's business address in the register shall be the address of the location in Ontario where the member is employed or self-employed as a chiropractor. In the event that the member is employed or self-employed as a chiropractor in more than one location in Ontario, the member's business address shall be then member's primary practice. In the event that the member is not employed or self-employed in Ontario as a chiropractor, the registrar shall enter as the member's business address the location designated by the member.	<del>Subject to By-law 17.6(q)(i), a</del> member's business address in the register shall be the address of the location in Ontario where the member is employed or self-employed as a chiropractor. In the event that the member is employed or self-employed as a chiropractor in more than one location in Ontario, the member's business address shall be then <u>location of the member's primary practice</u> . In the event that the member is not employed or self-employed in Ontario as a chiropractor, the registrar shall enter as the member's business address the location designated by the member <u>for communication with CCO</u> .	Deleting of non-existent provision  For clarity

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
17.4	A member's business telephone number shall be the telephone number of the location in Ontario where the member is employed or self-employed as a chiropractor. In the event that the member is employed or self-employed as a chiropractor in more than one location in Ontario, the member's business telephone number shall be the telephone number of the member's primary practice. In the event that the member is not employed or self-employed in Ontario as a chiropractor, the register shall not contain a business telephone number for the member.	A member's business telephone number shall be the telephone number of the location in Ontario where the member is employed or self-employed as a chiropractor. In the event that the member is employed or self-employed as a chiropractor in more than one location in Ontario, the member's business telephone number shall be the telephone number of the member's primary practice. In the event that the member is not employed or self-employed in Ontario as a chiropractor, the register shall not contain a business telephone number <del>for the member.</del> designated by the member for communication with CCO.	
17.5	The Registrar shall maintain a register in accordance with section 23 of the <i>Code</i> .		



By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>removed once the review and any reconsideration by the Inquiries, Complaints and Reports Committee is finally disposed of.</p> <p>(c) For every acknowledgement and undertaking in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a member has entered into with the College and that are in effect, in addition to the synopsis,</p> <ul style="list-style-type: none"> <li>i. the date of the panel’s decision, and</li> <li>ii. if applicable, a notation that the panel’s decision is subject to review or appeal and is not yet final, which notation shall be removed once the review or appeal and any reconsideration by the panel is finally disposed of.</li> </ul>	<p>not yet final, which notation shall be removed once the review and any reconsideration by the Inquiries, Complaints and Reports Committee is finally disposed of.</p> <p>(c) For every acknowledgement and undertaking <u>that a member has given to CCO</u> in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee <del>that a member has entered into with the College</del> and that are <u>remain</u> in effect, in addition to the synopsis,</p> <ul style="list-style-type: none"> <li>i. <u>the date that the panel accepted the member’s acknowledgment and undertaking;</u></li> <li>ii. <u>a synopsis of the acknowledged facts;</u></li> <li>and</li> <li>iii. <u>the terms of the member’s undertaking</u></li> </ul> <p><del>I the date of the panel’s decision, and</del></p> <ul style="list-style-type: none"> <li>ii. <del>if applicable, a notation that the panel’s decision is subject to review or appeal and is not yet final, which notation shall be removed once the review or appeal and any reconsideration by the panel is finally disposed of.</del></li> </ul>	<p>The member’s acknowledgement should waive all rights of appeal and judicial review.</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(d) A notation of any finding of guilt for a criminal offence or an offence under the <i>Health Insurance Act, 1990</i>, of which the College is aware, made by a court after July 1, 2016, against a member.</p> <p>(e) A notation of any finding of guilt for a criminal offence or an offence under the <i>Health Insurance Act, 1990</i>, of which the College is aware, made by a court after July 1, 2016, against a member.</p> <p>(f) A notation that a member is registered or licensed to practise a profession inside or outside of Ontario of which the College is aware.</p> <p>(g) For every term, condition and limitation that is in effect on each certificate of registration, information about the date it was imposed, the committee that imposed it and circumstances surrounding its imposition.</p>	<p>(d) A notation of any finding of guilt for a criminal offence or an offence under the <i>Health Insurance Act, 1990</i>, of which the College is aware, made by a court after July 1, 2016, against a member.</p> <p><del>(e) A notation of any finding of guilt for a criminal offence or an offence under the <i>Health Insurance Act, 1990</i>, of which the College is aware, made by a court after July 1, 2016, against a member.</del></p> <p>(e) A notation that a member is registered or licensed to practise a profession inside or outside of Ontario of which the College is aware.</p> <p>(f) For every term, condition and limitation that is in effect on each certificate of registration, information about the date it was imposed, the committee that imposed it and circumstances surrounding its imposition.</p>	<p>(e) is a duplication of (d)</p>

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(h) A notation of every bail condition or other restriction imposed on, or agreed to, by the member in connection with a charge for a criminal offence or an offence under the Health Insurance Act of which the College is aware.</p> <p>(i) The following practice information related to a member:</p> <p>(i) The business address, business telephone number and business email of up to three practice locations;</p> <p>(ii) The member’s gender;</p> <p>(iii) the name of the chiropractic education program graduated by the member and year of graduation from that program;</p> <p>(iv) the year of initial registration with CCO; and</p> <p>(v) up to three languages in which the member offers professional services, as identified by the member.</p>	<p><u>(g)</u> A notation of every bail condition or other restriction imposed on, or agreed to, by the member in connection with a charge for a criminal offence or an offence under the Health Insurance Act of which the College is aware.</p> <p><u>(h)</u> The following practice information related to a member:</p> <p>(i) The business address, business telephone number and business email of up to three practice locations;</p> <p>(ii) The member’s gender;</p> <p>(iii) the name of the chiropractic education program graduated by the member and year of graduation from that program;</p> <p>(iv) the year of initial registration with CCO; and</p> <p>(v) up to three languages in which the member offers professional services, as identified by the member.</p>	

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
17.7	<p>If requested, the member shall immediately provide the College with the following information, in the form requested by the College:</p> <p>(a) information required to be maintained in the register in accordance with subsection 23(2) of the <i>Code</i> and By-law 17.6;</p> <p>(b) the address and telephone number of the member’s primary residence in Ontario and, if the member does not reside in Ontario, the address and telephone number of the member’s primary residence;</p> <p>(c) The member’s email addresses;</p> <p>(d) Proof of professional liability insurance;</p> <p>(e) The member’s areas of practice and categories of clients seen;</p> <p>(f) Information regarding the member’s employment including:</p> <p>(i) the member’s title and position,</p> <p>(ii) a description of the member’s role, duties, and responsibilities, and</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(iii)the member’s employment category and status.</p> <p>(g) any nicknames or abbreviations that the member uses in any place of practice;</p> <p>(h) information about the member’s registration with any other body that governs a profession, whether inside or outside of Ontario, including the name of the governing body, the member’s registration or license number and the date the member first became registered;</p> <p>(i) information about any finding of professional misconduct or incompetence or similar finding that has been made against the member by a body that governs a profession, inside or outside of Ontario, where the finding has not been reversed on appeal, including;</p> <p>(i) the finding,</p> <p>(ii) the name of the governing body that made the finding,</p> <p>(iii) a brief summary of the facts on which the finding was based,</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
	<p>(iv) the penalty and any other orders made relative to the finding,                      (v) the date the finding was made, and                      (vi) information regarding any appeals of the finding.</p> <p>(j) information about any finding of incapacity or similar finding that has been made against the member 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.</p> <p>(k) information about the member's participation in the Quality Assurance Program,</p> <p>(l) information for the purpose of compiling statistical data,</p>		

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
17.8	<p>The member shall notify the College, in writing, of any changes to the following information within 30 days of the effective date of the change:</p> <p>(a) the member's name,</p> <p>(b) the address and telephone number of the member's primary residence in Ontario and, if the member does not reside in Ontario, the address and telephone number of the member's primary residence,</p> <p>(c) the member's business address or business telephone number.</p>		
17.9	<p>All of the information in the register is designated, under subsection 23(6) of the <i>Code</i>, 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.</p>		

**BY-LAW 18: APPOINTMENT OF NON-CHIROPRACTIC COMMITTEE MEMBERS**

By-law	Current CCO By-law	Recommended Amendments	Public Interest Rationale
18.1	<p>An individual is eligible for appointment to a committee as a Non-Chiropractic Committee Member if, on the date of the appointment:</p> <p>(a) The individual resides in Ontario;</p> <p>(b) The individual has not been disqualified from serving on Council or a committee within the six years immediately preceding the appointment;</p> <p>(c) The individual has never been a Member;</p> <p>(d) The individual does not have a conflict of interest in respect of the committee to which they are to be appointed; and</p> <p>(e) The individual would not be disqualified from serving as a Non-Council Member if the individual were a Member.</p>		

<b>By-law</b>	<b>Current CCO By-law</b>	<b>Recommended Amendments</b>	<b>Public Interest Rationale</b>
18.2	The Council may remove or disqualify a Non-Chiropractic Committee Member from a committee with or without cause.		

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<sup>i</sup> Section 23(2) The register shall contain the following:

1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
2. Where a member is deceased, the name of the deceased member and the date upon which the member died, if known to the Registrar.
3. The name, business address and business telephone number of every health profession corporation.
4. The names of the shareholders of each health profession corporation who are members of the College.
5. Each member's class of registration and specialist status.
6. The terms, conditions and limitations that are in effect on each certificate of registration.
7. A notation of every caution that a member has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph 3 of subsection 26 (1), and any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26 (1).
8. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and that has not been finally resolved, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved.
9. A copy of the specified allegations against a member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and that has not been finally resolved.
10. Every result of a disciplinary or incapacity proceeding.
11. A notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a member has entered into with the College and that are in effect.
12. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
13. A notation of every revocation or suspension of a certificate of registration.
14. A notation of every revocation or suspension of a certificate of authorization.
15. Information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included.
16. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
17. Where, during or as a result of a proceeding under section 25, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.
18. Where the College has an inspection program established under clause 95 (1) (h) or (h.1), the outcomes of inspections conducted by the college.
19. Information that is required to be kept in the register in accordance with regulations made pursuant to clause 43 (1) (t) of the *Regulated Health Professions Act, 1991*.
20. Information that is required to be kept in the register in accordance with the by-laws.

<sup>ii</sup> Section 23(14) For the purpose of this section and section 56, "result",

- 
- (a) when used in reference to a disciplinary proceeding, means the panel's finding that the member committed an act of professional misconduct or was incompetent, particulars of the grounds for the finding, a synopsis of the decision and the order made, including any reprimand, and where the panel has made no such finding, includes a notation that no such finding was made and the reason why no such finding was made, and
- (b) when used in reference to an incapacity proceeding, means the panel's finding that the member is incapacitated and the order made by the panel.

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iii Section 23(2) The register shall contain the following:

1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.
2. Where a member is deceased, the name of the deceased member and the date upon which the member died, if known to the Registrar.
3. The name, business address and business telephone number of every health profession corporation.
4. The names of the shareholders of each health profession corporation who are members of the College.
5. Each member's class of registration and specialist status.
6. The terms, conditions and limitations that are in effect on each certificate of registration.
7. A notation of every caution that a member has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph 3 of subsection 26 (1), and any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26 (1).
8. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and that has not been finally resolved, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved.
9. A copy of the specified allegations against a member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and that has not been finally resolved.
10. Every result of a disciplinary or incapacity proceeding.
11. A notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a member has entered into with the College and that are in effect.
12. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.
13. A notation of every revocation or suspension of a certificate of registration.
14. A notation of every revocation or suspension of a certificate of authorization.
15. Information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included.
16. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.
17. Where, during or as a result of a proceeding under section 25, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.
18. Where the College has an inspection program established under clause 95 (1) (h) or (h.1), the outcomes of inspections conducted by the college.
19. Information that is required to be kept in the register in accordance with regulations made pursuant to clause 43 (1) (t) of the *Regulated Health Professions Act, 1991*.
20. Information that is required to be kept in the register in accordance with the by-laws.

November 20, 2023



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Sent President's Messa... r 19, 2023

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7022

Open Rate

75.2%

Click Rate

4.8%



Opens	5167	Clicks	333
Sent	7022	Did Not Open	1708
Bounces	147	Unsubscribed	3
Successful Deliveries	6875	Spam Reports	1
Desktop Open Percentage	93.7%	Mobile Open Percentage	6.3%

## Recommendations

Here are some things we think would help this campaign even more.

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Link	Unique Clicks Distribution	
<a href="https://cco.on.ca/wp-content/uploads/2023/09/S003DraftSept82023.pdf">https://cco.on.ca/wp-content/uploads/2023/09/S003DraftSept82023.pdf</a>	193	37.1%
<a href="https://cco.on.ca/wp-content/uploads/2023/09/By-lawAmendmentChartforFeedbackSept82023.pdf">https://cco.on.ca/wp-content/uploads/2023/09/By-lawAmendmentChartforFeedbackSept82023.pdf</a>	161	31%
<a href="https://www.surveymonkey.com/r/K8X8JJK">https://www.surveymonkey.com/r/K8X8JJK</a>	121	23.3%
<a href="https://www.surveymonkey.com/r/CWWGRSB">https://www.surveymonkey.com/r/CWWGRSB</a>	45	8.7%
<b>Total Click-throughs</b>	<b>520</b>	<b>100%</b>

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**From:** Deborah Gibson <dgibson@chiropractic.on.ca> on behalf of Caroline Brereton <cbrereton@chiropractic.on.ca>  
**Sent:** Saturday, November 18, 2023 1:45 PM  
**To:** cco.info  
**Cc:** Jo-Ann Willson; Dianna Pasic  
**Subject:** Ontario Chiropractic Association feedback on proposed CCO By-law Amendments  
**Attachments:** OCA feedback on proposed CCO By-law Amendments - November 2023.pdf

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Good afternoon Dr. Green,

The attached correspondence is sent on behalf of the Ontario Chiropractic Association. Please note that this submission has also been submitted on the CCO Portal.

Regards,  
Caroline Brereton

---

**Deborah Gibson (she/her)**  
Office Manager  
**Mobile:** 416-302-2616  
**Email:** [dgibson@chiropractic.on.ca](mailto:dgibson@chiropractic.on.ca)  
**Web:** [www.chiropractic.on.ca](http://www.chiropractic.on.ca)



Ontario  
Chiropractic  
Association

70 University Ave., Ste. 201  
Toronto, ON M5J 2M4





November 18, 2023

Dr. Sarah Green  
President, College of Chiropractors of Ontario  
59 Hayden Street, Suite 800  
Toronto, ON M4Y 0E7

Dear Dr. Green,

**Re: OCA feedback on proposed CCO By-law Amendments**

The Ontario Chiropractic Association (OCA) appreciates the opportunity to provide feedback on the proposed changes to CCO By-law amendments.

With one exception, OCA supports the suite of proposed By-Law amendments and believes they will serve to enhance the efficacy of CCO's Councils and committees -- and advance the public interest, more broadly. Representing over 78% of CCO registrants, OCA believes that given the relatively small size of the chiropractic profession in Ontario, and the need to encourage leaders to come forward, CCO should retain the current three year "cooling-off" period for those chiropractors seeking to be elected after serving on the leadership of a chiropractic advocacy group, or chiropractic educational organization, or after resigning from CCO Council before completion of their term, with the exception that the "cooling off" period for those members who have or are engaged in litigation against CCO, or for those who have had disciplinary decisions, remains 6 years.

Thank you for the opportunity to provide input on the proposed By-law amendments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Caroline Brereton".

Caroline Brereton, RN, MBA  
Chief Executive Officer

CC: Ms. Jo-Ann Willson  
Registrar and General Counsel

**From:** Brian Ferguson <doc@docferguson.com>  
**Sent:** Friday, November 17, 2023 9:43 PM  
**To:** cco.info; Jo-Ann Willson  
**Subject:** CCO Feedback

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**ALLIANCE FOR CHIROPRACTIC**  
INTEGRITY - ACCOUNTABILITY - LEADERSHIP

CCO,

Thanks for the ability to provide feedback on proposed bylaw changes.

1. Bylaw 6.9 regards a cooling off period for persons serving on other boards/educational institutions. We contend that this extension does not serve the public interest because this inappropriately excludes/delays the small number of doctors who actually get involved to serve the profession who would have board experience from being on CCO. We contend the 3 years is adequate, but if a change is to be made, it would be to decrease the cooling off period.

We would also be opposed to the exclusion of a person involved with litigation with council. While we can understand that council would prefer to have a such a party excluded from running for council for an extended period, we feel otherwise and we feel that this ineligibility does not serve the public interest..

2. We are in favour of the amendment to Standard of Practice S-003 regarding the fundamental aspect of chiropractic practice: the adjustment and including 5 hours of hand-on hours to be included every 3 cycles. This simply makes sense to us.

Thanks for all that you do in the regulation of our profession and serving the public. The AFC affirms and appreciates the ability to be a self-regulating profession.

Brian R. Ferguson, DC  
CCO Liaison, AFC

**From:** Brian ferguson <doc@docferguson.com>  
**Sent:** Saturday, November 18, 2023 1:58 PM  
**To:** Jo-Ann Willson  
**Subject:** Re: CCO Feedback

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Of course!

I'll get that answer first of the week.

Brian

Sent from my ridiculously cool iPhone

On Nov 18, 2023, at 1:54 PM, Jo-Ann Willson <jpwillson@cco.on.ca> wrote:

Good morning and thank you for the feedback. I wonder if you can help us with something. Can you please advise how many members the AFC has and whether all members are CCO members or whether member is extended to individuals who are not chiropractors in Ontario? Thank you very much.

**Jo-Ann Willson, B.Sc., M.S.W., LL.B.**  
Registrar & General Counsel  
**College of Chiropractors of Ontario**  
59 Hayden Street, Suite 800  
Toronto, ON M4Y 0E7  
Tel: (416) 922-6355 ext. 111  
Toll Free: 1-877-577-4772  
Fax: (416) 925-9610  
E-mail: [jpwillson@cco.on.ca](mailto:jpwillson@cco.on.ca)  
Web Site: [www.cco.on.ca](http://www.cco.on.ca)

College of Chiropractors of Ontario ("CCO") services continue as staff follow recommended health and safety guidelines related to the COVID-19 global pandemic. In-office services are available by appointment only. Please use the email or phone contact information above or, if you require urgent assistance, please contact Reception by phone at 416-922-6355 ext. 100 or email [reception@cco.on.ca](mailto:reception@cco.on.ca) and your inquiry will be directed appropriately.

CCO is committed to providing inclusive, accommodating, and responsive services and ensuring that individuals are treated with dignity and respect. Please contact us if you require accommodations. Please ensure that all communications with CCO are respectful and professional.

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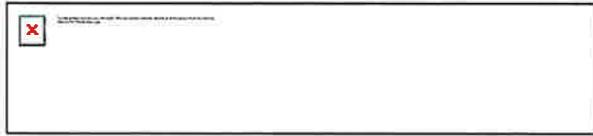
**From:** Brian Ferguson <doc@docferguson.com>  
**Sent:** November 17, 2023 9:43 PM

To: cco.info <cco.info@cco.on.ca>; Jo-Ann Willson <jpwillson@cco.on.ca>

Subject: CCO Feedback

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CCO,

Thanks for the ability to provide feedback on proposed bylaw changes.

1. Bylaw 6.9 regards a cooling off period for persons serving on other boards/educational institutions. We contend that this extension does not serve the public interest because this inappropriately excludes/delays the small number of doctors who actually get involved to serve the profession who would have board experience from being on CCO. We contend the 3 years is adequate, but if a change is to be made, it would be to decrease the cooling off period.

We would also be opposed to the exclusion of a person involved with litigation with council. While we can understand that council would prefer to have a such a party excluded from running for council for an extended period, we feel otherwise and we feel that this ineligibility does not serve the public interest..

2. We are in favour of the amendment to Standard of Practice S-003 regarding the fundamental aspect of chiropractic practice: the adjustment and including 5 hours of hand-on hours to be included every 3 cycles. This simply makes sense to us.

Thanks for all that you do in the regulation of our profession and serving the public. The AFC affirms and appreciates the ability to be a self-regulating profession.

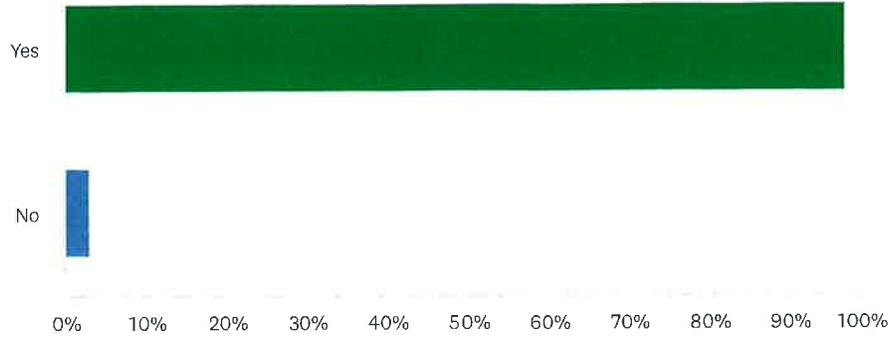
Brian R. Ferguson, DC  
CCO Liaison, AFC

140

### Q1 Are you a Member of CCO

Answered: 34 Skipped: 0

#### ITEM 3.5



**ANSWER CHOICES**

Yes

No

TOTAL

**RESPONSES**

97.06%

2.94%

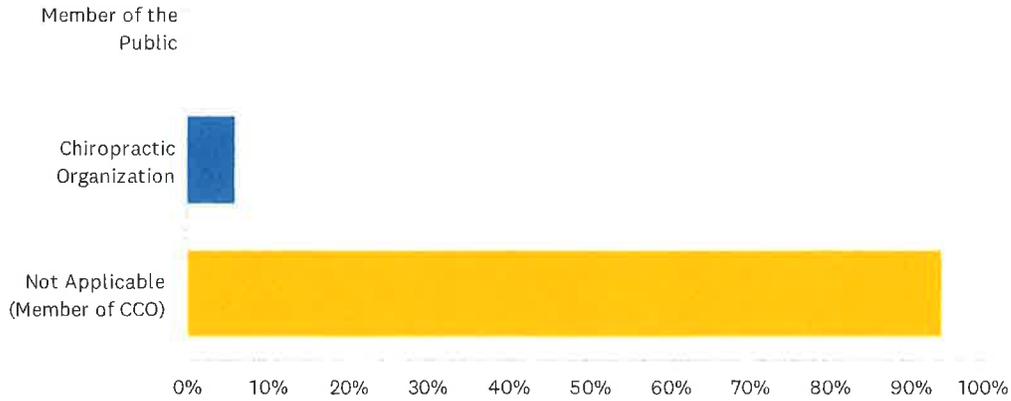
33

1

34

### Q2 If you are not a member of CCO, what type of stakeholder are you?

Answered: 34 Skipped: 0



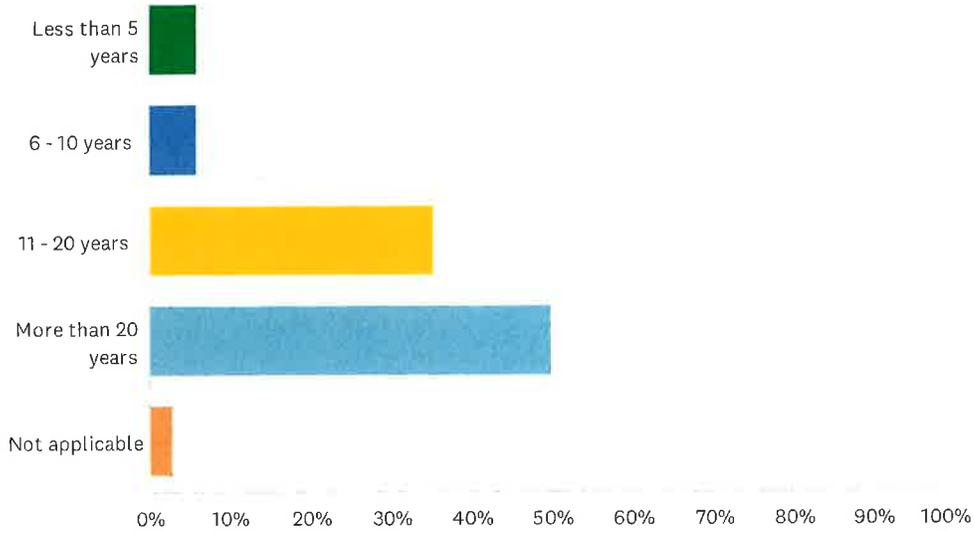
**ANSWER CHOICES**

**RESPONSES**

Member of the Public	0.00%	0
Chiropractic Organization	5.88%	2
Not Applicable (Member of CCO)	94.12%	32
<b>TOTAL</b>		<b>34</b>

### Q3 If you are a member of CCO, how long have you been in practice?

Answered: 34 Skipped: 0



**ANSWER CHOICES**

- Less than 5 years
- 6 - 10 years
- 11 - 20 years
- More than 20 years
- Not applicable

**RESPONSES**

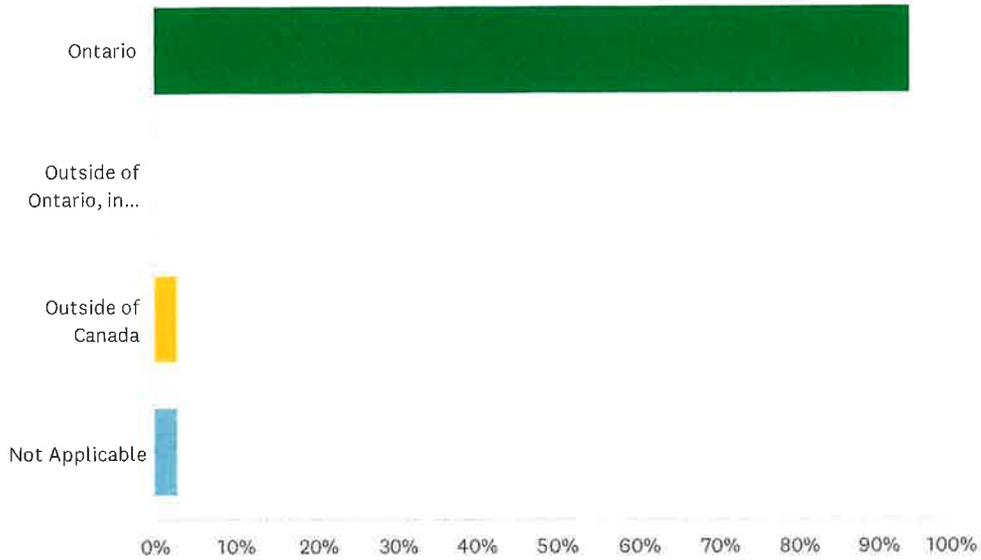
Less than 5 years	5.88%	2
6 - 10 years	5.88%	2
11 - 20 years	35.29%	12
More than 20 years	50.00%	17
Not applicable	2.94%	1

**TOTAL**

34

### Q4 If you are a member of CCO, what is the location of your primary practice or residence

Answered: 34 Skipped: 0



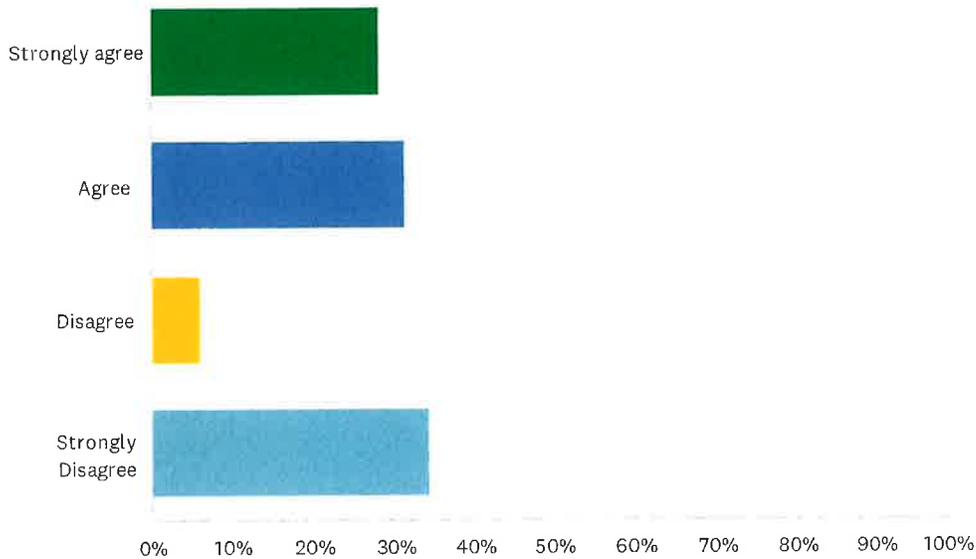
**ANSWER CHOICES**

**RESPONSES**

Ontario	94.12%	32
Outside of Ontario, in Canada	0.00%	0
Outside of Canada	2.94%	1
Not Applicable	2.94%	1
<b>TOTAL</b>		<b>34</b>

Q5 I agree/disagree with the draft proposed amendments to various by-laws that include gender neutral language, make minor grammatical changes for sentence clarity, ensure consistency with related by-laws, or to correct typographical errors

Answered: 32 Skipped: 2



**ANSWER CHOICES**

- Strongly agree
- Agree
- Disagree
- Strongly Disagree
- TOTAL

**RESPONSES**

Strongly agree	28.13%	9
Agree	31.25%	10
Disagree	6.25%	2
Strongly Disagree	34.38%	11
TOTAL		32

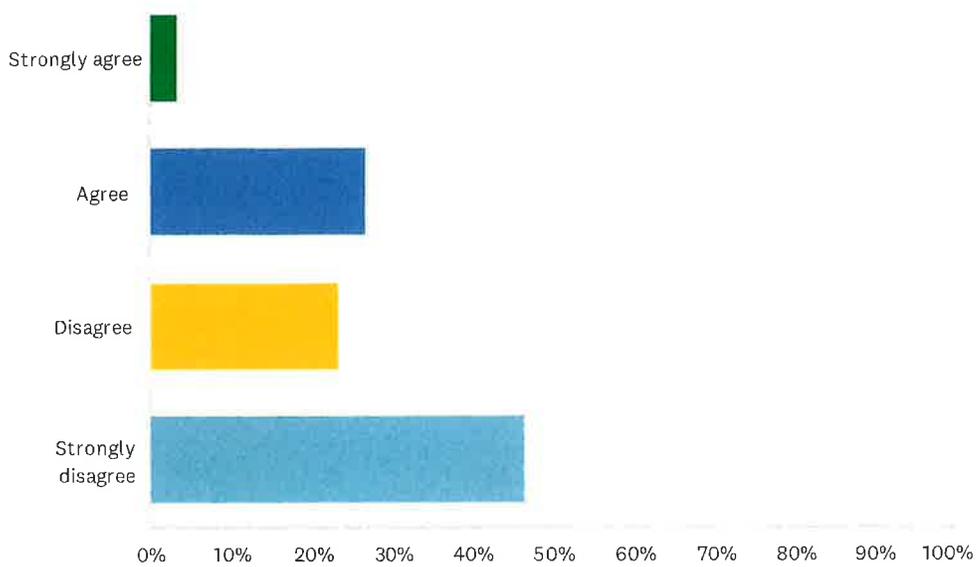
## Q6 Comments - Explain why relating to CCO's public interest mandate

Answered: 13 Skipped: 21

#	RESPONSES	DATE
1	I don't believe these pronoun changes are necessary or grammatically correct and do not add more clarity to the by-laws.	11/19/2023 8:45 PM
2	I don't think the proposed changes are necessary or provide a substantial increase in clarity to the bylaws. When we change our bylaws to keep pace with social narrative, we risk losing the intention of the bylaws.	11/19/2023 8:40 PM
3	This is a current social justice cause brought about by the current federal government. The duration of this type of language has yet to be seen and CCO should not be so quick to uptake each and ever social justice cause a government may choose to support. The next government could easily change the language and CCO would then have to respond and change again.	11/19/2023 5:45 PM
4	Relevance: we can argue that the gender of the subject is relevant in certain contexts and that gender-neutral language can remove important information. Freedom of Speech: we could also make an argument that individuals should be free to use the language they choose without being compelled to adhere to certain forms.	11/19/2023 3:41 PM
5	Waste of time. Unnecessary. It is NOT the CCO's mandate to be spending time or effort in matters of morality and lifestyles.	11/17/2023 11:24 AM
6	I feel the pronoun/gender neutrality is an unnecessary step that may add confusion rather than clarity. Making minor grammatical changes seems like common sense.	11/17/2023 9:26 AM
7	We must not let this mind disease of language mutilation seep into our profession. 2+2=4, let us be good students of science and investigate God's created order and call it the way it is! Anything else is deception and will lead to more of such... not healthy	11/16/2023 6:26 PM
8	There is much more than gender neutral language proposed. There are brand new restrictions, uncirculated fee increases, and bylaw 18 that has never been circulated for feedback. Why is CCO changes Bylaws so frequently and why is CCO so secretive these days?	11/16/2023 12:53 PM
9	I strongly disagree with the neutralization of he or she pronouns. I would except changing the pronouns to be replaced by "member"	11/16/2023 12:35 PM
10	It is completely unnecessary	11/16/2023 12:13 PM
11	Grammatical errors should be changed but the other language is clear as is.	10/30/2023 10:24 AM
12	GENDER EXISTS , AND IT'S NOT DISRESPECTFUL TO USE GENDER PRONOUNS	9/20/2023 9:11 AM
13	Spinal manipulation is incredibly archaic and is such a small portion of the profession. I'm not sure who is trying to hang on to spinal manipulation therapy as the only thing chiropractors do but there are many other things as a health care practitioner that we should be allocation CE hours to.	9/19/2023 9:49 PM

### Q7 I agree/disagree with the draft proposed amendments to By-law 6: Election of Council Members

Answered: 30 Skipped: 4



**ANSWER CHOICES**

Strongly agree

Agree

Disagree

Strongly disagree

TOTAL

**RESPONSES**

3.33%

26.67%

23.33%

46.67%

1

8

7

14

30

## Q8 Comments - Explain why relating to CCO's public interest mandate

Answered: 23 Skipped: 11

#	RESPONSES	DATE
1	I believe this cooling off period of 6 years or 6 years and 4 months before running for council again to be excessive and that a period of 3 years across the board is a more than sufficient amount of time. I don't believe that a criminal charge alone should require a cooling off period. However, if there is a criminal conviction and if the nature of the convicted crime relates in a significant way to the individual's practice or ability to serve on council, a cooling off period could be applicable. For example, for convicted crimes of physical or sexual assault, theft, fraud, and where the individual's trust is in serious question. Other lesser convictions may not have any bearing on a person's ability or capacity to serve on council. Also, we have a judicial system that will deal with the penalties not the CCO. I believe 3 years is more than a sufficient time period before being able to run for a position on council. This will allow opportunity for experienced and committed members of our profession to continue to serve our profession.	11/19/2023 8:45 PM
2	I disagree with this proposed bylaw amendment. The fact that we have members in good standing with the college who want to give of their time and effort by serving on the board should be something we encourage. Having a cooling off period last more than the current 3 years seems to be excessive. With regard to a criminal charge preventing someone from serving, I do believe that in Canada we still operate under the assumption of innocence until proven guilty. A criminal conviction may be an appropriate line to hold when the offence is of a certain serious nature (ie sexual assault, assault, fraud, murder). We cannot treat each case broadly but must pay attention to the details as we do when serving our patients. To do less would speak ill of our profession. In cases where the person's trust is not called into question, we should be satisfied with the penalty imposed by the courts. Furthermore, with regard to someone being in a litigious situation, this should not prevent them from running. Vague language like this leaves too broad a range of meanings that can be interpreted in too many ways to be truly helpful.	11/19/2023 8:40 PM
3	This change likely will exclude the most experienced and strongest members of the profession from serving the profession which is not in the public interest. The CCO needs voices of experience to guide it in public interest and by removing experienced professionals that will not occur. A 3 year "cooling off" period is more than adequate and quite likely more than necessary.	11/19/2023 5:45 PM
4	What is the public interest in a 6 year cooling off period. It's too long.	11/19/2023 4:54 PM
5	Consistency is a cornerstone in transparent organizations. Transparency builds trust with an organization and its stakeholders. The Chan's could be made even more consistent if after serving for 9 years elected council members had to sit for 6 years before running for council again. I do not agree that there needs to be a cooling off period for a member who wants to run who has Ben in litigation with CCO. There are many reasons why people litigate and once the case is heard and settled it is over. Writing this in a bylaw almost feels like CCO is saying if you don't agree with us we don't want you on council. I also believe he reference to criminal records needs to be a partial list as no all offences reflect on a person's suitability to serve on council.	11/19/2023 9:15 AM
6	No need for a 6 year cooling off period. excessive. 3 years is long enough and is what other Colleges have. 6 years is an obstruction to members who want to serve. Doesn't affect public interest if left at 3 years. Also, a criminal charge is not a conviction. A member should not be penalitied for a charge. Also the crime committed is important and should be considered. Drunk driving is not murder and does not affect the public interest mandate. More finesse is required here.	11/18/2023 12:51 PM
7	Please see comments below.	11/18/2023 12:34 PM
8	Absolutely opposed to a nominatio committee. There are too many personal agenda's steering the CCO! The president should not be part of this committee. What protects the interests of the public is allowing the diversity of practice in Chiropractic to flourish. I view your change in cooling off period to 6 years is a personal attempt to stop a particular individual from running.	11/17/2023 11:24 AM

## Proposed By-law Amendments - September 19, 2023

# 148

Politics must end! A candidate must be allowed to run unless convicted. Charges must not require a cooling off period, as a person is innocent until proven guilty. You are not judges and should not be in the role of the judicial system. Litigation with the CCO should not prevent someone from running either. How else will an out of control board be stopped?

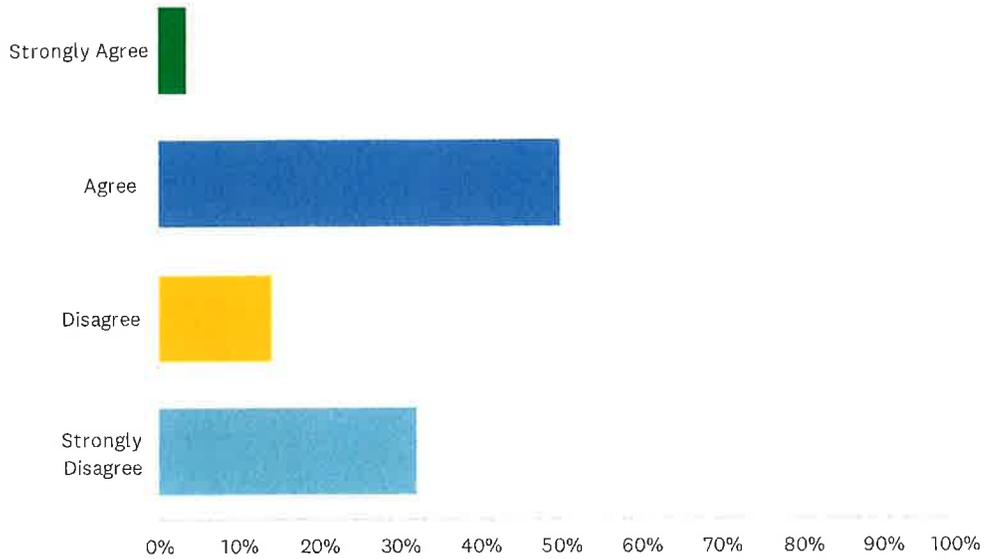
9	I am unclear how a 6 year cooling off period is in the public interest. 3 years seems sufficient.	11/17/2023 9:26 AM
10	I believe that justice ought to be sought through legal measures. This should not preclude a member from making reform from within the CCO.	11/16/2023 6:26 PM
11	I'm torn about the increase to 6 yrs - something about that length of time seems extensive; and a lengthy cooling off period, whereas 3 years does feel like an adequate cooling off period.	11/16/2023 2:23 PM
12	These changes seem self serving and unethical. Eliminating anyone from running or serving on CCO council for 6 years is treating these chiropractors as criminals. This seems unlawful. What is CCO doing? What is CCO trying to protect themselves from? How does any of this serve the public interest?	11/16/2023 12:53 PM
13	I don't think it is in the best interest of the public for the president to be part of this council it leads to a certain bias	11/16/2023 12:35 PM
14	I support a 2/3 majority vote on all by-law changes. It is clearly stated in Roberts Rules of Order which is the gold standard of governance that a 2/3 majority is need to change a bylaw as opposed to a simple majority. There is ample rationale for this one most important reason is it protects council from being overthrown by special interests as was the case only last year.A 2/3 majority is what the majority of other Regulatory colleges use. By-law changes should never be considered frivolous and should always been considered with the utmost scrutiny and I don't believe this is the case right now. By-law changes to 6.9 concerning the "rolling off" period. A change from 3 to 6 years is unsupportable. This amendment will exclude and obstruct the committed, experienced and suitable members of our profession from continuing their service to our profession. This is clearly NOT in the public interest. A three year period is more than adequate and is even excessive. A criminal charge should not require a cooling off period. You are innocent until a finding of guilt. A criminal conviction may be different depending on the nature of the crime committed. Convictions say under the Highway Traffic act have no bearing on a members ability or capacity to run. Offences such as assault, robbery and fraud are quite different. Penalties are imposed by our judicial system.CCO is not a penal Council. Three years is sufficient. I am strongly opposed to preventing someone involved in litigation with the Council from running for Council. This amendment is intentionally vague and has far reaching implications. I believe it is deliberately intended to prevent specific individuals from running for Council. This is devious and surreptitious. This clause is also likely Unconstitutional.	11/16/2023 12:13 PM
15	Professionalism and Leadership within the College of Chiropractors of Ontario (CCO) involves a multifaceted examination of governance policies and eligibility criteria. The notion of a "cooling off" period, as per the Harvard Business model, aligns with widely-acknowledged best business practices. Governance training illuminates the potential pitfalls of extended leadership tenures, emphasizing how prolonged incumbency may inadvertently stifle innovation under the guise of promoting continuity. The recent amendments to by-law 6.9 take center stage, specifically addressing the disqualification of members from candidacy for the CCO Council. These stipulations assert that prospective candidates should not have been, within the preceding six years, involved as an adverse party in litigation against the CCO, 6.9(q). Moreover, candidates must not be currently accused of any criminal offense under the Criminal Code of Canada, 6.9(r). Furthermore, they must not have been convicted of a criminal offense for which they have not received a pardon, pursuant of the Criminal Code of Canada, 6.9(s). The driving force behind these amendments lies in their explicit alignment with the public interest. It becomes readily apparent that Sections (q), (r), and (s) of by-law 6.9 are designed to safeguard the integrity of the CCO Council by precluding members whose engagement could potentially lead to conflicts of interest. Section 6.9(q) pertains to conflicts with the CCO itself, while Sections 6.9(r) and 6.9(s) encapsulate the imperative of serving and protecting the public interest, particularly concerning the Council's role in chiropractic regulation. Additionally, supplementary amendments intended "for the interest of consistency" advocate extending the "cooling off" period from three to six years. This extended period applies to individuals who have recently engaged with the leadership of chiropractic advocacy groups, chiropractic education organizations, or those who have prematurely resigned from the CCO Council before completing their term. The interpretation offered by the President may not wholly align with the by-law's definition, especially in cases where the organizations in question extend beyond mere advocacy groups. The cornerstone of this discourse lies in the bedrock of	11/14/2023 12:54 AM

professionalism, as encapsulated within the Canadian Chiropractic and Ontario Chiropractic Associations' Codes of Ethics and Codes of Conduct, alongside the Core Competencies for CCO Members. These guidelines underscore the paramount importance of empathy, respect, and integrity in the conduct of chiropractors and their staff, grounded in the timeless adage known as the "golden rule": treating others as one would desire to be treated. Yet, amidst this intricate mosaic of governance and ethical considerations, a pivotal question emerges. Is the CCO Council inadvertently equating individuals in leadership roles within other fraternal organizations with those who have received pardons for criminal offenses or been adjudged guilty of disgraceful, dishonorable, and unprofessional behaviors leading to disciplinary actions? In conclusion, the perspective presented here contends that the amendment extending the "cooling off" period should remain at three years. This perspective seeks to strike a balance between ensuring the highest standards of governance while respecting the valuable contributions and experience of individuals engaged in fraternal chiropractic organizations.

- |    |   |                     |
|----|---|---------------------|
| 16 | those tha choose to engage in the profession in other capacities should not require a long cooling off period   | 10/30/2023 10:24 AM |
| 17 | Although I understand that finding consistently in the bylaws is appropriate, 3 years would be an effective amount of time to make sure that conflict of interest is not taking place. The interesting thing about our profession is that it is a small minority of DCs that get involved. By making it 6 years, it makes those highly motivated and skilled people have to sit out of serving the profession and the public for a very long time.              | 10/17/2023 12:18 PM |
| 18 | I strongly disagree with the proposal to extend the "cooling off period" to from 3 to 6 years, for anyone who is involved with OCA/CCA/CMCC/ etc. These are often individuals who are volunteer and service minded people. They are not criminals and have not been found to break any rules. In a career, 6 years is a significant amount of time, and unnecessarily long time between roles. The current 3 years is plenty of time for a "cooling off period" | 10/13/2023 5:17 PM  |
| 19 | I think this is too all encompassing. Six years seems excessive for what may not need a cooling off period.   | 10/2/2023 10:30 AM  |
| 20 | n/a   | 9/22/2023 1:12 AM   |
| 21 | 3 years is an adequate amount of 'cool off' time for a member before reengaging if they so wish with the college. Six years is a lifetime for most of us and far too long to reengage with the political culture.   | 9/20/2023 10:05 AM  |
| 22 | 3 years is long enough  | 9/19/2023 9:49 PM   |
| 23 | 6 years cooling off period, particularly for those involved in the educational sector is an unreasonable amount of time. We would want those at the precipice of education to be involved in a timely manner so as to be able to provide appropriate feedback relevant to today's practice atmosphere and research.   | 9/19/2023 3:28 PM   |

### Q9 I agree/disagree with the draft proposed amendments to By-law 7: Election (within Council)

Answered: 28 Skipped: 6



**ANSWER CHOICES**

Strongly Agree

Agree

Disagree

Strongly Disagree

TOTAL

**RESPONSES**

3.57%

50.00%

14.29%

32.14%

1

14

4

9

28

## Q10 Comments - Explain why relating to CCO's public interest mandate

Answered: 16 Skipped: 18

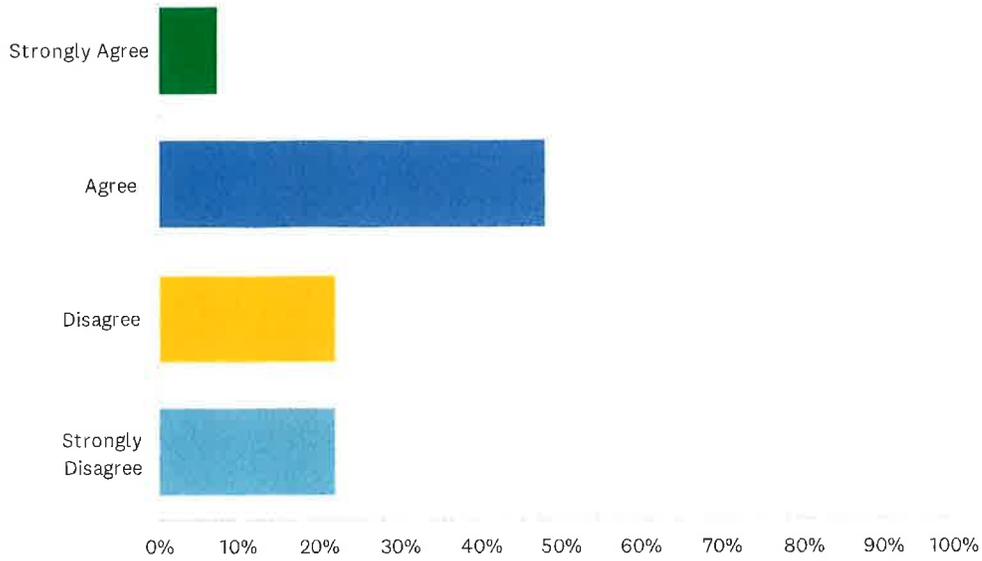
#	RESPONSES	DATE
1	Firstly, I am completely opposed to the fact that there is a nomination committee and that there are no longer any nominations allowed from the floor. That being said, I think that allowing the president of council to be part of the committee is a conflict of interest and the president will have too much sway of the council to vote in his/her favour. I am opposed to having the president participate in this nomination committee.	11/19/2023 8:45 PM
2	It is very inappropriate for the president of the council to be on the nominating committee. To fling open the door for the president to exert their will to have their favourites or buddies brought on to committee with them reeks of cronyism. This is the last thing our college needs. Keep the president separate from this committee with no input or oversight until they have completed their due diligence and presented their report. As an aside, having nominations from the floor or from the membership might be very helpful in providing input for this committee. Having the president vote only in the case of a tie will also allow the council to have its own voice and not be unduly influenced by the president.	11/19/2023 8:40 PM
3	This needs to be seen as impartial in order to be seen as credible to the public. By including the president there is too much power and influence with one individual which can be seen as corrupt. This is the last thing the CCO needs to be seen as by the public.	11/19/2023 5:45 PM
4	President could have too much sway over council.	11/19/2023 3:41 PM
5	For the same reasons stated relative to the elections bylaw.	11/19/2023 9:15 AM
6	Please see comments below.	11/18/2023 12:34 PM
7	Stick with standard practices, 2/3 majority required, best for our profession and public. A tyrannical CCO council is the worst thing for the public, and there must be a way of stopping political agendas of board members.	11/17/2023 11:24 AM
8	I fully support at 2/3 majority vote as it is used by most of the regulated professions in Ontario and is the gold standard in Governance	11/17/2023 9:26 AM
9	President may have greatest experience however, this gives the president an undue amount of power to influence the council formation which would be very detrimental if one was to go rogue.	11/16/2023 6:26 PM
10	A nomination committee is inconsistent with democracy and the RHPA	11/16/2023 12:53 PM
11	I believe a three year cooling off. Period is sufficient.	11/16/2023 12:35 PM
12	It is not in the public interest that the CCO president be on the nomination committee for internal elections. In fact I don't even agree that there should be a nomination committee. Nominations should be allowed from the floor. The President hold enough power and influence as it stands and should remain independent of this committee. It is not in the public interest for one council member to hold that much power and it is not in the spirit of the RHPA.	11/16/2023 12:13 PM
13	for the reasons you appear to list	10/30/2023 10:24 AM
14	The President should be on the nominating committee because they have the best view of all aspects of council and they will be more effective at succession planning which in the best interest of the CCO and the public it serves. I do worry about the President being able to vote and if they will still have the same abilities to build consensus when they will have to takes sides on issues.	10/17/2023 12:18 PM
15	n/a	9/22/2023 1:12 AM
16	The president is a nominated position and is not elected directly to their role by the people/members of CCO. Therefore the president should not be a member of the nominating	9/19/2023 3:28 PM

committee nor should they have an additional vote. This should be up to the elected members,  
T

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### Q11 I agree/disagree with the draft proposed amendments to By-law 11: Committee Composition

Answered: 27 Skipped: 7



**ANSWER CHOICES**

Strongly Agree

Agree

Disagree

Strongly Disagree

TOTAL

**RESPONSES**

7.41%

48.15%

22.22%

22.22%

2

13

6

6

27

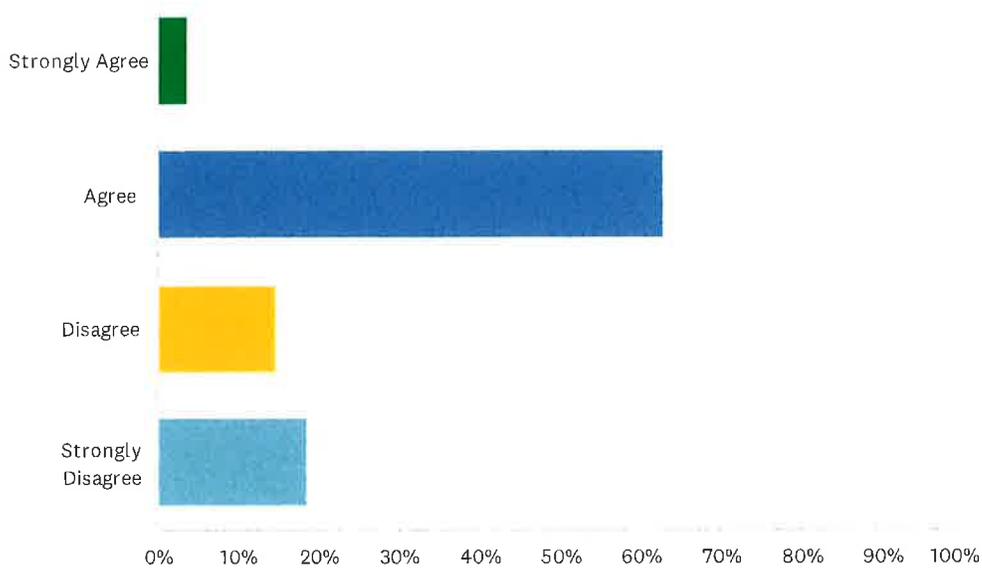
## Q12 Comments - Explain why relating to CCO's public interest mandate

Answered: 13 Skipped: 21

#	RESPONSES	DATE
1	I don't believe a nominating committee needs to be referenced. I will reiterate that I am opposed to having a nominating committee at all.	11/19/2023 8:45 PM
2	I don't believe that a nominating committee needs to be specifically referenced in the bylaws.	11/19/2023 8:40 PM
3	Too much power sitting with the president is not a good thing and can be seen to be corrupt in the public eye. Any committee should be seen as totally above board and done with integrity.	11/19/2023 5:45 PM
4	I don't see a need for a nominating committee unless by a third party	11/19/2023 4:54 PM
5	Please see comments below.	11/18/2023 12:34 PM
6	I don't believe the president weighing in on every decision is necessary.	11/17/2023 11:24 AM
7	agree with changes for clarity	11/17/2023 9:26 AM
8	There are changes to Bylaw 11 that did not accompany the circulation. What is CCO trying to hide?	11/16/2023 12:53 PM
9	See the comments above.	11/16/2023 12:13 PM
10	if its that close it should be defeated.	10/30/2023 10:24 AM
11	I think a tie should be considered as defeating the motion. It seems reasonable that a 2/3 majority is needed to pass a motion.	10/2/2023 10:30 AM
12	n/a	9/22/2023 1:12 AM
13	I have no issue with changes relating to clarity or gender neutral terminology.	9/19/2023 3:28 PM

### Q13 I agree/disagree with the draft proposed amendments to By-law 12: Appointment of Non-Council Members

Answered: 27 Skipped: 7



**ANSWER CHOICES**

Strongly Agree

Agree

Disagree

Strongly Disagree

TOTAL

**RESPONSES**

3.70%

62.96%

14.81%

18.52%

1

17

4

5

27

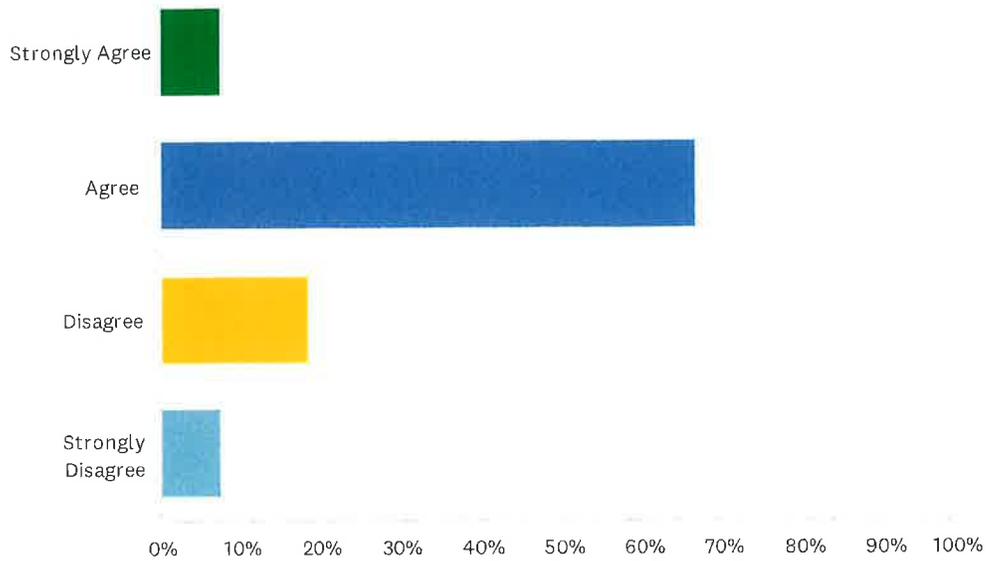
## Q14 Comments - Explain why relating to CCO's public interest mandate

Answered: 8 Skipped: 26

#	RESPONSES	DATE
1	Please refer to comments relating to bylaw #6	11/19/2023 8:45 PM
2	Please see my comments regarding bylaw 6.	11/19/2023 8:40 PM
3	Please see comments below.	11/18/2023 12:34 PM
4	Consistency. 3 years sufficient. Far to blanket	11/16/2023 6:26 PM
5	For the same reasons Bylaw 6 changes seem unethical, Bylaw 12 is just as inappropriate	11/16/2023 12:53 PM
6	See comments related to changes to by-law 6	11/16/2023 12:13 PM
7	n/a	9/22/2023 1:12 AM
8	I have no issue with this as it is reducing repetition.	9/19/2023 3:28 PM

### Q15 I agree/disagree with the draft proposed amendments to By-law 13: Fees

Answered: 27 Skipped: 7



**ANSWER CHOICES**

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree
- TOTAL

**RESPONSES**

Strongly Agree	7.41%	2
Agree	66.67%	18
Disagree	18.52%	5
Strongly Disagree	7.41%	2
TOTAL		27

## Q16 Comments - Explain why relating to CCO's public interest mandate

Answered: 6 Skipped: 28

#	RESPONSES	DATE
1	More clarity is needed regarding fees for SCERP, specific guidelines are needed..	11/19/2023 8:45 PM
2	The fees for the SCERP ought to be specified and not left to the judgement of the president. This leaves an inordinate amount of opportunity for favouritism and no guideline for fair equitable treatment of members.	11/19/2023 8:40 PM
3	Please see comments below.	11/18/2023 12:34 PM
4	Bylaw 13 is fee increases, Why is CCO increasing fees when the cost of doing business at CCO with virtual meetings way down. Where is CCO spending membership money? Fees should be decreased. Imposing new fines show that CCO is not a safe place and seem to constantly introduce new penalties to members.	11/16/2023 12:53 PM
5	No clear what the application fee is	9/20/2023 7:57 PM
6	Test	9/19/2023 12:52 PM

## Q17 The following overall amendments would better protect the public interest:

Answered: 11 Skipped: 23

#	RESPONSES	DATE
1	In order to make changes to the bylaws I support a 2/3 majority vote as opposed to a simple majority vote to change bylaws. Using this method of 2/3 majority vote according to Robert's Rules of Order is the standard practice and gold standard for governance. It is in the public interest that a government sanctioned regulatory body like the CCO follow this well established and crafted rule. It is a standard that is used by the majority of regulated professions in Ontario. It is not only important standard of practice for rules of governance but also protects our profession from outside influences that may not have the public's best interests nor those of our profession.	11/19/2023 8:45 PM
2	A change of the voting process to change a bylaw to a 2/3 majority instead of a simple majority would be more in keeping with normal rules of function in a committee setting. (Please see Robert's rules of order)	11/19/2023 8:40 PM
3	It appears to be over regulation when the average practitioner is involved with adjustive procedures some 20-40 hours per week within practice to now after multiple decades of oversight by CCO suggest that a 5 hour hands on activity pertaining to adjustments would now be required to better protect the public. Is this really in the public best interest or is it to enhance CCO's governmental image?	11/19/2023 5:45 PM
4	2/3 majority to change a bylaw should be stated	11/19/2023 4:54 PM
5	Please see comments below.	11/18/2023 12:34 PM
6	Too many to list	11/16/2023 12:53 PM
7	Cooling off period remains as it stands.	11/16/2023 12:13 PM
8	In general, the profession and the public are best served when the rules are followed and amendments are made by large majorities.	10/30/2023 10:24 AM
9	I only disagree with the amendment to include mandatory 5 hours hands on manipulation continuing education. I see this is wholly unnecessary for those who are practicing daily. There is no need for me to be randomly adjusted when I am not in therapeutic need. Those seminar normally require us to donate our bodies as practice dummies. I wont do it.	9/22/2023 1:12 AM
10	They wouldn't and your time would be better spent looking at things that actually matter than this flim-flam.	9/20/2023 10:05 AM
11	Test	9/19/2023 12:52 PM

## Q18 Further Comments

Answered: 10 Skipped: 24

#	RESPONSES	DATE
1	I appreciate the hard work that has been done in preparing all these amendments. It is no small task! Please receive my comments as hopeful and helpful for the further advancement of our profession and protection of the public interest. Thank you again.	11/19/2023 8:40 PM
2	I would caution CCO in the appearance of consolidation of power to the administrative personnel It does not show integrity in the public eye and demonstrates the ability for corruption and unfairness. None of this benefits the public. CCO should be seen to uphold the highest of professional and moral standards. This brings confidence to the public in CCO's ability to govern.	11/19/2023 5:45 PM
3	November 18, 2023 Dr. Sarah Green President, College of Chiropractors of Ontario (CCO) 59 Hayden Street, Suite 800 Toronto, ON M4Y 0E7 Dear Dr. Green, Re: OCA feedback on proposed CCO By-law Amendments The Ontario Chiropractic Association (OCA) appreciates the opportunity to provide feedback on the proposed changes to CCO By-law amendments. With one exception, OCA supports the suite of proposed By-Law amendments and believes they will serve to enhance the efficacy of CCO's Councils and committees -- and advance the public interest, more broadly. Representing over 78% of CCO registrants, OCA believes that given the relatively small size of the chiropractic profession in Ontario, and the need to encourage leaders to come forward, CCO should retain the current three year "cooling-off" period for those chiropractors seeking to be elected after serving on the leadership of a chiropractic advocacy group, or chiropractic educational organization, or after resigning from CCO Council before completion of their term, with the exception that the "cooling off" period for those members who have or are engaged in litigation against CCO, or for those who have had disciplinary decisions, remains 6 years. Thank you for the opportunity to provide input on the proposed By-law amendments. Sincerely, Caroline Brereton, RN, MBA Chief Executive Officer CC: Ms. Jo-Ann Willson Registrar and General Counsel	11/18/2023 12:34 PM
4	We must not let this mind disease of language mutilation (gender neutral/nonbinary nonsense) seep into our profession. 2+2=4, let us be good students of science and investigate God's created order and call it the way it is! Anything else is deception and will lead to more of such... not healthy!	11/16/2023 6:26 PM
5	This portal is believed to be an inappropriate mechanism to capture all the concerns relate to 113 pages of Bylaw amendments.	11/16/2023 12:53 PM
6	Of grave concern of mine is the arrogant comment in the executive committee report in regards to the circulation proposed amendments to the by-laws. I was an elected member to the very first ever elected CCO in 1994 and I can tell you that 100 percent of by-law changes were circulated and have been circulated until the past 3 years. Something has changed at the executive level and it smells really bad! Under the RHPA you may think you are not obligated to circulate, however, there is something called Precedent of which we have a long history in circulating by-law changes. This is an essential aspect the spirit of Self Governance and is part of the spirit of the RHPA. Who better than the profession at large to give input on proposed changes? How is it that the CCO can prides itself on transperancy, collaboration and respect without demonstrating those essential qualities to its own members. By not circulating by-laws you violate your own ethics and this is certainly NOT in the public interest, it is NOT the right thing to do, it does not follow norms and best practices, and simply put its wrong.	11/16/2023 12:13 PM
7	In my opinion, the profession appears apathetic largely due to the appearance that our opinion doesn't matter much. This form in particular is very poorly designed in that it very unclear what you are asking.	10/30/2023 10:24 AM
8	Regarding the 6 year "cooling off" time, I think that duration is too long and 3 years is sufficient. The duration of a career is about 30 years. A 6 year cooling off time is 20% of their career, there is not much time to then pursue any role at the CCO. 3 years is more than enough time between roles. Currently when I read 6 years, I feel the intent is to completely	9/20/2023 3:15 PM

eliminate the ability for a chiropractor to move from the OCA/CCA/CMCC to the CCO, and I'm sure that is not the CCO council's intent.

9	Adding a 5 hour hands on requirement for adjustments is an other waste of time. We Adjust every day in our clinics or should be anyways and courses don't really and can't make us proficient in this skill and most of it entails mock adjusting anyways. If the college finds a member deficient in this skill they can always recommend courses at that time based on complaints made against the member. Otherwise leave it alone.	9/20/2023 10:05 AM
10	Test gf gf fg fg fg fg f gf gfgfgmfglmfg f gf fg g fg fg f gf gf	9/19/2023 12:52 PM

**From:** Robbie Berman <rb@ccocanada.ca>  
**Sent:** Thursday, November 9, 2023 3:47 PM  
**To:** Joel Friedman  
**Subject:** questions about bylaws

**CAUTION EXTERNAL:** This email originated from outside of the organization. Do not click links or open attachments unless you have verified the sender and know the content is safe.

Hi Joel,

Hope all is well, it has been a long time. If I haven't said so already, congratulations on your promotion to Deputy Registrar. I remember your first days interning at CCO. I need to bring you back to that time for a moment. You will remember that we worked together intensely on updating CCO Bylaws and together we recommended the changes necessary to comply with Bill 171. Looking back, it took us almost 2 years to make sure we got it right and it required numerous conversations with Government representatives about what would be considered the appropriate procedures to follow when amending Bylaws. I recall discussing these requirements with Ms. Gwen Gignac of the Ontario Ministry of Health. There was no question back then CCO followed Robert's Rules of Order which requires a 2/3 majority to amend Bylaws. This premise, contained within Robert's Rules of Order, was considered and is still considered the gold standard.

This leads me to ask you some questions:

1. At the January 20, 2023 Council meeting there was a vote by Council to amend Bylaws but it did not receive a 2/3 majority. The facilitator, after being questioned, announced that Bylaws can be amended by a simple majority. This also appears in the minutes. This was the first I heard that CCO no longer requires a 2/3 majority to change its Bylaws. I have completed a thorough review of the public Council packages and I cannot find where there was any public discussion about this and I could not find any Council vote to change the requirement from a 2/3 majority to a simple majority. Could you please point me to and send me CCO Council minutes that show a CCO Council approved such a change. It has been repeatedly stated recently that this is how CCO handles Bylaws. I do question why CCO believes a simple majority is best practices and why Bylaw 8.8 is believed to overrule Robert's Rules. CCO has always been silent on amending Bylaws. In conversation, a Ontario Government representative explained that by referencing Robert's Rules, CCO need not re-write Robert's Rules into Bylaws. CCO's reference to Robert's Rules was originally stated in Bylaw 8.18 (now 8.17). Robert's Rules are listed as the default within CCO Council's Rules of Order. As a matter of transparency, can you please explain what happened, when, and why?
2. I have reviewed all 26 Regulatory Colleges Bylaws and it is noted the "Simple Majority Clause" (CCO's 8.8) was not found to be used by any other College to amend Bylaws. It seems self evident that CCO is misinterpreting the use of clause 8.8 and therefore is incorrect in applying it. Please provide me with information why the current CCO Council believes it applies?

3. At the January 20, 2023 meeting it was suggested that the amendments to change the cooling off period from three to six years following a discipline matter was to become consistent with CPSO, CNO, CPO, and COO. This also appears in the January 24, 2023 President's Message. Upon review this information seems not to be entirely accurate. Nevertheless, the January 24, 2023 President's Message stated "Extending the interval to six years was deemed to be in the public interest, as findings of professional misconduct or incompetence are serious". I understand both the consistency and seriousness rationale. However, proposing to make most cooling off periods six years to be internally consistent becomes a circular argument. Internal consistency makes CCO Bylaws inconsistent with most other Regulators. No other Regulator requires a six year cooling off period after leaving professional organizations. This change is not consistent with CPSO, CNO, CPO, COO or any other Regulator. Please explain how creating new inconsistencies when compared with other Regulators helps to serve the public interest? This also raises questions about how serving on other chiropractic organizations is considered a serious issue requiring a six year cooling off period? There are numerous past and a current member of Council that would have been ineligible to serve on Council if this rule previously existed. I think you would agree many of those Council members brought valuable knowledge and experience to CCO and that best serves the public interest. How are members, who developed competence by being involved with other chiropractic organizations, a serious issue equal to being found guilty of a professional misconduct? It is understandable that a cooling off period is necessary, but is a six year hiatus in the best interest of the public or Council? Dr. Mizel, a current Council member, could speak to Council about his experience and how his serving on other chiropractic organizations helped him develop skills to better serve the public interest. I would appreciate any insight to the claim that a six year cooling off period, other than for discipline or disqualification, serves and protects the public interest?
  
4. There are many new clauses being circulated that are suspect because they are rare among most other Regulators. For example, a six year cooling off period for previous staff before running for Council. Why would Dr. Walton or Dr. Tibor, if they decided to run for Council, have to wait six years before running for Council? How is this in the public's best interest?
  
5. There are numerous new restrictions that raise ethical questions and possibly expose CCO to more legal challenge. Not allowing a member who has been involved in litigation with/against CCO or with/against an individual Council member from being eligible to run for CCO Council is questionable. This has never been part of CCO Bylaws before. After speaking to multiple legal friends, they have suggested that taking away someone's right to defend themselves or appeal to HPARB (tribunal) or appeal to courts (litigation) or eliminating a member's right to appear as an expert witness on behalf of another CCO member might be considered unconstitutional. As written, CCO would only allow members to testify on behalf of the College and not on the other side of an argument. Please explain how restricting these members from running for Council serves the public interest? Most Colleges only state a member cannot be involved in active litigation. Clauses like this might protect individuals at CCO but how does it protect the public interest? These type of clauses have the potential to expose CCO to risk and legal challenge. Financial responsibility and fiduciary duty suggests it might be in the best interest for CCO Council to further investigate these issues through a legal lens

before exposing the organization to possible harm. A brand new clause states that being accused of a criminal offence makes someone ineligible? Is CCO claiming that everyone is guilty until proven innocent? Guilty of an offence is justifiable but being charged? Most Regulatory Colleges that have implemented similar clauses have caveats that a member must be found guilty and the offence must be related to suitability to practice. Is CCO now recommending disqualifying someone for having even a minor offence? Is having a speeding ticket now considered serious? A thorough Council review as well as a legal review may be necessary. A comprehensive investigation may lead to the need for re-phrasing before finalizing amendments.

6. Having the Executive Committee serve as a Bylaw Review Committee seems contrary to the mandate of the committee and incongruent with the RHPA. The RHPA says:

**164**

**Executive Committee's exercise of Council's powers**

**12 (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 by-law.

Having the 7 members of the Executive Committee, who have already recommended the amendments, present amendments to Council for final approval seems like the Executive Committee is, for all practical purposes, making and amending Bylaws. This seems inappropriate. Could you please explain why a smaller Bylaw subcommittee with expertise in Bylaw review was not established? Without such a committee there is a very real appearance of bias. Clarification and any comments on this subject is much appreciated.

As you can imagine there are ever-expanding questions as to whether all ethical and legal issues have been fully explored, explained to Council, and thoroughly considered by Council. These are massive Bylaw changes and all aspects must be considered and contemplated so CCO Council does not expose itself to unnecessary and avoidable risks. I will be sending in my complete feedback about the Bylaw amendments currently circulated by the November 19, 2023 deadline. If you could kindly provide clarification and answers to the above 6 issues before the feedback deadline it would be most helpful and could limit redundant feedback. Thank you in advance for your time.

Respectfully,

Dr. Robbie Berman  
CCO Member since 1995  
Council and non-Council member 2004-2013  
Bylaw review 2007-2009

**From:** Robbie Bermar  
**Sent:** Monday, November 13, 2023 3:23 PM  
**To:** Sarah Green  
**Cc:** Jo-Ann Willson; Joel Friedman  
**Subject:** information and questions about Bylaws  
**Attachments:** 1 Bylaw 8.8 review of 26 colleges.docx

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Hello Dr. Green, CCO President

As there are many CCO members who are seekers of truth and fairness, we collectively ask CCO Council to evaluate and investigate all information provided. There remains very serious concerns around the accuracy surrounding the January 20, 2023 Council meeting and the President's Message from January 24, 2023. The concerns stimulated extensive research into Bylaw amendments. Over the coming days you will be sent emails with attachments to share with the rest of Council as a matter of transparency. These emails contain extensive research regarding procedures and expectations when amending Regulatory Bylaws. The information collected has been gathered from the Ontario Government, government reports, Ontario Regulators, past CCO Council members, CCO members, CCO's website, past Council packages, past CCO newsletters, and public observers. Included are questions and concerns from various CCO members.

The reason members have ask me to submit elaborate feedback is to protect the integrity of CCO, ensure the current CCO Council is aware of and follows established procedure, and to avoid the current CCO Council from unknowingly exposing the organization to further challenge or legal proceedings. CCO has spent unprecedented amounts of money on legal challenges, hearings, and Code of Conduct proceedings recently. With financial responsibility as a strategic pillar, it is suggested CCO Council has a financial responsibility and fiduciary duty to immensely evaluate all feedback along with all other aspects of amending Bylaws before approving further substantial concept changes to CCO Bylaws. Abrupt changes, with very little public discussion related to membership and public feedback, were observed at the January 20, 2023 Council Meeting. The suggested motivation behind amending Bylaw 6 and 12 was to become consistent with the CPSO, CNO, CPO and COO. This no longer holds true with most of the proposed amendments currently being circulated for feedback.

My first email to you as President stated, "It is refreshing to see new people at Council and watch them all strive to best serve the profession while regulating in the public interest. I found CCO extremely fulfilling and rewarding. If I can help in any way to mentor new Council members or help out in any other way, I am an email or call away." My offer still stands.

This information is submitted on behalf of multiple CCO members. It is doubtful CCO will receive extensive feedback about Bylaw reform from individual members but that does not equate to CCO amendments being appropriate or acceptable to the membership. CCO has proven not to be a safe environment to submit feedback. Members have become scared that CCO will attack those who dissent. CCO Members, including past Council members and past CCO Presidents, have seen their feedback and information ignored. This has created a culture of mistrust.

With this first email, the attachment is a comprehensive review of the other 25 Regulatory Colleges use of "The Simple Majority Clause." It is noted that not a single other Ontario Regulatory College has been found to apply this clause to amend Bylaws. It is also noted the majority of Regulatory Colleges explicitly state and require a 2/3 majority. This is consistent with Robert's Rules of Order; the gold standard. All information provided is to enhance clarity, truth, and transparency. Thank you in advance for making the time to review this important information.

Respectfully,

**166**

Dr. Robbie Berman  
CCO member since 1995  
CCO Council and non-Council member 2004-2013

## A Review of Ontario Regulatory Colleges Requirements for Amending Bylaws

CCO President's Message from January 24, 2023 suggested Bylaw clause 8.8 is applicable to changing Bylaws

8.8 Unless otherwise required by law or by-law, every question which properly comes before the Council may be decided by a simple majority of the votes cast at the meeting by council members, and, if there is an equal number of votes on a question, the chair may cast a deciding vote.

Upon review, all 26 Regulators have a 'Council Meeting' Bylaw similar to CCO'S Bylaw 8 (specifically clause 8.8). By reviewing all 26 Regulatory Colleges' websites, it was noted that no Ontario Regulatory College was found to apply their "Simple Majority clause" to amend College Bylaws. The 2023 CCO Council stands alone.

Most Ontario Regulatory Colleges have a separate section within their Bylaws containing specific rules on how to amend Bylaws. CCO does not. CCO has always defaulted to Robert's Rule of Order. It is the gold standard. Robert's Rules clearly state Bylaw amendments require a minimum of a 2/3 majority. The "Simple Majority clause" (CCO's 8.8), originated from an Ontario Government template which all Regulators were given as the standard framework to develop College Bylaws. CCO Bylaws came into effect in 2001. In 2023, the wording of Bylaw clause 8.8 remains identical to the original wording from 2001; the Bylaw wording has not changed. However, for some undisclosed reason, the current CCO Council is interpreting Bylaw clause 8.8 completely different from previous CCO Councils. This new interpretation is inconsistent with all other Regulators in Ontario. Clause 8.8, as written, applies to "ordinary business" of Council. Clause 8.8 was never intended to apply to "special business" such as amending Bylaws. The Ontario Government explains Regulations and Bylaws are very different from all other College business and separate rules do apply. Bylaws are the foundational rules that govern the organization (akin to articles of incorporation). Consistency and transparency is expected across all Ontario Regulators when dealing with similar situations (with minor exceptions). Therefore, Bylaws are to be rarely altered unless there are changes in legislation or directed by the Ontario Government. Reviewing Ontario Regulatory Colleges' websites demonstrate the stability and overall consistency across all Regulators. Included for review: CCO's specific reference to Robert's Rules of Order, a simple explanation on how to amend Bylaws from Robert's Rules of Order, and relevant Bylaw clauses from the other 25 Regulatory Colleges for comparison.

### SUMMARY

**NB.** The Ontario Regulatory Colleges that have been evaluated for regulatory excellence namely, the College of Nurses, Dentists, and Occupational Therapists **all explicitly codify a 2/3 majority** is required to amend Bylaws.

**15 of 21 original Regulatory Colleges (1991) explicitly codify a 2/3 majority** is required to amend their Bylaws. In 2023, College has specific clauses within their Bylaws stating a 2/3 majority is required to amend a Bylaw.

**1 original Regulatory College explicitly codifies that a simple majority** is all that is needed to amend a Bylaw. (physiotherapists).

**5 original Colleges have no specific wording pertaining to Bylaws amendments (silent); CCO is 1 of these.**

The Regulatory Colleges that do not specifically mention how to amend Bylaws (silent on requirements) do reference a parliamentary process as the default. Since 2001 CCO has relied on, referenced, and defaulted to Robert's Rules of Order. Robert's Rules of Order are referenced in CCO's Rules of Order of Council.

BLUE – Simple Majority clause (Clause 8.8) or its equivalent from other Regulatory colleges

BLACK – Specific Bylaw clauses describing requirements for amending Bylaws from other Regulatory colleges

RED - Clause related to whether a President votes or not from other Regulatory colleges

## Rules of Order of the Council of the College of Chiropractors of Ontario Approved by Council September 20, 2014 Amended: June 17, 2020

20. In all cases not provided for in these rules or the by-laws, the current edition of Robert's Rules of Order shall be followed so far as they may be applicable and consistent with these rules.

# Robert's Rules of Order

**Robert's Rules** provide guidance on how to amend constitutions, bylaws, and rules of order<sup>1</sup>. **Bylaws can't be changed unless the members get previous notice of any proposed change and a large majority (commonly two-thirds) is required to enact any proposed change<sup>2</sup>**. Amending bylaws essentially changes the contract you've made with your fellow members about how your organization operates, so you need to be really technical and precise

No matter how good a job you've done creating your bylaws, sooner or later you'll need to change something. Robert's Rules encourages creating bylaws that can't be too easily amended, but amending them isn't so difficult that you can't consider and make changes within a reasonable time when necessary.

by:aw amendment procedure - x | d Robert's Rules for Amending B... x +

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### Setting the conditions for amending your bylaws

Robert's Rules For Dummies

In amending a previously adopted bylaw, make sure that the rights of all members continue to be protected. The surest way to provide this protection is to prevent bylaws from being changed without first giving every member an opportunity to weigh in on a change. And bylaws should never be changed as long as a minority greater than one-third disagrees with the proposal.

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Design Thinking: Characterizing Customer Values and Needs

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**Tip**

Always specify in your bylaws the exact requirements for their amendment. According to Robert's Rules, you should, at the very least, require a two-thirds vote *and* previous notice to make any change at all in your bylaws.

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## Setting the conditions for amending your bylaws [Robert's Rules for Amending Bylaws - dummies](#)

In amending a previously adopted bylaw, make sure that the rights of all members continue to be protected. The surest way to provide this protection is to prevent bylaws from being changed without first giving every member an opportunity to weigh in on a change. And bylaws should never be changed **as long as a minority greater than one-third disagrees** with the proposal.

TIP: Always specify in your bylaws the exact requirements for their amendment. According to Robert's Rules, **you should, at the very least, require a two-thirds vote and previous notice to make any change at all in your bylaws.**

Amending specific articles, sections, or subsections of your bylaws. When you're amending parts of your bylaws, you propose the amendment as a main motion and specify one of the same processes you would for any amendment.

The processes of making the motion to amend are:

- Strike out words, sentences, or paragraphs
- Insert (or add) words, sentences, or paragraphs
- Strike out and insert (or substitute) words, sentences, or paragraphs

Tackling a full revision of your bylaws

A *revision* to bylaws is an extensive rewrite that often makes fundamental changes in the structure of the organization. By considering a revision of your bylaws, you're proposing to substitute a new set of bylaws for the existing ones. Your group is free to amend anything in the proposed revision before it's adopted, as if the bylaws were being considered and adopted for the first time. There is a necessary procedure.

Bylaw amendments require a two-thirds vote and recording the results of the vote

Bylaw amendments (requiring a two-thirds vote) are handled as a rising vote unless the amendments are adopted by unanimous consent. However, because of the importance of bylaws and the impact of their amendment, unless the vote is practically unanimous, the best and fairest procedure is to count the vote and record the result in the minutes.

## College of Nurses of Ontario By-Laws 4 Page 7

7.16 Unless otherwise required by law or by the by-laws, every motion which properly comes before the Council shall be decided by a simple majority of the votes cast at the meeting by councillors present.

Policy development involves identifying trends or issues that may have an impact on nursing regulation. New [government legislation](#), direction from Council, and other external factors can play a role in helping the College identify and shape its policies. These policies in turn shape the College's [by-laws](#). The College's by-laws are the rules that govern how the College operates. Government legislation authorizes Council to make by-laws related to the College's governance, administration and regulatory functions.

Part 1: General

### 2. By-Laws (Pg 4)

2.01 By-laws of the College may be enacted, amended or revoked by a **two-thirds majority vote of the councillors present** at a Council meeting duly called for the purpose of considering such enactment, amendment or revocation.

2.02 Notice of a motion to enact, amend or revoke a by-law shall be given to Council at least ten days prior to the meeting referred to in Article 2.01

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

## Royal College of Dental Surgeons of Ontario Page 36

2.10.6 Default is simple majority Except as otherwise provided for in the Act, regulations, or by-laws, each vote at a Council meeting shall be decided by a majority of votes cast at the meeting.

Our by-laws govern how the College operates. They outline how meetings are held, the committees we have, our code of conduct, how elections are held, and a great deal more. [The Regulated Health Professions Act \(RHPA\)](#) gives our Council the power to enact by-laws.

Here's how by-laws are made.

- A new by-law (or changes to an existing by-law) is drafted by a College committee, depending on the subject.
- The by-law is presented at a Council meeting. If approved it is sent to all Ontario dentists, other dental health care organizations and members of the public for review and feedback.
- Feedback from the 60-day consultation is considered by the committee and, if needed, additional changes are made to the by-law.
- The by-law returns to Council for final approval.
- When approved, the by-law comes into effect.

2.10.5 Roll call vote for regulations A vote at a Council meeting on a motion to propose or amend a regulation, or to submit a proposed regulation or regulation amendment to the Ministry

a. shall be by roll call vote; and b. the minute of such vote shall record those members of Council in favour, those opposed, those who abstained, and those who were not present.

## 1 Enactment, Amendment and Revocation of By-Laws

### 26.1.1 Two-thirds vote needed to enact, amend, or revoke a by-law

By-laws may be enacted, amended, or revoked by a **two-thirds vote** of the members of Council present at a Council meeting called for that purpose

2.10.7 Vote of chair to be counted where a member of Council is acting as chair of a Council meeting, his or her vote is counted in any matter brought to a vote.

## College of Occupational Therapists of Ontario

11.07 Majority Vote Unless otherwise specified in these bylaws, matters considered at any meeting of the Board shall be decided by a majority vote cast upon each matter by the Directors present. Voting by proxy is not permitted at meetings of the Board.

### 8.08 Making, Amending and Revoking Bylaws

8.08.1 The bylaws of the College or any section thereof may be enacted, amended, or revoked by a **two thirds majority affirmative vote of Board Directors** present and voting at a meeting of the Board called for that purpose

11.08 In cases of an equality of votes, the Board Chair shall have a deciding vote to break the tie.

## The College of Audiologists and Speech-Language Pathologists of Ontario

6.1.10. Except where otherwise specified in the RHPA, Code, ASLPA, or the Regulations or By-laws of the College, every issue to be decided at a Board of Directors meeting shall be decided by a simple majority of votes of those voting at the meeting

### 15. MAKING, AMENDING AND REVOKING BY-LAWS

15.1. Vote. The By-laws of the College or any part thereof may be enacted, amended or revoked by a resolution of a **two-thirds majority of Directors**.

Chair does not make motions, or participate in discussion, or vote

## College of Chiropodists/Podiatrists

8.16 Unless otherwise required by law or by the by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by councillors present.

## 2. BY-LAWS

2.01 By-laws of the College may be enacted, amended or revoked by a vote of **at least two-thirds of the councillors present** at a Council meeting duly called for the purpose of considering such enactment, amendment or revocation

Silent on President allowed to vote

## College of Dental Hygienists of Ontario

### 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.

### 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

Silent on President voting

## College of Dental Technologists of Ontario

11.08 – Simple Majority Unless specifically provided for otherwise under the Act, the RHPA, or these By-Laws, every motion which properly comes before the Board shall be decided by a simple majority of the votes cast at the meeting by the Directors present.

25.02 – Amendments The By-Laws of the College or any section thereof may be enacted, amended, or revoked by a **two thirds majority affirmative vote** of the Board of Directors present and voting at a meeting of the Board called for that purpose.

11.09 – Chair Vote If the Chair is a member of the Board, they may vote.

11.10 – Tie Votes In the event of a tie vote, the motion is defeated.

## College of Denturists of Ontario

22.09 Simple Majority Unless specifically provided for otherwise under the Act, the RHPA or the by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council members present.

### 37. BY-LAWS AND AMENDMENT

37.01 Effective Date These by-laws shall become effective as soon as they have been approved by Council.

37.02 Amendments The by-laws of the College or any section thereof may be enacted, amended, or revoked by a **two-thirds majority of the Council members** present and voting at a meeting of Council called for that purpose.

22.10 Chair Votes If the Chair is a member of Council, he or she may participate in the discussion of a matter before Council but shall not vote unless there is a tie vote and the Chair's vote would break the tie, unless the Chair wishes to vote against a motion and the Chair's vote would create a tie that would defeat the motion, or unless there is a roll call vote (e.g., to enact a regulation).

## College of Dietitians of Ontario

7.11 Voting at Meetings Unless otherwise required by law or by the by-laws, every motion which properly comes before the Board of Directors shall be decided by a simple majority of the votes cast at the meeting by directors present. In the event of a tie vote, the motion is defeated.

### 17.1 Making By-laws

By-laws of the College may be enacted, amended, or revoked by a vote of **at least two-thirds of the directors present** at a Board of Directors meeting duly called for the purpose of considering such enactment, amendment or revocation.

Silent on President voting

## College of Homeopaths of Ontario

11.09 – Simple Majority Unless specifically provided for otherwise under the Act, the RHPA, or the bylaws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council Members present.

### 25. BYLAWS AND AMENDMENTS

25.01 – Effective Date These bylaws shall become effective as soon as they have been approved by the Council.

25.02 – Amendments The bylaws of the College or any section thereof may be enacted, amended, or revoked by a simple majority of the Council Members present and voting at a meeting of Council called for that purpose

11.10 – Chair Vote If the Chair is a member of Council, he or she may vote.

11.11 – Tie Votes In the event of a tie vote, the motion is defeated

## College of Kinesiologists of Ontario

11.09 Simple Majority Unless specifically provided for otherwise under the Act, the RHPA, or the by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council members present.

24.02 Amendments The by-laws of the College or any section thereof may be enacted, amended, or revoked by a simple majority of the Council members present and voting at a meeting of Council called for that purpose

11.10 Chair Vote If the Chair is a member of Council, he or she may vote.

11.11 Tie Votes In the event of a tie vote, the motion is defeated

## College of Massage Therapists of Ontario By-Law No. 1

### 11.09 – Simple Majority

Unless specifically provided for otherwise under the Act, the RHPA or the by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council members present.

The Health Professions Procedural Code gives CMTO's Council authority to make by-laws relating to the College's administration and operations:

#### Amendment or Revocation of By-Laws

3. (A) By-laws of the College may be enacted, amended or repealed by a vote in support from a **two thirds majority of the members of the Council** present at a meeting held to consider the by-law, where a quorum is present.

(B) Except for amendments of a non-substantive nature, which may be incorporated by Council following notice and at any time prior to a vote being held, written notice of all motions in respect of the making, amending or revoking of a by-law shall be circulated:

- i. At least 14 days prior to the consideration of such motion by Council; and
- ii. Where required under section 94(2) of the Code, to all registrants at least 60 days prior to the consideration of such motion.

(C) Every by-law, including every amendment and revocation of a by-law, shall be dated and numbered according to the date on which it was passed, certified by the President or Vice President, in addition to the Registrar, and maintained in electronic form in its chronological order.

11 (C) The Chair of the meeting shall not vote on any matter unless there is a tie vote, and then the Chair of the meeting shall cast the deciding vote

## 4.10.11 VOTING •

The decisions of the Board shall be made by motion and in accordance with the relevant Board Policy.

- Every question to be determined shall be determined by a majority of the votes cast at the meeting, **excluding the Chair's, and if there is an equality of votes on a question, the Chair shall cast the deciding vote.**

## 15.1 MAKING, AMENDING, AND REVOKING THE BY-LAW

The By-Law of the College or any part thereof may be enacted, amended or revoked pursuant to S. 94 (1) and (2) of the Code by a vote of **at least two-thirds (2/3) of the Board Members present** at a Board meeting duly called for that purpose.

## Medical Radiation and Imaging Technologists

8.1. Questions arising at any Council meeting shall be decided by a majority of votes of Councillors present at the meeting. If there is an equality of votes, **the chair of the meeting shall not have a second, or casting vote, and the motion shall be lost.**

24. Procedure - The rules of procedure in **Bourinot's Rules of Order** shall be followed for meetings of Council. (2/3 majority to amend Bylaws)

## College of Midwives of Ontario

7.07 – Simple Majority Unless otherwise required by the Code or the by-laws, Council and Committee members shall, when making decisions, make every effort to reach a consensus, defined as a state of mutual agreement among members of a group where all legitimate concerns of individuals have been addressed to the satisfaction of the group but, where a decision cannot be reached by consensus, a conventional voting process shall be used and the decision shall be made by a simple majority of the votes cast by the members present.

18.03 – Amendments The by-laws of the College or any section thereof may be enacted, amended, or revoked by a **two-thirds majority of the Council members present** and voting at a meeting of the Council called for that purpose.

- b. The Chair shall be entitled to vote on matters before Council;**

## College of Naturopaths of Ontario

11.09 Simple Majority Unless specifically provided for otherwise under the Act, the RHPA or these by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council members present.

## 25. BY-LAWS AND AMENDMENTS

25.01 Effective Date These by-laws shall become effective as soon as they have been approved by Council.

25.02 Amendments These by-laws of the College or any article thereof may be enacted, amended, or revoked by a simple majority of the Council members present and voting at a meeting of Council called for that purpose

11.10 Chair Votes If the Chair is a Council member, they may vote.

11.11 Tie Votes In the event of a tie vote, the motion is defeated

## College of Opticians of Ontario

8.18 Votes to Govern Each Director is authorized to exercise one vote on every motion at a Board meeting. Subject to the RHPA and the by-laws, any question arising at any Board meeting shall be decided by a majority of votes. In the case of an equality of votes at any Board meeting, the chair of the meeting shall not have a second or casting vote and the matter shall be deemed not to have been carried.

### ARTICLE 24: BY-LAWS

24.1 Making, Amending and Revoking By-laws The Board shall have the power to make, amend or revoke any or all of the by-laws or Articles therein, by resolution of a **two-thirds majority of those Directors present** at a duly-constituted meeting of the Board or, without such meeting, by written resolution which has been confirmed by the hand-written signature of all Directors

## College of Optometrists of Ontario

14.01 (6) Every motion considered by a Committee shall be decided by a majority of the votes cast at the meeting. If the votes cast result in a tie, the chair shall not have a second vote and the motion will be defeated.

### PART 2 - AMENDMENT OR REVOCATION OF BY-LAWS 2.01

#### Special Resolution is Required

(1) A Special Resolution is required to amend or revoke these By-laws, or make new By-laws.

(2) Written notice of all motions applying to the making, amending or revoking of a By-law shall be circulated:

(a) to Council Members at least 14 days prior to the tabling of such motion; and

(b) when required under Section 94(2) of the Code, to all Members at least 60 days prior to the tabling of such motion.

(3) Every By-law, including every amendment and revocation of a By-law, shall be dated and numbered according to the date on which it was passed, certified by the President or Vice-President, in addition to the Registrar, sealed and maintained in a book in its chronological order.

(2) If the votes cast result in a tie, the chair shall not have a second vote and the motion will be defeated

## ONTARIO COLLEGE OF PHARMACISTS and PHARMACY TECHNICIANS

6.1.8 Unless specifically provided for otherwise in the By-Law, any question arising at any meeting of the Board shall be determined by a majority of votes of Directors present at the meeting and eligible to vote. **In the event of a tie vote, the Chair shall break the tie with an additional vote.**

### ARTICLE 24 MAKING, AMENDING AND REVOKING BY-LAWS

#### 24.1 Requirements.

24.1.1 By-Laws may be made, repealed or amended by **at least two-thirds of all Directors present** at a meeting of the Board and eligible to vote.

The College of Physicians and Surgeons of Ontario  
authority is defined by government legislation and College by-laws

29 (8) Unless otherwise required by law or by the by-laws, every motion which properly comes before the council shall be decided by a simple majority of the votes cast at the meeting by the councillors in attendance (including a councillor who is the presiding officer) and, if there is an equality of votes on a motion, the motion shall be deemed to have been defeated.

54. (1) A by-law may be made, amended and revoked by an ordinary motion except that subclause 29(4)(b)(iv) does not permit the making, amending or revoking of a by-law.

(2) Every by-law and every amendment and revocation of a by-law shall be numbered according to the order in which it was passed, certified by the presiding and recording officers of the meeting at which it was passed and maintained in a book in its numerical order

18. Except where inconsistent with the Regulated Health Professions Act, 1991, the Medicine Act, 1991, the regulations or the by-laws of the College, any questions of procedure at or for any meetings of Council shall be determined by the chair of such meeting in accordance with the rules of order as contained in the current version of **Wainberg's Society Meetings Including Rules of Order.**

Silent on President voting

## College of Physiotherapists of Ontario

4.8. **Kerr and King's Procedures for Meetings and Organizations, Third Edition**, are the rules of order for meetings of Council and form part of these By-laws.

BY-LAWS 2.8. (1) The making, amending or revoking of a by-law shall be determined by a majority vote of the Councillors present and voting. Advance notice is required for all motions or resolutions applying to the making, amending or revoking of a by-law.

(2) Proposed by-laws made under the authority of clauses (l.2), (l.3), (s), (t), (v), (w) or (y) of subsection 94 (1) of the Code shall be circulated to every Member at least 60 days before they are approved by Council.

Silent on President voting

## College of Psychologists of Ontario

3.14 Meetings of Council shall be conducted in accordance with Keesey's "Modern Parliamentary Procedures".  
 a. A majority vote shall be defined as a majority of Council members who are eligible to vote and in attendance;

### By-law 17: Procedure for Making, Amending or Revoking By-laws

17.1 A By-law may be made, amended or revoked by a resolution of Council subject to subsection 94(2) of the Code.

17.4 A copy of the By-laws made by the Council shall be given to the Minister and to each member and shall be made available to the public in accordance with the provisions of the Regulated Health Professions Act, 1991.

Silent on President voting

## College of Registered Psychotherapists of Ontario

11.09 – Simple Majority Unless specifically provided for otherwise under the Act, the RHPA or the by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council members present.

24.02 – Amendments The by-laws of the College or any section thereof may be enacted, amended, or revoked by a simple majority of the Council members present and voting at a meeting of Council called for that purpose

11.10 – Chair Votes If the Chair is a member of Council, he or she may vote<sup>1</sup>.  
 1) Ordinarily, a Chair does not vote unless it would affect the result.

11.11 – Tie Votes In the event of a tie vote, the motion is defeated

## College of Respiratory Therapists of Ontario

4.11 Matters shall be decided by vote as follows:

- a) Making amending and revoking **the By-Law and regulations shall require a two-thirds (2/3) majority vote of those Council Members** in attendance.
- b) Unless otherwise required by law or by this By-Law, every motion which properly comes before the Council may be decided by a simple majority of the votes cast at the meeting by those Council Members in attendance.
- c) If there is a tie vote on a motion, the motion shall be defeated.

6.01 - By-Laws of the CRTO may be made, amended, or revoked **by a two-thirds (2/3) vote of the sitting Council Members in attendance** at a duly constituted meeting or by the signatures of all actual Council Members.

## College of Traditional Chinese Medicine and Acupuncturists of Ontario

- (i) Except where otherwise provided in the Act, regulations or By-Laws, every motion coming before any meeting shall be decided by a majority of votes cast at the meeting, including the chair, provided that the chair is a member of the Council. **In the case of equality of votes, the chair shall not have a second vote and the motion shall be considered to be defeated.**

### 23. BY-LAWS AND AMENDMENTS

23.01 Make, Amend, Revoke By-Law The College's By-Laws may be made, amended or revoked in the same manner as other resolutions or motions that appear before Council. A motion to amend or revoke these By-Laws requires a vote of the majority of those in attendance and voting at the meeting.

**From:** Robbie Berman <drrjberman@hotmail.com>  
**Sent:** Thursday, November 16, 2023 1:22 PM  
**To:** Joel Friedman  
**Subject:** feedback about Bylaw amendments circulated September 19, 2023  
**Attachments:** 1 Specific concerns to bylaw amendments.docx; 1 Ontario Regulatory colleges voting procedures.docx; 1 Ontario Regulatory colleges cooling off chart.docx

**CAUTION EXTERNAL:** This email originated from outside of the organization. Do not click links or open attachments unless you have verified the sender and know the content is safe.

Hi Joel,

As you are aware, I am very passionate and knowledgeable about CCO Bylaws. There are 113 pages of proposed Bylaw amendments. I believe that the CCO feedback portal cannot capture such a large quantity of information or do justice to comments made about the most massive Bylaw changes ever proposed by CCO. Please accept this email and attachments as partial feedback related to Bylaw changes and to alert Council members to numerous concerns and inconsistencies with other Regulators in Ontario. Please include these attachments in the public feedback section of CCO's Public package for clarity and transparency. I have spent many hours with others accumulating this information. We hope Council will give proper evaluation and respect to the efforts of CCO members who had the bravery and felt it important to provide comprehensive feedback.

Currently proposed CCO Bylaw changes will make CCO very different than all other Regulators in Ontario.

1. Concerns with proposed Bylaw changes
2. Chart of how the 26 Regulatory Colleges apply "the simple majority clause"
3. Chart of "cooling off" requirements from 26 Colleges

Please let me know this feedback has been received with a confirmation email.

Thank you,

Respectfully,

Dr. Robbie Berman  
CCO member since 1995  
CCO Council and non-Council member 2004-2013

There are many more concerns than could be listed here about the most substantive Bylaw reforms ever postponed by CCO. With the limitations of the feedback portal, it seems to be an unreasonable request to provide complete feedback and information about the concerns of 113 pages of Bylaw reform. The feedback portal is not the right mechanism. This is the reason I submitted this type of response. Please see the attached charts to see what other Regulators consider appropriate. Over the last year there seems to be an undisclosed emphasis and rush to get new CCO Bylaws in place. Many Bylaws are inconsistent with other Regulators. Most changes have no public interest rationale. As member, I can only ask why? Is CCO hiding something?

**Concern: Why has CCO Council been removed from approving finances? Inconsistent with other colleges and RHPA**

4.10 Goods or services may be purchased or leased for the benefit of CCO if the purchase or lease is approved by:

(a) the registrar or the deputy registrar, if the resulting obligation does not exceed \$25,000;

(b) the registrar or the deputy registrar and one of the president, vice-president, or treasurer if the resulting obligation is between \$25,000 and \$50,000; and

(c) the registrar or the deputy registrar and two of the president, vice-president, or treasurer if the resulting obligation exceeds \$50,000.

**Original clause read: (c) the Executive Committee or the Council if the resulting obligation exceeds \$50,000.**

**Concern: 6 year cooling off periods are not consistent with most other Regulatory colleges. How does this serve the public interest? No other College has 6 year cooling off periods across the board as proposed by CCO.**

6.9 (g) the member has not resigned from a position on Council, before completing the their term, within the last six years and four months;

**Concern: This does not make sense for resignations due to pregnancy, health reasons, personal crisis, etc.**

**Suggestion: Need to re-phrase to allow reasonable exceptions and/or previous approval from Council**

i) the member is not, and has not been in preceding ~~three~~ **six years**, an employee, officer or director of any professional chiropractic association such that a real or apparent conflict of interest may arise, including but not limited to being an employee, officer or director of the OCA, CCA, CCPA, AFC, CCEB, CSCE, the CCEC of the FCC, CCRF or CNAC;

**Concern: eliminates competent leaders. This would create a public interest concern and a CCO bias**

(m) the member has not been a member of the staff of CCO at any time within the preceding ~~three~~ **six years**; **(why?)**

(q) (new) the member is not, and has not been within the **preceding six years, an adverse party in litigation against CCO**, the Council of CCO, a committee of CCO, or any of CCO's directors, officers, employees or agents, on a matter related to CCO business;

**Concern: members will no longer have the right to defend themselves? Discipline, tribunals, HPARB, or code of conduct? Is it not a person's right to bring litigation against a party that has caused them harm? Other colleges state only in a conflict if engaged in active litigation. No six year hiatus from any other college. Is this clause lawful? Unconstitutional?**

(o) (new) becomes an adverse party in litigation against CCO, the Council of CCO, a committee of CCO, or any of CCO's directors, officers, employees or agents, on a matter related to CCO business;

**Concern: this eliminates anyone from testifying against CCO. Both sides must be treated equally. It seems unethical to eliminate anyone who defends a member against CCO. This would not allow someone to act as an expert witness in court or discipline hearings. This seems protective of CCO but not ethical or in the best interest of the public. How does this clause address a public interest issue? It may be deemed unconstitutional. This only allows a member to be a witness for the CCO but threatens those whose who testify against CCO? Has CCO thought this through?**

(p) (new) is charged with a criminal offence contrary to the Criminal Code of Canada; and

Concern: members are innocent until proven guilty; eliminates members before they are found guilty? Prejudicial?

7.11 The president of the Council shall be the chair of the Executive Committee and shall participate in the Nominating Committee. Concern: internal nomination committee creates personal bias and unsubstantiated endorsements. This has not been explained to or approved by the membership. It seems to shift the power away from Council. This seems contrary to the RHPA and eliminates the democratic election process. How is a non-democratic process in the Public interest? Why does the current Council believe these processes need to be changed?

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7.21 The president, while chairing a Council meeting or Executive Committee Meeting, votes only to break a tie after all others have voted.

Concern: President voting creates a voting bias and gives too much power to the individual who sets the agenda.

9.7 At the discretion of Council, this by-law 9 applies to Non-Chiropractic Committee Members with necessary modifications.

Concern: The Non-chiropractic appointment Bylaw 18 was created during COVID crisis in non-transparent fashion. There was no consultation with membership. There has been no public posting of this type of appointment on CCO's website or President Messages. How is CCO transparently posting this opportunity? Do other Colleges do this?

13.8 Council may, without, amending these by-laws, adjust the amount of any fees or penalties in By-law 13 to reflect annual changes to the Cost of Living

Concern: Bylaw 13 must be circulated to change fees. This is legislated in RHPA. Would this not be in breach of RHPA?

13.14 Where a member is required to complete a Specified Continuing Education or Remediation Program (SCERP), the member shall pay the prescribed fee or the fee set by the registrar.

Concern: Is a cost penalty imposed by an ICRC committee permitted by the RHPA? If not, this clause violates RHPA

## Summary of Voting Procedures used by Ontario Regulatory Colleges

**CCO's Bylaw Clause 8.8: Unless otherwise required by law or by-law, every question which properly comes before the Council may be decided by a simple majority of the votes cast at the meeting by council members, and, if there is an equal number of votes on a question, the chair may cast a deciding vote.**

<b>Ontario Regulatory college</b>	<b>Year created</b>	<b>Has a Simple Majority voting clause (CCO Bylaw 8.8)</b>	<b>Required votes to amend Bylaws</b>	<b>Required votes to remove from a position on Council/committee</b>	<b>President votes</b>	<b>Rules used or referenced Or Other unique clauses</b>
College of Chiropractors of Ontario	1991	Yes (see above)  2023 Council applied this clause to Bylaw changes in January 2023  CCO did not apply this clause to Bylaw amendments in 2009 or 2015-16	Silent  (no specific clause or specific requirements listed)  Robert's Rules of order specifically referenced in CCO's Rules of Council.	2/3 of Council	Only to break the tie	Robert's Rules of Order

<b>Ontario Regulatory college</b>	<b>Year created</b>	<b>Has a Simple Majority voting clause same/similar to CCO Bylaw 8.8</b>	<b>Required votes to amend Bylaws</b>	<b>Required votes to remove from a position on Council/committee</b>	<b>President votes</b>	<b>Rules used or referenced Or Other unique clauses</b>
College of Audiologists and Speech-Language Pathologists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Never	Bourinot's Rules of Order
College of Chiropodists and Podiatrists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	silent In the event of a tie vote, the motion is defeated	Sturgis - The Standard Code of Parliamentary Procedure
College of Dental Hygienists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	silent	Robert's Rules of Order

<b>Ontario Regulatory college</b>	<b>Year created</b>	<b>Has a Simple Majority voting clause same/similar to CCO Bylaw 8.8</b>	<b>Required votes to amend Bylaws</b>	<b>Required votes to remove from a position on Council/committee</b>	<b>President votes</b>	<b>Parliamentary Rules used or referenced</b> <b>Other unique clauses</b>
College of Dental Technologists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Yes	Robert's Rules of Order
Royal College of Dental Surgeons of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Yes	The Standard Code of Parliamentary Procedure
College of Denturists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	majority of Council	Only to break the tie	Robert's Rules of Order
College of Dietitians of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	silent	determined by the chair or presiding officer of such meeting in accordance with the rules of order that the Board of Directors adopts from time to time.
College of Homeopaths of Ontario	2007	Yes -not used to change bylaws	Simple majority explicitly stated	silent	Yes	Robert's Rules of Order
College of Kinesiologists of Ontario	2007	Yes -not used to change bylaws	Simple majority explicitly stated	2/3 of Council	Yes	Robert's Rules of Order
College of Massage Therapists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Only to break the tie	None referenced
College of Medical Laboratory Technologists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Only to break the tie	The Board of Directors shall set or adopt such rules of order that it deems appropriate to govern and guide the conduct of its meetings
College of Medical Radiation and Imaging Technologists	1991 updated 2017	Yes -not used to change bylaws	Bourinot's Rules of Order (2/3 majority required)	silent	No second vote motion defeated	Bourinot's Rules of Order
College of Midwives of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Yes	None referenced
College of Naturopaths of Ontario	2007	Yes -not used to change bylaws	Simple majority explicitly stated	2/3 of Council	Yes	Robert's Rules of Order
College of Nurses of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	No	American Institute of Parliamentarians' Standard Code of Parliamentary Procedure

Ontario Regulatory college	Year created	Has a Simple Majority voting clause same/similar to CCO bylaw 8.8	Required votes to amend Bylaws	Required votes to remove from a position on Council/committee	President votes	Rules used or referenced Or Other unique clauses
College of Occupational Therapists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Only to break the tie	such rules of order as it deems appropriate to govern the conduct of each Board meeting
College of opticians of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	silent	No second vote motion defeated	Robert's Rules of Order
College of Optometrists of Ontario	1991	Yes -not used to change bylaws	Special resolution -defaults to Roberts Rules in Bylaws	2/3 of Council	No second vote motion defeated	Robert's Rules of Order
Ontario College of Pharmacists	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Yes with additional vote to break the tie	None referenced The Board may, from time to time, set or adopt Rules of Order to guide the conduct of Board meetings.
College of Physicians and Surgeons of Ontario	1991	Yes -not used to change bylaws	Wainberg's Society Meetings Rules of Order	2/3 of Council	silent	Wainberg's Society Meetings Rules of Order
College of Physiotherapists of Ontario	1991	Yes -not used to change bylaws	Simple majority explicitly stated	2/3 of Council	silent	Kerr and King's Procedures
College of Psychologists of Ontario	1991	Yes -not used to change bylaws	Keesey's Modern Parliamentary Procedures	2/3 of Council	silent	Keesey's Modern Parliamentary Procedures
College of Registered Psychotherapists of Ontario	2007	Yes -not used to change bylaws	Simple majority explicitly stated	2/3 of Council	Yes	Robert's Rules of Order
College of Respiratory Therapists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	silent	No	Robert's Rules of Order  The Nomination Committee will consist of at least two (2) members of Council who are not running for election to the Executive Committee, at least one of whom shall be a public member and at least one of whom shall be a professional member
College of Traditional Chinese Medicine and Acupuncturists of Ontario	2006	Yes -not used to change bylaws	Simple majority explicitly stated	Simple majority	No second vote motion defeated	Robert's Rules of Order

## COOLING OFF PERIODS FROM ALL 26 REGULATORY COLLEGES in ONTARIO

<b>'Cooling Off' requirements</b>	<b>after being a director of an association or employee of an educational institution</b>	<b>after being an employee of the College</b>	<b>after 9 consecutive years on Council</b>	<b>after discipline decision</b>	<b>After guilty of criminal offence</b>	<b>after license revoked or suspended</b>	<b>After being disqualified from Council</b>	<b>After resigning from Council</b>	<b>After litigation or other legal proceedings against the College or members of Council</b>
College of Audiologists and Speech-Language Pathologists of Ontario	1 year	1 year	12 months	6 years	silent	6 years except for nonpayment of dues	3 years	silent	silent
College of Chiropractors and Podiatrists of Ontario	1 year	silent	5 years	3 years	silent	6 years -except for nonpayment of dues	3 years	3 years except if resigned with permission	silent
College of Dental Hygienists of Ontario	1 year	1 year	1 year	6 years	3 years	silent	3 years	silent	1 year after being part of a legal proceeding against the college
College of Dental Technologists of Ontario	1 year	1 year	12 months	3 years	silent	6 years - except for nonpayment of dues	3 years	silent	silent
Royal College of Dental Surgeons of Ontario	3 years	6 years	5 years	never	never -has an Eligibility Committee to evaluate	silent	silent	silent	never
College of Denturists of Ontario	1 year	Not current employee	3 years	3 years	silent	6 years	6 years	silent	current proceedings
College of Dietitians of Ontario	3 years	2 years	3 years	never	never	6 years -except for nonpayment of dues	3 years	silent	current proceedings
College of Homeopaths of Ontario	Agrees to resign before taking office	2 years	silent	3 years	silent	6 years	3 years	silent	silent
College of Kinesiologists of Ontario	3 years	3 years	3 years	3 years	a criminal finding relevant to the registrant's ability to practise the profession	silent	3 years	3 years - other than for health or personal reasons acceptable to Council	silent

<b>'Cooling Off' requirements</b>  <b>Ontario Regulatory colleges</b>	<b>after being a director of an association or employee of an educational institution</b>	<b>after being an employee of the College</b>	<b>after 9 consecutive years on Council</b>	<b>after discipline decision</b>	<b>After guilty of criminal offence</b>	<b>after license revoked or suspended</b>	<b>After being disqualified from Council</b>	<b>After resigning from Council</b>	<b>After litigation or other legal proceedings against the College or members of Council</b>
College of Massage Therapists of Ontario	2 years	2 years	silent	6 years	guilty of an offence that is relevant to their suitability to serve	6 years -if related to discipline order	6 years	silent	silent
College of Medical Laboratory Technologists of Ontario	12 months	12 months	12 months	silent	silent	6 years - except for nonpayment of dues	5 years	silent	6 years
College of Medical Radiation and Imaging Technologists	12 months	silent	silent	3 years	silent	6 years	silent	silent	silent
College of Midwives of Ontario	12 months	Cant be current employee	silent	3 years	silent	6 years -except for nonpayment of dues	3 years	silent	silent
College of Naturopaths of Ontario	2 years	2 years	silent	3 years	Prior conviction or current charges	6 years -except for nonpayment of dues	3 years	silent	current
College of Nurses of Ontario	Resign before nomination deadline	Resign before nomination deadline	3 years	3 years	silent	6 years -except for nonpayment of dues	3 years	16 months	silent
College of Occupational Therapists of Ontario	3 years	6 years	3 years	6 years	Finding of guilt relevant to suitability to practice	silent	6 years	3 years	current
College of opticians of Ontario	3 years	3 years	3 years	6 years	silent	6 years -except for nonpayment of dues	6 years	silent	6 years
College of Optometrists of Ontario	Resign if elected	silent	silent	Current proceeding	silent	silent	6 years for Council 3 year to committees	silent	silent
Ontario College of Pharmacists	3 years	silent	3 years	No current finding	current	6 years	6 years	silent	current

<b>'Cooling Off' requirements</b>  <b>Ontario Regulatory colleges</b>	after being a director of an association or employee of an educational institution	after being an employee of the College	after 9 consecutive years on Council	after discipline decision	After guilty of criminal offence	after license revoked or suspended	After being disqualified from Council	After resigning from Council	After litigation or other legal proceedings against the College or members of Council
College of Physicians and Surgeons of Ontario	1 year	5 years	never	silent	silent	6 years	5 years	5 years related to a proposed disqualification	silent
College of Physiotherapists of Ontario	12 months	12 months	1 year	6 years	relevant to the Registrant's suitability to serve as a Councillor	silent	3 years	silent	current
College of Psychologists of Ontario	1 year	1 year	silent	2 years	2/3 of Council vote to disqualify	6 years	silent	silent	silent
College of Registered Psychotherapists of Ontario	1 year	12 months	silent	3 years	opinion of Council, is of such a nature that warrants disqualification	6 years -except for nonpayment of dues	3 years	silent	6 years after being part of a legal proceeding against the college
College of Respiratory Therapists of Ontario	current	12 months	silent	6 years	offence relevant to their suitability to be licensed	silent	6 years	silent	silent
College of Traditional Chinese Medicine and Acupuncturists of Ontario	2 years	1 year	3 years	6 years	in the opinion of Council, is of such a nature that warrants disqualification	6 years	3 years	3 years	current

## COOLING OFF PERIODS BEING RECOMMENDED TO COUNCIL BY CCO EXECUTIVE (compared to other Colleges)

'Cooling Off' requirements  Ontario Regulatory colleges	after being a director of an association or employee of an educational institution	after being an employee of the College	after 9 consecutive years on Council	after discipline decision	After guilty of criminal offence	after license revoked or suspended	After being disqualified from Council	After resigning from Council	After litigation or other legal proceedings against the College or members of Council
College of Chiropractors of Ontario	Currently 3 years	Currently 3 years	3 years	6 years	Currently none	6 years	6 years	Currently 3 years and 4 mths	Currently none
Proposed Cooling Off requirements	Proposing to make 6 years	Proposing to make 6 years	No change	Just amended from 3 years in Jan 2023	Proposing to make a 6 years	Just amended from 3 years in Jan 2023	Just amended from 3 years in Jan 2023	Proposing to make 6 years and 4 months	Proposing to make a 6 years
	NO other college requires 6 years All other Colleges require 0-3 years	ONLY 3 Colleges requires 5-6 years All other Colleges require 0-3 years	Most Colleges require 0-3 years 2 colleges require 5 years 9 Colleges are silent 1 college is never	10 Colleges requires 6 or more years 13 Colleges require 3 years or less 2 Colleges are silent	NO other college requires 6 years 12 Colleges are silent 8 Colleges evaluate suitability to practice and whether it warrants disqualification 2 Colleges are never 3 Colleges unclear and unique	18 Colleges requires 6 years most say "except for nonpayment of dues" 7 Colleges are silent	13 Colleges requires 3 years 9 Colleges requires 5-6 years 3 Colleges are silent	NO other college requires 6 years ONLY 4 Colleges requires 3 years 19 Colleges are silent 1 College requires 5 years 1 College requires 16 months	ONLY 3 Colleges requires 6 years 7 Colleges only if involved in current proceedings 1 College requires 1 year 14 Colleges are silent

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### Summary

A "6 years Cooling Off period" was not found to be consistent with most Regulatory colleges except in matters related to Discipline decisions, a revoked license, or a disqualification from Council after a proper investigation and vote by Council.

Most colleges have between 1 to 3 years "cooling off period" from associations, educational institutions, and staff positions.

A 6 year Cooling Off period following litigation/defending oneself against the College may be considered unconstitutional.

**From:** Robbie Berman  
**Sent:** Friday, November 17, 2023 1:30 PM  
**To:**  
**Cc:**  
**Subject:** (Private and Confidential) Questions and Concerns for CCO Council members to review  
**Attachments:** Concerns and observations.pdf; Bylaw 8.8 review of 26 colleges.pdf

**CAUTION EXTERNAL:** This email originated from outside of the organization. Do not click links or open attachments unless you have verified the sender and know the content is safe.

Hello Dr. Green, CCO President and elected Council members,

Many CCO members are seekers of truth, transparency, and fairness. As such, we collectively ask CCO Council members to evaluate and investigate all information provided. As a matter of transparency, we ask that this email and attachments be forwarded to the public members of Council. Not all public members have emails publicly available. This email contains extensive research into concepts currently being evaluated by CCO Council. The information collected has been gathered from the Ontario Government, government reports, Ontario Regulators, past CCO Council members, CCO members, CCO's website, past Council packages, past CCO newsletters, and public observers. Included are various questions and concerns from CCO members.

This information is being sent in good faith and intended to assist the 2023 Council in decision making. This information is being sent directly to all elected members of Council in order to ensure each elected Council member receives the same information at the same time.

As a past Council member, indemnified by Bylaw 10, multiple CCO members have entrusted me to show honesty and integrity and be brave enough to submit elaborate correspondence. This collaboratively collected information is submitted on behalf of many CCO members to help protect the integrity of CCO, ensure the current CCO Council is aware of and follows established procedure, and to avoid the current CCO Council from unknowingly exposing the organization to further challenge or legal proceedings. CCO has spent unprecedented amounts of money on legal challenges, hearings, and Code of Conduct proceedings recently. We believe spending members' dues, on avoidable legal proceedings, is not in the best interest of CCO, CCO members, or the public. With fiscal responsibility listed as a strategic objective, it is suggested CCO Council has a financial responsibility and fiduciary duty to immensely evaluate all concerns and feedback, along with all other aspects of amending Bylaws, before moving forward with substantial concept changes to CCO Bylaws. We trust that by having complete information in front of Council members, Council will have the integrity to thoroughly read, evaluate, verify, and identify what is fact. CCO is expected to follow transparent processes and proper procedures. CCO's conduct and adherence to procedure are on public display. It is not the intention of this submission to anger anyone or for anyone to take comments personally. The purpose of this submission is to assure CCO remains viable and is allowed to continue to regulate the Chiropractic profession in the public interest. CCO Members have expressed true concerns about the sustainability of self-regulation. As a past Council member, I can truly appreciate the effort, commitment, and humility needed to serve on CCO Council. Thank you to all for your dedication.

The first email attachment is an observational report about very real concerns, expressed by various members and outside observers, in regards to the June 21, 2023 and September 8, 2023 Council meetings. There are additional concerns about the upcoming November 23, 2023 meeting. This report is submitted to enhance clarity, truth, and transparency; it is not intended to discredit individuals or Council.

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(from November 13, 2023 email)

There remains very serious concerns around the accuracy surrounding the January 20, 2023 Council meeting and the President's Message from January 24, 2023. The concerns stimulated extensive research into Bylaw amendments.

It is doubtful CCO will receive extensive feedback about Bylaw reform from individual members but that does not equate to CCO amendments being appropriate or acceptable to the membership. CCO has proven not to be a safe environment to submit feedback. Members have become scared that CCO will attack those who dissent. CCO Members, including past Council members and past CCO Presidents, have seen their feedback and information ignored. This has created a culture of mistrust.

The (second email) attachment is a comprehensive review of the other 25 Regulatory Colleges use of "The Simple Majority Clause." It is noted that not a single other Ontario Regulatory College has been found to apply this clause to amend Bylaws. It is also noted the majority of Regulatory Colleges explicitly state and require a 2/3 majority. This is consistent with Robert's Rules of Order; the gold standard.

For clarity and simplicity, charts have been developed by a group of CCO members that accurately show how each of the other 25 Regulatory Colleges approach voting on Bylaw amendments, President voting, and cooling off periods. Those charts have been submitted separately as feedback related directly to the Bylaw amendments being circulated.

Council members are welcomed and expected to verify the authenticity of this information. Thank you in advance for taking the time to review this important information.

Respectfully,

Dr. Robbie Berman  
CCO member since 1995  
CCO Council and non-Council member 2004-2013

November 17, 2023

Attention: Dr. Sarah Green, CCO President, and CCO Council members

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Cc: Ms. Willson, Registrar, and Mr. Friedman, Deputy Registrar

This letter is to report very real concerns to the 2023 CCO Council. Concerns relate to CCO Council meetings, transparency, and availability of and access to public information. Major concerns revolve around the appropriateness of the massive fundamental Bylaw changes recommended by the 2023 Executive Committee.

Comments and concerns submitted here are to assist, add historical perspective, and to provide and ask for clarity. This information is submitted in good faith. Comments are not intended to discredit individuals or Council. Questions and comments are not an individual's view, rather a collection of comments from CCO members and outside observers who have expressed concerns regarding the observable behaviour of the 2023 CCO Council.

Question: Does the current CCO Executive and the 2023 CCO Council understand that recommending any changes to a CCO document requires CCO Council to publicly disclose and discuss all relevant information under consideration? Does the current CCO Executive and the 2023 CCO Council understand the necessity to provide reasonable explanations why each proposed change would better serve and protect the public interest?

Multiple observers at the September 8, 2023 Council meeting found the meeting extremely concerning. Concerns revolved around statements made that seemed to be or perpetuate misconceptions, misinterpretations, or misunderstandings about established and recommended governing policies. Additionally, there were concerns around transparency, information bias, appearance of personal bias, conflicts of interests, and limited information being made available to the public. These concerns are genuine and there is a reasonable expectation that CCO Council will undertake a transparent, comprehensive, and appropriate investigation into each of the concerns.

Is Council aware: prior to the pandemic in 2020, CCO had no nomination committee for internal elections, the Ontario Government emphasized transparency over confidentiality, and both Regulation and Bylaw amendments required a 2/3 majority vote. This is verifiable information.

#### Misconceptions/Misinterpretations

- 1) It was stated that only the Colleges of Nurses of Ontario require a 2/3 majority to change Bylaws. This can be shown to be incorrect.
- 2) There seems to be a presumption by the 2023 Council that CCO has always required just a simple majority to amend Bylaws. This can be shown to be incorrect.
- 3) It has been stated that Bylaw clause 8.8 applies to all business of CCO and was meant to be used for making and amending Bylaws. This can be shown to be incorrect.

There is a question whether the 2023 CCO Council recognizes CCO meetings are on public display. The public, CCO members, other stakeholders, various groups, and representatives from the Ministry of Health are observing. There is a question whether the 2023 Council understands that the primary purpose of a public Council meeting is to conduct all CCO business transparently, and that means, in front of the public. The Government explains public Council meetings as the way to update Council, stakeholders, and the Ontario public about the issues of the day and about the work being done at the committee level. Open meetings and public discussion, revealing what each committee is recommending or doing behind closed doors (committee work occurs behind closed doors), is the expected norm. Transparent Council discussions as well as publicly presented committee reports demonstrate to the public that CCO's activities focus on serving and protecting the public interest. Council meetings are necessary, not just for CCO Council to consider recommendations or make decisions, but to publicly display why such recommendations and decisions are made. Any lack of transparency or inconsistencies in process may expose CCO to challenge and may lead to irreparable harm. This is real a concern.

Respectfully, with only two Council members remaining from the pre-pandemic days, the 2023 Council has limited Council experience predating the pandemic. It appears to observers some of the past institutional knowledge and established institutional procedures have been undisclosed, lost, or forgotten. There seems to be confusion about what is meant by “manage and administer the affairs” of the college (in RHPA) compared to 16 Council members expressing person opinions about how they would like CCO to function. CCO is not suppose to be ruled by people or opinion, rather by consistent fair process and transparent procedure. This is real concern.

Question: How does the most massive re-write of CCO Bylaws ever proposed in CCO’s 30 + years of existent better serve and protect the public interest? Why are such changes being rushed and forced into existence?

Modernization of CCO Bylaws, including gender neutrality and aligning CCO Bylaws to be consistent with other Regulators, is an admirable goal. However, that is not all that is being proposed within the currently circulated amendments. This most recent CCO Bylaw reform seems to incorporate undisclosed opinions. Little, if any, public rationale to explain how or why such changes better serves the public interest accompanied the circulation. Many proposed changes are not consistent with the majority of other Ontario Regulators. This is real concern.

Question: How does eliminating the chiropractic leadership from running for Council after serving on any other chiropractic organization serve the public interest? For CCO, an organization that is focusing on selecting and developing competency, this does not make logical sense. Members who have developed board competency by serving in other capacities at various chiropractic organizations would be unreasonably ostracized for 6 years. Even if a 1-3 year cooling off period is justified (used by other Regulators), how does a 6-year hiatus allow anyone to maintain competency? Where else can potential candidates develop and maintain competency?

Numerous new restrictions raise ethical questions. Not allowing a member, who has been involved in litigation with/against CCO or with/against an individual on Council, from being eligible to run for CCO Council seems questionable and may be unlawful. This has never been part of CCO Bylaws before. Removing someone’s fundamental right to defend themselves seems threatening and unethical. Is CCO suggesting an appeal to HPARB (tribunal) or an appeal to courts (litigation) or appearing as an expert witness on behalf of another CCO member would eliminate that member from running for a position on Council? This seems unreasonable and might be considered unconstitutional. As written, CCO would only allow members to testify on behalf of the College and not on the other side of an argument. Clauses like this seem to protect individuals involved with CCO, but how does it protect the public interest? These new clauses have the very real potential of exposing CCO to unnecessary risk and possible legal challenge. When any regulator is challenged in court, win or lose, they lose in the public eye; sometimes public respect and sometimes trust. Financial responsibility and fiduciary duty suggest it is in Council’s best interest to further investigate these issues. Bylaw changes cannot and should not be rushed. A comprehensive investigation may lead to needed re-phrasing in the public interest.

Identifying these weaknesses in the current proposal of Bylaw reform, reveals the 2023 CCO Council may not have allocated the necessary time and attention to evaluate each amendment in an all-encompassing way. It has become extremely alarming how little investigation has occurred into researching the basic concepts of why a 2/3 majority is the accepted gold standard, used by many institutions and the majority of Ontario Regulators, compared to a simple majority. It is frightening to hear individuals express that they ‘feel’ a simple majority is best. Regulatory Colleges must adhere to logical and defensible principles. Since January 2023, CCO Council has proposed the greatest number of new amendments and changes to Bylaws than have ever been proposed in CCO’s 32-year existence. This is truly shocking to observers and does raise serious questions. It is reasonable to expect the 2023 Council, having so many newer members, would spend the necessary time and resources to seek out and analyse all the facts before forever changing CCO Bylaws. With respect, many observers feel there is not enough experience on Council or enough justification presented by Council to propose such drastic changes to CCO Bylaws. Making changes to CCO Bylaws is a serious undertaking and changes must only be implemented after a comprehensive investigation and a thorough understanding of the process. Complete evaluation of ethics, legality, and justifiability are necessary tasks before implementing any substantial changes to established Bylaws.

Ministry of Health representatives explain that substantial changes to governing rules (Bylaw construct) must be clearly explained, and must answer, with appropriate justification and comprehensive rationale, each change as to:

- 1) Why a change is required?
- 2) What change is being proposed?
- 3) Have public discussion and public rationale about how the proposed change better serves the public interest?

We collectively implore the 2023 Executive and CCO Council to gather all the relevant facts before embarking on re-writing or finalizing the rules that govern themselves. The amount of membership response is less important than the substance and quality of each submission. The Ontario Government expects governing Bylaws to remain relatively consistent and stable among Regulators. The newly proposed Bylaw changes are the most drastic and numerous in CCO's history. Council has introduced changes that will make CCO a stand-alone College in regards to many new stances proposed within the recently circulated Bylaw amendments. This is a real concern.

Internal Nomination Committee: Internal selection committees are rife with inherent conflict of interests, appearance of bias, and personal opinion. For a nomination committee to be successful, anyone selected to serve on a nomination committee would need to have specialty training on competency selection. If not, any recommendations are just personal opinions and unqualified endorsements. Real conflicts exist when someone nominates oneself (direct conflict of interest) or by selecting "friends" (appearance of personal bias). This is inevitable with this newly introduced nomination committee first implemented for internal elections in 2021. Mr. de Domenico highlighted this "elephant in the room" at the September 8, 2023 Council meeting. By reviewing Cayton reports, a nomination (selection) committee was a recommendation to aid in selecting skilled and competent committees. However, for a nomination (selection) committee to be unbiased and truly qualified, Cayton suggests that the committee would need to be external to Council. Members of a nomination committee would need to show a superior ability to select competency over that of Council members. If not external, the powers of Council would shift into the hands of only a few individuals on Council instead of Council as a whole. This seems contrary to the RHPA. Endorsements from any nomination committee (internal or external) would not necessarily assure competency but does open the door to the possibility of unsubstantiated endorsements, personal bias, and creates an unlevelled playing field. It is noted, Council members are not permitted to endorse any candidate running in an external CCO election (election to Council), and so, it must be questioned why internal endorsements are permissible or considered best practice? The RHPA grants Council the powers to "manage and administer the affairs" of the College. A nomination committee shifts this power to a few individuals. There is a very real potential for abuse. The introduction of an internal nomination committee, created by the CCO Executive in 2021, has not necessarily proven to produce improved competency. Bylaw 7 describes the fair and well-established democratic internal election process. An internal Nomination Committee seems inconsistent with the RHPA and Bylaw 7. This is a real concern.

President voting: There are well-established and clear reasons why a President does not vote except when voting by secret ballot (ie. internal elections). The President sets the agenda, facilitates discussion, and is in a leadership role. This creates an inherent bias in deciding what items appear on the agenda, what issues are discussed at Council, and for how long. When Council members observe the actions of the President, one may be influenced by or simply copy the actions of the President out of fear or admiration. This creates a voting bias. Even when the President votes last, and only to break a tie, it still gives tremendous power to one individual. This is contrary to the RHPA. This is why it is suggested the President votes to maintain status quo (if tied, President votes to defeat the motion). Although legally the President may be entitled to vote, the ethical considerations come into play when that single vote could alter the results. Council is on public display; it remains vital for the integrity of the organization that the opinion of the President is not the one deciding vote. This is a real concern.

Transparency: Questions continue to swirl why complete and comprehensive background information is not being distributed, presented, discussed, or published in CCO Council packages. This is a real concern.

Is Council aware: The Public package for the September 8, 2023 Council meeting was missing much of the information that was provided to each Council member? Below is the relevant legislation that clearly spells out what information is legislatively required to be made available to the public and Council members alike.

## SCHEDULE 2 OF THE HEALTH PROFESSIONS PROCEDURAL CODE

### *Meetings*

7 (1) The meetings of the Council shall be open to the public and reasonable notice shall be given to the members of the College, to the Minister, and to the public. 2007, c. 10, Sched. M, s. 20 (1).

### *Posting of meeting information*

(1.1) The College shall post on its website information regarding upcoming meetings of the Council, including the dates of those meetings, **matters to be discussed at those meetings, and information and documentation that will be provided to members of the Council for the purpose of those meetings.** 2017, c. 11, Sched. 5, s. 8.

Is Council aware: Not a single page referenced by any committee chair presenting a report or making a recommendation to Council on September 8, 2023 was made available in the public package? Not a single draft document was included in the public Council package. By observing the public portion of the Council meeting, it seemed as though even Council members had limited information about the topic being discussed. Council discussion seems to lack a fulsome and balanced understanding of enormity of the topics. There was no past precedence discussed. No one explained or asked “why” the current document say what it does? No Council member asked “why” is the proposed change necessary? or “how” does the proposed change better serves the public interest? The bias to reach a pre-determined conclusion was palpable. It is commendable Council voted to circulation all documents for stakeholder feedback. Consultation and feedback is considered best practices according to the June 21, 2023 SML Law presentation.

Nowadays, CCO seems to emphasis confidentiality over transparency. The Ontario Government expects the primary focus of a Regulator to be that of transparency. Without full transparency it becomes almost impossible for the public to reasonably be ‘in the know’ of what Council is discussing, deliberating, and what information is being considered in making a decision. With much of the information not included in the public package, it became next to impossible for observers to comprehend if the September 8, 2023 Council package contained fulsome information, if the information was well balanced, or if the information evaluated was incomplete. There seems to be a transparency issue related to what information is available to the public. This is a real concern.

Cayton stated, “Conflicts arise when there is a real or perceived clash between two different objectives or responsibilities. When activities are carried out in secret, you must ask what it is an organisation is trying to hide? When that organisation is a legal regulator, aware that justice not only needs to be done but to be seen to be done, doubts may be justified.”

At the June 21, 2023 Council meeting, according to the SML Law training session, transparency is 1 of the 4 core fundamental responsibilities of a Regulatory board. It was stated, only 4 % of Council (1 of 16 Council members) chose transparency as one of their top 4 core responsibilities. This was very telling and is a real concern.

Is Council aware: In 2014, the Honourable Minister of Health Dr. Eric Hoskins instructed all Regulators to become more transparent with their processes, provide more information to the public, and required more information to appear on the public register (see CCO website). Some Colleges have transparency position statements on their website. CCO does not.

Is Council aware: Only 36.6 % of the September 8, 2023 Council package was made available to the public? There were only 378 pages in CCO Council's public package. The actual Council package contained 1033 pages.

It is reasonable to expect the public package did not contain the Executive minutes. Committee minutes remain confidential. Council also has the ability to keep legal opinion privileged. However, Steineke Grey Zone article 2015 and the Registrar's report in CCO's 2015 Annual Report discusses how this is not always the best choice.

It can be assumed pages 15-39 were the Executive committee minutes excluded from the public package. Following this gap, the public package is missing pages 41-43, 49-364 (a 315 page gap). Following this massive gap in information, the public package is missing pages 373-482, 497-504, 506-518, 529-544, 547-555, 557-562, 610, 613-630, 720-758, 767-771, 786-788, 815-819, 821-828, 853-888, 892-900, and 910-951.

Schedule 2: The Health Professions Procedure Code section 7 of the RHPA codifies 'items to be excluded' from the public. Can all the non-disclosed information be justified under section 7? This is a real concern.

Bylaw Reform: It behooves any organization that, before making sweeping changes to the Bylaw rules that govern themselves, the organization identifies and clearly understands where the original rules came from and why the current rules say what they say. It is a necessity to have a comprehensive understanding why the rules, currently in place, were/are considered best practices and how and why they serve and protect the public interest. The next step is developing a clear understanding of the mechanisms and process required to approve Bylaws. This critical analysis is a prerequisite before embarking on or introducing substantial Bylaw amendments.

Undoubtedly, there are undisclosed legal and other personal opinions differing in perspective. Opinions might suggest that the proposed Bylaw changes are in some way beneficial and can be adopted by a simple majority. However, none of that information was made public, discussed publicly, or published in CCO's public package. Even if such opinions exist, understanding past precedence, past procedures, and the original rationale for the rules currently in place, would be considered by most to be an essential component of best practices, proper process, transparency, and due diligence. Cayton states, "Council members should remember that whatever the legal advice, it is only advice; they are responsible for the decision."

The information that follows is intended to assist the 2023 CCO Council in understanding and thoroughly investigating CCO's past protocol and recognized well-established procedures. The 2023 Council has the same responsibility as past Councils to make appropriate and transparent decisions consistent with its mandate:

*Duty*

(2) In carrying out its objects, the College has a duty to serve and protect the public interest. 1991, c. 18, Sched. 2, s. 3 (2).

Starting at the beginning...

CCO is 1 of 26 Colleges regulated by the Ontario Government. CCO was 1 of the original 21 Regulatory Colleges established in 1991. These 21 Colleges were distributed the same set of Bylaw templates to assist each College in developing consistent foundational rules that would govern their respective organizations in the public interest. In 2001, CCO implemented a set of Bylaws. These were the Rules of Order setting out how CCO will behave and operate. The CCO Bylaws incorporated and defaulted to Robert's Rules of Order by reference in Bylaw 8.18.

In 2005, the Red Tape Act permitted CCO to revoke two Regulations namely:

[O. Reg. 910/93: ELECTION OF COUNCIL MEMBERS \(ontario.ca\)](#)

[O. Reg. 672/93: COMMITTEE COMPOSITION \(ontario.ca\)](#)

The Ontario Government allowed CCO to revoke Regulations O. Reg. 910/93 and O. Reg. 672/93 based on CCO having its election processes additionally codified within CCO Bylaws 6 and 7 by 2001.

- [By-law 6: Election of Council Members](#)
- [By-law 7: Elections \(within Council\)](#)

To make, amend, or revoke a Regulation requires a more onerous process than is required to make or amend a Bylaw. Amending a Regulation requires circulation for 60 days, 2/3 majority of Council in favour, and a recorded vote. Even then, a Regulation still requires final approval by the Ontario Government. These requirements have not changed in 2023. Directed by the Ministry of Health, CCO recently used these precise procedures (rules) to amend Regulation 137/11 when adding the “Emergency Class” of Registration.

Recognizing CCO’s Election of Council Members and Committee Composition Bylaws were originally set out in Regulations, it can be objectively understood why the 2/3 majority requirement to amend Election Bylaws remained. Recently, CCO claimed Bylaw amendments no longer require a 2/3 majority. This is a real concern.

There are interrelationships between Bylaws and Regulations described in section 43 of the RHPA and in Sections 94 and 95 of the Health Professions Procedural Code. Regulations and Bylaws establish fundamental organizational rules. The difference, Regulations require final government approval whereas Bylaw only require Council approval. The Ministry’s (best practices) protocol can be found within the February 24, 2023 Council package. Regulations and Bylaws are expected to remain relatively stable according to the Ministry of Health.

Understanding the “why” Regulations, Bylaws, and other special business of Council, including the removal of a Council member from a chair or an Executive position, requires a 2/3 majority, is essential. Requiring a minimum of a 2/3 majority to change any foundational or fundamental rule is well established in Robert’s Rules of Order. Votes, requiring a 2/3 majority, eliminate the very serious risk of a simple majority disrupting the functions of Council. By understanding the principles and purposes behind Bylaws, as the foundational rules that governs organizational behaviour, one can recognize changing these fundamental rules by a simple majority exposes an organization to the unintended risk of upheaval by a majority alliance. This is a real concern.

There seems to be a promoted belief that a simple majority vote to amend CCO Bylaws has always been the status quo at CCO. This is untrue. This fact can be verified by speaking to past Council members and by reviewing past Council minutes. A 2/3 majority is CCO’s well-established norm. The change to a simple majority could not be found in CCO minutes or within the CPMF or any other government report. Since CCO is working towards best practices, it is reasonable to assume CCO has and can point out to members a recognized authority, which substantiates a simple majority would be considered a new gold standard or best practice. This is a real concern.

A recent review of CCO Bylaws reveals there have been over 40 dated amendments since June 2019. This does not include the newest proposals. Major changes occurred in the midst of COVID but were not COVID related. Limited, if any circulation or request for feedback occurred before approving such changes. This is a real concern.

Frequent Bylaw amendments were rare before 2019. CCO first amended its Bylaws in 2009. At that time, all proposed Bylaws amendments were circulated for 60 days to be transparent and for ethical reasons, even though not legally required by the RHPA. The Bylaws were then approved sequentially but individually. Each Bylaw required a 2/3 majority; the vote was recorded. The primary reason for updating Bylaws in 2009 was due to changes in legislation requiring Bylaw amendments. The process was thorough, completely transparent, driven by full disclosure, and included publicly presented logical explanations for every change. Legal requirements were not the only measure stick. The goals were to live up to CCO values of integrity, respect, and transparency.

In 2015-2016, the Ontario Government once again required CCO to amend its Bylaws because the Ontario Government increased the transparency requirements in the RHPA. Again, the same 60-day circulation was followed by a 2/3 majority vote. This was CCO’s established protocol to amend Bylaws. This can be verified.

If the currently proposed amendments proceed without Council comprehensively investigating the rules around making Bylaw changes, Bylaw 6 (Elections) will have changed 10 times in the last 5 years. For a Bylaw, originally codified in Regulation (O. Reg. 910/93), amending it so frequently seems highly unusual. Knowing this, it is suggested CCO revert back to the previous well-established 2/3 majority requirement used by CCO pre-pandemic and to limit the frequency of Bylaw changes. A full 60-day circulation is considered best practice and is utilized by other Regulatory Colleges. Some Regulators display this 60-day requirement on their website.

Robert's Rules of Order extensively describes, explains, and justifies the principles of why a 2/3 majority is required in Bylaw reform. Bylaws act as the measuring tools for past, current, and future Councils to function under consistent framework. Without stable processes and procedures each year's Council could do its own thing. The optics, fairness, and transparency of the organization would be called into question. This is a real concern.

Since the Special Meeting of Council on January 20, 2023, where CCO Council abruptly amended Bylaw 6 (Elections), there has been ever expanding questions and concerns. This was the first time CCO Council introduce a 6-year cooling off period. No rationale was provided at the time to justify this substantial change, other than a few other Regulators had done so. There was no public discussion about why the 1 or 3 year cooling off periods were no longer sufficient. There was no discussion about why the other 20 + Colleges did not change their cooling off periods to 6 years. No discussion of what matter of public interest was being addressed by implementing these changes or why such changes better served the public interest. This is a real concern.

Then, by a simple majority vote (6-5), 30 years of precedence was altered. Not a single elected member of Council voted in favour of the change. This was the first time CCO publicly claimed Bylaw amendments only required a simple majority. This raised serious red flags. The declaration of only needing a simple majority seems inconsistent with 30 years of past precedence and is out of step with Robert's Rules of Order. Robert's Rules of Order is the gold standard and remains CCO's default listed in its Rules of Order. This is a real concern.

On November 13, 2023, the public Council package for the November 23, 2023 meeting had already been posted on CCO's website. The Executive report states, "I anticipate the following recommendation at the November 23, 2023 Council meeting". "Recommendation 2: That Council approve the bylaw amendments as circulated".

With the closing date to submit feedback not until November 19, 2023, it seems that the Executive report reveals a pre-determined conclusion without considering or implementing any changes or taking the necessary time at Council to analysis the solicited stakeholder feedback. Feedback, yet to come in, might identify problems that require consideration by Council. There may be suggested improvements, which would need to be integrated into Bylaws before finalizing. Evaluating all suggestions and feedback would be in the spirit of self-regulation, transparency, due diligence, and best practices. If the purpose of the circulation is truly to gather comprehensive feedback from stakeholders, it is questionable why this premature recommendation. It is justified to ask whether further feedback is going to be included and properly considered or left out and ignored. This is a real concern.

Having the seven Executive Committee members (44% of Council), who have already reported there intention to approve amendments, creates a voting bias. Without having a fulsome discussion and comprehensive review of all feedback at the Council level, it seems as if the Executive Committee is, for all practical purposes, making and amending Bylaws. It is questionable why the Executive Committee feels they collectively can serve as a Bylaw Review Committee. Observers, who understand the RHPA, suggest this seems most inappropriate.

*Executive Committee's exercise of Council's powers (stated in The RHPA)*

*12 (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 by-law.* This is a real concern.

Members remain hopeful that the 2023 Council will take these concerns seriously and comprehensively investigate the 20 + questions and concerns listed. Should these concerns and information be ignored, there is a very real possibility such behaviour will trigger an external investigation. The Minister, according to the RHPA, has the ability to impose a College supervisor should CCO Council be deemed not to be focused on serving and protecting the public interest. This has happened to other Regulatory Colleges in the past. This is a real concern.

As CCO members, we simply ask that the questions and concerns within this letter be properly considered, addressed, and CCO Council prepare and provide the membership with a transparent response before moving forward with Bylaw reform. There is no expectation or request for CCO to go backwards or unwind the past. There is a reasonable expectation that CCO Council, vested with new knowledge and a thorough understanding of past precedence, will move forward cautiously and with integrity congruent with its mandate to serve and protect the public interest. Massive, substantial, and rapid Bylaws changes have the very real potential of causing irreparable harm to self-regulation of the Chiropractic profession. All information is submitted in good faith and is intended to assist the 2023 CCO Council so it may adopt the most appropriate, fair, and transparent procedures consistent with best practices and the RHPA.

Thank you for your indulgence.

## A Review of Ontario Regulatory Colleges Requirements for Amending Bylaws

CCO President's Message from January 24, 2023 suggested Bylaw clause 8.8 is applicable to changing Bylaws

8.8 Unless otherwise required by law or by-law, every question which properly comes before the Council may be decided by a simple majority of the votes cast at the meeting by council members, and, if there is an equal number of votes on a question, the chair may cast a deciding vote.

Upon review, all 26 Regulators have a 'Council Meeting' Bylaw similar to CCO'S Bylaw 8 (specifically clause 8.8). By reviewing all 26 Regulatory Colleges' websites, it was noted that no Ontario Regulatory College was found to apply their "Simple Majority clause" to amend College Bylaws. The 2023 CCO Council stands alone.

Most Ontario Regulatory Colleges have a separate section within their Bylaws containing specific rules on how to amend Bylaws. CCO does not. CCO has always defaulted to Robert's Rule of Order. It is the gold standard. Robert's Rules clearly state Bylaw amendments require a minimum of a 2/3 majority. The "Simple Majority clause" (CCO's 8.8), originated from an Ontario Government template which all Regulators were given as the standard framework to develop College Bylaws. CCO Bylaws came into effect in 2001. In 2023, the wording of Bylaw clause 8.8 remains identical to the original wording from 2001; the Bylaw wording has not changed. However, for some undisclosed reason, the current CCO Council is interpreting Bylaw clause 8.8 completely different from previous CCO Councils. This new interpretation is inconsistent with all other Regulators in Ontario. Clause 8.8, as written, applies to "ordinary business" of Council. Clause 8.8 was never intended to apply to "special business" such as amending Bylaws. The Ontario Government explains Regulations and Bylaws are very different from all other College business and separate rules do apply. Bylaws are the foundational rules that govern the organization (akin to articles of incorporation). Consistency and transparency is expected across all Ontario Regulators when dealing with similar situations (with minor exceptions). Therefore, Bylaws are to be rarely altered unless there are changes in legislation or directed by the Ontario Government. Reviewing Ontario Regulatory Colleges' websites demonstrate the stability and overall consistency across all Regulators. Included for review: CCO's specific reference to Robert's Rules of Order, a simple explanation on how to amend Bylaws from Robert's Rules of Order, and relevant Bylaw clauses from the other 25 Regulatory Colleges for comparison.

### **SUMMARY**

**NB.** The Ontario Regulatory Colleges that have been evaluated for regulatory excellence namely, the College of Nurses, Dentists, and Occupational Therapists **all explicitly codify a 2/3 majority** is required to amend Bylaws.

**15 of 21 original Regulatory Colleges (1991) explicitly codify a 2/3 majority** is required to amend their Bylaws. I.e. In 2023, College has specific clauses within their Bylaws stating a 2/3 majority is required to amend a Bylaw.

**1 original Regulatory College explicitly codifies that a simple majority** is all that is needed to amend a Bylaw. (physiotherapists).

**5 original Colleges have no specific wording pertaining to Bylaws amendments (silent); CCO is 1 of these.**

The Regulatory Colleges that do not specifically mention how to amend Bylaws (silent on requirements) do reference a parliamentary process as the default. Since 2001 CCO has relied on, referenced, and defaulted to Robert's Rules of Order. Robert's Rules of Order are referenced in CCO's Rules of Order of Council.

BLUE – Simple Majority clause (Clause 8.8) or its equivalent from other Regulatory colleges

BLACK – Specific Bylaw clauses describing requirements for amending Bylaws from other Regulatory colleges

RED - Clause related to whether a President votes or not from other Regulatory colleges

## Rules of Order of the Council of the College of Chiropractors of Ontario Approved by Council September 20, 2014 Amended: June 17, 2020

20. In all cases not provided for in these rules or the by-laws, the current edition of Robert's Rules of Order shall be followed so far as they may be applicable and consistent with these rules.

### Robert's Rules of Order

**Robert's Rules** provide guidance on how to amend constitutions, bylaws, and rules of order<sup>1</sup>. **Bylaws can't be changed unless the members get previous notice of any proposed change and a large majority (commonly two-thirds) is required to enact any proposed change<sup>2</sup>**. Amending bylaws essentially changes the contract you've made with your fellow members about how your organization operates, so you need to be really technical and precise

No matter how good a job you've done creating your bylaws, sooner or later you'll need to change something. Robert's Rules encourages creating bylaws that can't be too easily amended, but amending them isn't so difficult that you can't consider and make changes within a reasonable time when necessary.

The screenshot shows a web browser window displaying an article on the 'dummies' website. The article title is 'Setting the conditions for amending your bylaws'. The main text discusses the importance of protecting members' rights when amending bylaws and emphasizes the need for a two-thirds vote and previous notice. A 'Tip' box highlights that requirements for amendments should be explicitly stated in the bylaws. The page also features a book cover for 'Robert's Rules For Dummies' and a sidebar with related design thinking articles. A notification banner at the bottom reads 'Disruption Is The New Normal'.

bylaw amendment procedure - x d Robert's Rules for Amending B... x +

www.dummies.com/articles/business-laws/roberts-rules-for-amending-bylaws

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Clear and Tangible

#### Setting the conditions for amending your bylaws

**Robert's Rules For Dummies**

In amending a previously adopted bylaw, make sure that the rights of all members continue to be protected. The surest way to provide this protection is to prevent bylaws from being changed without first giving every member an opportunity to weigh in on a change. And bylaws should never be changed as long as a minority greater than one-third disagrees with the proposal.

Design Thinking: Creativity Techniques

Design Thinking: The Customer Journey

Design Thinking: Using an Empathy Map

Design Thinking: Characterizing a Business Model Canvas

Explore Book Buy On Amazon

**Tip**

Always specify in your bylaws the exact requirements for their amendment. According to Robert's Rules, you should, at the very least, require a two-thirds vote *and* previous notice to make any change at all in your bylaws.

Disruption Is The New Normal OPEN

### Setting the conditions for amending your bylaws [\(Robert's Rules for Amending Bylaws - dummies\)](#)

In amending a previously adopted bylaw, make sure that the rights of all members continue to be protected. The surest way to provide this protection is to prevent bylaws from being changed without first giving every member an opportunity to weigh in on a change. And bylaws should never be changed **as long as a minority greater than one-third disagrees** with the proposal.

TIP: Always specify in your bylaws the exact requirements for their amendment. According to Robert's Rules, **you should, at the very least, require a two-thirds vote and previous notice to make any change at all in your bylaws.**

Amending specific articles, sections, or subsections of your bylaws. When you're amending parts of your bylaws, you propose the amendment as a main motion and specify one of the same processes you would for any amendment.

The processes of making the motion to amend are:

- Strike out words, sentences, or paragraphs
- Insert (or add) words, sentences, or paragraphs
- Strike out and insert (or substitute) words, sentences, or paragraphs

Tackling a full revision of your bylaws

A *revision* to bylaws is an extensive rewrite that often makes fundamental changes in the structure of the organization. By considering a revision of your bylaws, you're proposing to substitute a new set of bylaws for the existing ones. Your group is free to amend anything in the proposed revision before it's adopted, as if the bylaws were being considered and adopted for the first time. There is a necessary procedure.

Bylaw amendments require a two-thirds vote and recording the results of the vote

Bylaw amendments (requiring a two-thirds vote) are handled as a rising vote unless the amendments are adopted by unanimous consent. However, because of the importance of bylaws and the impact of their amendment, unless the vote is practically unanimous, the best and fairest procedure is to count the vote and record the result in the minutes.

## College of Nurses of Ontario By-Laws 4 Page 7

7.16 Unless otherwise required by law or by the by-laws, every motion which properly comes before the Council shall be decided by a simple majority of the votes cast at the meeting by councillors present.

Policy development involves identifying trends or issues that may have an impact on nursing regulation. New [government legislation](#), direction from Council, and other external factors can play a role in helping the College identify and shape its policies. These policies in turn shape the College's [by-laws](#). The College's by-laws are the rules that govern how the College operates. Government legislation authorizes Council to make by-laws related to the College's governance, administration and regulatory functions.

Part 1: General

### 2. By-Laws (Pg 4)

2.01 By-laws of the College may be enacted, amended or revoked by a **two-thirds majority vote of the councillors present** at a Council meeting duly called for the purpose of considering such enactment, amendment or revocation.

2.02 Notice of a motion to enact, amend or revoke a by-law shall be given to Council at least ten days prior to the meeting referred to in Article 2.01

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

## Royal College of Dental Surgeons of Ontario Page 36

2.10.6 Default is simple majority Except as otherwise provided for in the Act, regulations, or by-laws, each vote at a Council meeting shall be decided by a majority of votes cast at the meeting.

Our by-laws govern how the College operates. They outline how meetings are held, the committees we have, our code of conduct, how elections are held, and a great deal more. [The Regulated Health Professions Act \(RHPA\)](#) gives our Council the power to enact by-laws.

Here's how by-laws are made.

- A new by-law (or changes to an existing by-law) is drafted by a College committee, depending on the subject.
- The by-law is presented at a Council meeting. If approved it is sent to all Ontario dentists, other dental health care organizations and members of the public for review and feedback.
- Feedback from the 60-day consultation is considered by the committee and, if needed, additional changes are made to the by-law.
- The by-law returns to Council for final approval.
- When approved, the by-law comes into effect.

2.10.5 Roll call vote for regulations A vote at a Council meeting on a motion to propose or amend a regulation, or to submit a proposed regulation or regulation amendment to the Ministry

a. shall be by roll call vote; and b. the minute of such vote shall record those members of Council in favour, those opposed, those who abstained, and those who were not present.

## Royal College of Dental Surgeons of Ontario PROCEDURE 26. Page 176

### 1 Enactment, Amendment and Revocation of By-Laws

#### 26.1.1 **Two-thirds vote needed to enact**, amend, or revoke a by-law

By-laws may be enacted, amended, or revoked by a **two-thirds vote** of the members of Council present at a Council meeting called for that purpose

2.10.7 **Vote of chair to be counted where a member of Council is acting as chair of a Council meeting, his or her vote is counted in any matter brought to a vote.**

## College of Occupational Therapists of Ontario

11.07 **Majority Vote** Unless otherwise specified in these bylaws, matters considered at any meeting of the Board shall be decided by a majority vote cast upon each matter by the Directors present. Voting by proxy is not permitted at meetings of the Board.

### 8.08 Making, Amending and Revoking Bylaws

8.08.1 The bylaws of the College or any section thereof may be enacted, amended, or revoked by a **two thirds majority affirmative vote of Board Directors** present and voting at a meeting of the Board called for that purpose

11.08 **In cases of an equality of votes, the Board Chair shall have a deciding vote to break the tie.**

## The College of Audiologists and Speech-Language Pathologists of Ontario

6.1.10. Except where otherwise specified in the RHPA, Code, ASLPA, or the Regulations or By-laws of the College, every issue to be decided at a Board of Directors meeting shall be decided by a simple majority of votes of those voting at the meeting

### 15. MAKING, AMENDING AND REVOKING BY-LAWS

15.1. **Vote.** The By-laws of the College or any part thereof may be enacted, amended or revoked by a resolution of a **two-thirds majority of Directors.**

**Chair does not make motions, or participate in discussion, or vote**

## College of Chiropodists/Podiatrists

8.16 Unless otherwise required by law or by the by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by councillors present.

## 2. BY-LAWS

2.01 By-laws of the College may be enacted, amended or revoked by a vote of **at least two-thirds of the councillors present** at a Council meeting duly called for the purpose of considering such enactment, amendment or revocation

Silent on President allowed to vote

## College of Dental Hygienists of Ontario

### 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.

### 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

Silent on President voting

## College of Dental Technologists of Ontario

11.08 – Simple Majority Unless specifically provided for otherwise under the Act, the RHPA, or these By-Laws, every motion which properly comes before the Board shall be decided by a simple majority of the votes cast at the meeting by the Directors present.

25.02 – Amendments The By-Laws of the College or any section thereof may be enacted, amended, or revoked by a **two thirds majority affirmative vote** of the Board of Directors present and voting at a meeting of the Board called for that purpose.

11.09 – Chair Vote If the Chair is a member of the Board, they may vote.

11.10 – Tie Votes In the event of a tie vote, the motion is defeated.

## College of Denturists of Ontario

22.09 Simple Majority Unless specifically provided for otherwise under the Act, the RHPA or the by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council members present.

### 37. BY-LAWS AND AMENDMENT

37.01 Effective Date These by-laws shall become effective as soon as they have been approved by Council.

37.02 Amendments The by-laws of the College or any section thereof may be enacted, amended, or revoked by a **two-thirds majority of the Council members** present and voting at a meeting of Council called for that purpose.

22.10 Chair Votes If the Chair is a member of Council, he or she may participate in the discussion of a matter before Council but shall not vote unless there is a tie vote and the Chair's vote would break the tie, unless the Chair wishes to vote against a motion and the Chair's vote would create a tie that would defeat the motion, or unless there is a roll call vote (e.g., to enact a regulation).

## College of Dietitians of Ontario

7.11 Voting at Meetings Unless otherwise required by law or by the by-laws, every motion which properly comes before the Board of Directors shall be decided by a simple majority of the votes cast at the meeting by directors present. In the event of a tie vote, the motion is defeated.

### 17.1 Making By-laws

By-laws of the College may be enacted, amended, or revoked by a vote of **at least two-thirds of the directors present** at a Board of Directors meeting duly called for the purpose of considering such enactment, amendment or revocation.

Silent on President voting

## College of Homeopaths of Ontario

11.09 – Simple Majority Unless specifically provided for otherwise under the Act, the RHPA, or the bylaws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council Members present.

### 25. BYLAWS AND AMENDMENTS

25.01 – Effective Date These bylaws shall become effective as soon as they have been approved by the Council.

25.02 – Amendments The bylaws of the College or any section thereof may be enacted, amended, or revoked by a simple majority of the Council Members present and voting at a meeting of Council called for that purpose

11.10 – Chair Vote If the Chair is a member of Council, he or she may vote.

11.11 – Tie Votes In the event of a tie vote, the motion is defeated

## College of Kinesiologists of Ontario

11.09 Simple Majority Unless specifically provided for otherwise under the Act, the RHPA, or the by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council members present.

24.02 Amendments The by-laws of the College or any section thereof may be enacted, amended, or revoked by a simple majority of the Council members present and voting at a meeting of Council called for that purpose

11.10 Chair Vote If the Chair is a member of Council, he or she may vote.

11.11 Tie Votes In the event of a tie vote, the motion is defeated

## College of Massage Therapists of Ontario By-Law No. 1

### 11.09 – Simple Majority

Unless specifically provided for otherwise under the Act, the RHPA or the by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council members present.

The Health Professions Procedural Code gives CMTO's Council authority to make by-laws relating to the College's administration and operations:

#### Amendment or Revocation of By-Laws

3. (A) By-laws of the College may be enacted, amended or repealed by a vote in support from **a two thirds majority of the members of the Council** present at a meeting held to consider the by-law, where a quorum is present.

(B) Except for amendments of a non-substantive nature, which may be incorporated by Council following notice and at any time prior to a vote being held, written notice of all motions in respect of the making, amending or revoking of a by-law shall be circulated:

- i. At least 14 days prior to the consideration of such motion by Council; and
- ii. Where required under section 94(2) of the Code, to all registrants at least 60 days prior to the consideration of such motion.

(C) Every by-law, including every amendment and revocation of a by-law, shall be dated and numbered according to the date on which it was passed, certified by the President or Vice President, in addition to the Registrar, and maintained in electronic form in its chronological order.

11 (C) The Chair of the meeting shall not vote on any matter unless there is a tie vote, and then the Chair of the meeting shall cast the deciding vote

## COLLEGE OF MEDICAL LABORATORY TECHNOLOGISTS OF ONTARIO (CMLTO)

### 4.10.11 VOTING •

The decisions of the Board shall be made by motion and in accordance with the relevant Board Policy.

- Every question to be determined shall be determined by a majority of the votes cast at the meeting, **excluding the Chair's, and if there is an equality of votes on a question, the Chair shall cast the deciding vote.**

### 15.1 MAKING, AMENDING, AND REVOKING THE BY-LAW

The By-Law of the College or any part thereof may be enacted, amended or revoked pursuant to S. 94 (1) and (2) of the Code by a vote of **at least two-thirds (2/3) of the Board Members present** at a Board meeting duly called for that purpose.

## Medical Radiation and Imaging Technologists

8.1. Questions arising at any Council meeting shall be decided by a majority of votes of Councillors present at the meeting. If there is an equality of votes, **the chair of the meeting shall not have a second, or casting vote, and the motion shall be lost.**

24. Procedure - The rules of procedure in **Bourinot's Rules of Order** shall be followed for meetings of Council. (2/3 majority to amend Bylaws)

## College of Midwives of Ontario

7.07 – Simple Majority Unless otherwise required by the Code or the by-laws, Council and Committee members shall, when making decisions, make every effort to reach a consensus, defined as a state of mutual agreement among members of a group where all legitimate concerns of individuals have been addressed to the satisfaction of the group but, where a decision cannot be reached by consensus, a conventional voting process shall be used and the decision shall be made by a simple majority of the votes cast by the members present.

18.03 – Amendments The by-laws of the College or any section thereof may be enacted, amended, or revoked by a **two-thirds majority of the Council members present** and voting at a meeting of the Council called for that purpose.

- b. **The Chair shall be entitled to vote on matters before Council;**

## College of Naturopaths of Ontario

11.09 Simple Majority Unless specifically provided for otherwise under the Act, the RHPA or these by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council members present.

## 25. BY-LAWS AND AMENDMENTS

25.01 Effective Date These by-laws shall become effective as soon as they have been approved by Council.

25.02 Amendments These by-laws of the College or any article thereof may be enacted, amended, or revoked by a simple majority of the Council members present and voting at a meeting of Council called for that purpose

11.10 Chair Votes If the Chair is a Council member, they may vote.

11.11 Tie Votes In the event of a tie vote, the motion is defeated

## College of Opticians of Ontario

8.18 Votes to Govern Each Director is authorized to exercise one vote on every motion at a Board meeting. Subject to the RHPA and the by-laws, any question arising at any Board meeting shall be decided by a majority of votes. In the case of an equality of votes at any Board meeting, the chair of the meeting shall not have a second or casting vote and the matter shall be deemed not to have been carried.

### ARTICLE 24: BY-LAWS

24.1 Making, Amending and Revoking By-laws The Board shall have the power to make, amend or revoke any or all of the by-laws or Articles therein, by resolution of a **two-thirds majority of those Directors present** at a duly-constituted meeting of the Board or, without such meeting, by written resolution which has been confirmed by the hand-written signature of all Directors

## College of Optometrists of Ontario

14.01 (6) Every motion considered by a Committee shall be decided by a majority of the votes cast at the meeting. If the votes cast result in a tie, the chair shall not have a second vote and the motion will be defeated.

### PART 2 - AMENDMENT OR REVOCATION OF BY-LAWS 2.01

Special Resolution is Required

(1) A Special Resolution is required to amend or revoke these By-laws, or make new By-laws.

(2) Written notice of all motions applying to the making, amending or revoking of a By-law shall be circulated:

(a) to Council Members at least 14 days prior to the tabling of such motion; and

(b) when required under Section 94(2) of the Code, to all Members at least 60 days prior to the tabling of such motion.

(3) Every By-law, including every amendment and revocation of a By-law, shall be dated and numbered according to the date on which it was passed, certified by the President or Vice-President, in addition to the Registrar, sealed and maintained in a book in its chronological order.

(2) If the votes cast result in a tie, the chair shall not have a second vote and the motion will be defeated

## ONTARIO COLLEGE OF PHARMACISTS and PHARMACY TECHNICIANS

6.1.8 Unless specifically provided for otherwise in the By-Law, any question arising at any meeting of the Board shall be determined by a majority of votes of Directors present at the meeting and eligible to vote. **In the event of a tie vote, the Chair shall break the tie with an additional vote.**

### ARTICLE 24 MAKING, AMENDING AND REVOKING BY-LAWS

#### 24.1 Requirements.

24.1.1 By-Laws may be made, repealed or amended by **at least two-thirds of all Directors present** at a meeting of the Board and eligible to vote.

### The College of Physicians and Surgeons of Ontario authority is defined by government legislation and College by-laws

29 (8) Unless otherwise required by law or by the by-laws, every motion which properly comes before the council shall be decided by a simple majority of the votes cast at the meeting by the councillors in attendance (including a councillor who is the presiding officer) and, if there is an equality of votes on a motion, the motion shall be deemed to have been defeated.

54. (1) A by-law may be made, amended and revoked by an ordinary motion except that subclause 29(4)(b)(iv) does not permit the making, amending or revoking of a by-law.

(2) Every by-law and every amendment and revocation of a by-law shall be numbered according to the order in which it was passed, certified by the presiding and recording officers of the meeting at which it was passed and maintained in a book in its numerical order

18. Except where inconsistent with the Regulated Health Professions Act, 1991, the Medicine Act, 1991, the regulations or the by-laws of the College, any questions of procedure at or for any meetings of Council shall be determined by the chair of such meeting in accordance with the rules of order as contained in the current version of **Wainberg's Society Meetings Including Rules of Order**.

Silent on President voting

### College of Physiotherapists of Ontario

4.8. **Kerr and King's Procedures for Meetings and Organizations**, Third Edition, are the rules of order for meetings of Council and form part of these By-laws.

BY-LAWS 2.8. (1) The making, amending or revoking of a by-law shall be determined by a majority vote of the Councillors present and voting. Advance notice is required for all motions or resolutions applying to the making, amending or revoking of a by-law.

(2) Proposed by-laws made under the authority of clauses (l.2), (l.3), (s), (t), (v), (w) or (y) of subsection 94 (1) of the Code shall be circulated to every Member at least 60 days before they are approved by Council.

Silent on President voting

## College of Psychologists of Ontario

3.14 Meetings of Council shall be conducted in accordance with Keesey's "Modern Parliamentary Procedures".  
 a. A majority vote shall be defined as a majority of Council members who are eligible to vote and in attendance;

By-law 17: Procedure for Making, Amending or Revoking By-laws

17.1 A By-law may be made, amended or revoked by a resolution of Council subject to subsection 94(2) of the Code.

17.4 A copy of the By-laws made by the Council shall be given to the Minister and to each member and shall be made available to the public in accordance with the provisions of the Regulated Health Professions Act, 1991.

Silent on President voting

## College of Registered Psychotherapists of Ontario

11.09 – Simple Majority Unless specifically provided for otherwise under the Act, the RHPA or the by-laws, every motion which properly comes before Council shall be decided by a simple majority of the votes cast at the meeting by the Council members present.

24.02 – Amendments The by-laws of the College or any section thereof may be enacted, amended, or revoked by a simple majority of the Council members present and voting at a meeting of Council called for that purpose

11.10 – Chair Votes If the Chair is a member of Council, he or she may vote<sup>1</sup>.  
 1) Ordinarily, a Chair does not vote unless it would affect the result.

11.11 – Tie Votes In the event of a tie vote, the motion is defeated

## College of Respiratory Therapists of Ontario

4.11 Matters shall be decided by vote as follows:

- a) Making amending and revoking the By-Law and regulations shall require a two-thirds (2/3) majority vote of those Council Members in attendance.
- b) Unless otherwise required by law or by this By-Law, every motion which properly comes before the Council may be decided by a simple majority of the votes cast at the meeting by those Council Members in attendance.
- c) If there is a tie vote on a motion, the motion shall be defeated.

6.01 - By-Laws of the CRTO may be made, amended, or revoked by a two-thirds (2/3) vote of the sitting Council Members in attendance at a duly constituted meeting or by the signatures of all actual Council Members.

## College of Traditional Chinese Medicine and Acupuncturists of Ontario

- (i) Except where otherwise provided in the Act, regulations or By-Laws, every motion coming before any meeting shall be decided by a majority of votes cast at the meeting, including the chair, provided that the chair is a member of the Council. **In the case of equality of votes, the chair shall not have a second vote and the motion shall be considered to be defeated.**

### 23. BY-LAWS AND AMENDMENTS

23.01 Make, Amend, Revoke By-Law The College's By-Laws may be made, amended or revoked in the same manner as other resolutions or motions that appear before Council. A motion to amend or revoke these By-Laws requires a vote of the majority of those in attendance and voting at the meeting.

**From:** Rose Bustria  
**Sent:** Friday, November 17, 2023 1:28 PM  
**To:** Robbie Berman  
**Cc:** [redacted]  
**Subject:** Correspondence dated November 17, 2023 to Dr. Berman from Dr. Green, CCO President  
**Attachments:** 20231117132233.pdf

Please see attached correspondence dated November 17, 2023 from Dr. Green, CCO President.

**Rose Bustria**  
Executive Assistant  
**College of Chiropractors of Ontario**  
59 Hayden Street, Suite 800  
Toronto, ON M4Y 0E7  
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November 17, 2023



**Personal and Confidential**

**214**

Via e-mail (En français)

Dr. Robbie Berman  
17 Rollingwood Dr.  
North York, ON M2H 2M4

Dear Dr. Berman:

Thank you for your November 9 and 13, 2023 emails.

As you will know from my September 19, 2023 President's message, CCO has been engaging in a systematic review of the by-laws for some time. It is one of my priorities to strengthen CCO's governance, and I see having by-laws that are supported by best practices and take into account the public interest as being a key part of that work.

CCO has retained experts on an ongoing basis to provide advice regarding best practices, as well as other aspects of governance. They have worked with CCO staff, the Executive Committee and Council to develop a set of proposed amendments, which has been circulated to the membership and other stakeholders for feedback and comment. The feedback from all stakeholders relating to the most recent circulation will be reviewed by the Executive Committee, who will be providing further recommendations to Council, informed by the feedback. Council will have the opportunity to review all the feedback on the proposed by-law amendments before making any decisions regarding by-law amendments. As part of this process, your feedback will be reviewed and considered, along with the feedback provided by other stakeholders, including members.

I note you continue to allege that Council did not review or evaluate feedback regarding proposed changes to By-laws 6 and 12 at its January 20, 2023, meeting and otherwise acted improperly in passing the amendments. As you know, Dr. Benjamin Hardick brought an application for judicial review regarding the January 20, 2023 by-law amendments. Justice O'Brien, of the Divisional Court, had the opportunity to review all the evidence regarding the process that led to the amendments in the course of considering Dr. Hardick's request for an interim order. I am enclosing a copy of Justice O'Brien's decision with this letter, as I think you will find it helpful in understanding the sequence of events, and the significant steps that the CCO took to ensure Council had all relevant information, including feedback from members and stakeholders, before making its decision.

In particular, after considering all the evidence, Justice O'Brien concluded as follows at paragraph 26 and 39 of her decision:



*The College fully acknowledges that Council's EC began to look into the issue of the cooling-off period after Dr. Hardick contacted the College's Registrar in August and September 2022 to express an interest in running for Council. The EC was aware that Dr. Hardick had been found to have committed professional misconduct. This type of issue had not arisen at the College since 1999, when a Council member had been the subject of a Discipline Committee hearing.*

*[...] Although the process of amending the Bylaw was triggered by Dr. Hardick's expression of interest, the basis for the review was to ensure the College's qualification rules complied with best practice. The College proceeded on an expedited basis and ultimately Council decided to pass the amendment with immediate effect. But it only did so after engaging in consultations with the profession and public, through which the proposed amendment received broad support."*

In short, the issue before Justice O'Brien was whether CCO acted in the public interest, which is the essence of its statutory mandate. The court concluded that CCO did act in the public interest, not only in passing the amendments to the by-laws, but also in concluding that the amendments should be implemented immediately.

I trust that once you have the opportunity to review Justice O'Brien's decision you will gain a fuller understanding of the basis for Council's decision on January 20, 2023.

Once again, thank you for your interest and feedback regarding the proposed by-law amendments that I circulated in September 2023, and we look forward to reviewing your feedback, as well as the feedback from other members and stakeholders. CCO will continue to review best practices and to carefully consider feedback and advice from experts in making policy decisions consistent with its role and mandate.

Regards,

Dr. Sarah Green  
President, CCO

**CITATION:** Hardick v. College of Chiropractors of Ontario, 2023 ONSC 1479  
**DIVISIONAL COURT FILE NO.:** 060/23  
**DATE:** 20230303

**SUPERIOR COURT OF JUSTICE – ONTARIO  
DIVISIONAL COURT**

**RE:** BENJAMIN HARDICK Applicant  
**AND:**  
COLLEGE OF CHIROPRACTORS OF ONTARIO Respondent  
**BEFORE:** Justice O'Brien  
**COUNSEL:** *D. Cowling and A. Boissonneau-Lehner*, for the Applicant  
*C. Paliare, K. Jones, and D. Rosenbluth*, for the Respondent  
**HEARD:** February 17, 2023

**ENDORSEMENT**

**Overview**

[1] The moving party Dr. Hardick seeks an interim stay of the operation of a bylaw of the respondent College of Chiropractors of Ontario (the “College”) pending the hearing of his application for judicial review. The by-law has the effect of disqualifying Dr. Hardick from running in the upcoming election to become a member of the College’s Council, which is akin to its board of directors.

[2] In approximately October 2022, after Dr. Hardick had contacted the College to express an interest in running for Council, the College’s Executive Committee (“EC”) began considering an amendment to its By-Law 6: Election of Council Members (the “Bylaw”). Until the events at issue in this proceeding, s. 6.9(e) of the Bylaw provided that members were ineligible to run for Council if they had been the subject of a finding of professional misconduct within the three years before the election. After a number of meetings and a process of consultation, the College decided to amend the Bylaw to provide that members were ineligible for election to Council if they had been the subject of a finding of professional misconduct in the preceding six years.

[3] In 2018, Dr. Hardick was the subject of professional discipline by the College’s Discipline Committee. According to the previous version of the Bylaw, Dr. Hardick would have been eligible to run for the upcoming election. However, the amended Bylaw precluded Dr. Hardick’s candidature.

[4] Dr. Hardick submits that the College amended the Bylaw specifically to render him ineligible to stand for election to Council in the 2023 election. In his submission, this constituted bad faith and an improper purpose. He further submits the Bylaw should be struck on the basis that it impermissibly purports to have retrospective effect by providing consequences for past conduct.

[5] Dr. Hardick goes on to say that in the absence of a stay, he will suffer irreparable harm, as he will have been wrongfully denied his right to run for the 2023 Council election. He submits that the balance of convenience weighs in his favour given that a stay would simply continue a *status quo* that existed for well over 20 years prior to the Bylaw amendment. He has undertaken to terminate his candidacy and/or resign his seat on Council should he win a seat but fail on the application for judicial review.

[6] The deadline for submitting nomination papers for election to Council was the date this motion was heard, February 17, 2023. At the conclusion of argument on the motion, I advised orally that the stay was denied and Dr. Hardick's motion dismissed, with reasons to follow. I dismissed the motion for the following reasons.

### Analysis

#### *Test for Granting a Stay*

[7] The test regarding whether to grant a stay is set out in *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311. Ordinarily, the moving party must demonstrate that there is a serious issue to be tried; that it will suffer irreparable harm if the stay is not granted; and that the balance of convenience favours a stay. However, the minimal threshold at the first step assumes that the stay will operate as a temporary measure pending the full hearing. In cases where, as a practical matter, the rights of the parties will be determined by the outcome of the stay motion, the question becomes whether there is a strong likelihood that the case will succeed on the merits: *Toronto (City) v. Ontario (Attorney General)*, 2018 ONCA 761, 142 O.R. (3d) 481, at para. 10.

[8] Dr. Hardick disputes the relevance of the *Toronto* case. There, the province passed legislation during a municipal election period to change the ward structure from 47 to 25 wards. The city successfully challenged the constitutionality of the new legislation in the Superior Court of Justice. In response to the Attorney General's motion seeking a stay pending appeal, the Court of Appeal articulated the first part of the stay test as whether there was a strong likelihood that the appeal would succeed. This more onerous test was necessary because the Court's decision on the stay could effectively determine whether the election proceeded on the basis of 25 or 47 wards.

[9] Dr. Hardick submits that the case is distinguishable in that there was no way to undo the municipal election once it occurred. In the current case, he says, it will be possible to reverse a decision to stay the Bylaw given that, should Dr. Hardick win a seat on Council but be unsuccessful on judicial review, he has undertaken to resign his Council seat.

[10] I disagree that Dr. Hardick resigning his seat would effectively "undo" the election. First, I am not as confident as Dr. Hardick that his judicial review, which has not yet been scheduled, will be heard and decided quickly enough to avoid a period during which he would be involved in the College's governance. More importantly, resigning from his seat would not reverse the election. Although there was a suggestion in the evidence that the second-place candidate might

be able to assume his seat, the College's bylaws provide that when a seat of an elected Council member becomes vacant, an election will be held. This would be an entirely new election with new dynamics. It is unknown, for example, which of the previous candidates or which new candidates would choose to run. In other words, if Dr. Hardick won his seat and was ultimately unsuccessful on his judicial review, he likely would have held office for some period although unqualified to do so and a new election would then need to be held. In these circumstances, the stay effectively would determine the parties' rights in the pending election. This leads me to apply the higher standard at the first stage of the stay test.

***Is there a strong likelihood the judicial review will succeed?***

[11] Turning then to the first part of the test, I am unable to find a strong likelihood that the judicial review will succeed. The standard of review applicable to the review of a professional regulator's bylaw is reasonableness. As the Supreme Court of Canada stated in *Green v. Law Society of Manitoba*, 2017 SCC 20, 407 D.L.R. (4th) 573, at para. 20, in the context of a law society rule, the rule will be set aside only if it "is one no reasonable body informed by the relevant factors could have enacted."

[12] Dr. Hardick has not demonstrated a strong likelihood that the Bylaw will be found to be unreasonable. Dr. Hardick does not take issue with what the College describes as a "cooling off period" following a finding of professional misconduct. His position is that it was unreasonable for the College to make the Bylaw amendment effective immediately. He submits that in implementing the amendment immediately, the College gave the amendment impermissible retrospective effect. He also submits that Council's actions demonstrate bad faith and an improper purpose.

**A. Retrospective Effect**

[13] As explained by the Supreme Court of Canada in *Tran v. Canada (Public Safety and Emergency Preparedness)*, 2017 SCC 50, [2017] 2 S.C.R. 289, at para. 43, the presumption against retrospectivity is a rule of statutory interpretation. Its purpose is to protect acquired rights and prevent a change in the law from attaching new prejudicial consequences to a completed transaction. The presumption works such that "statutes are not to be construed as having retrospective operation unless such a construction is expressly or by necessary implication required by the language of the Act": *Tran*, at para. 43, quoting from *Gustavson Drilling (1964) Ltd. v. Minister of National Revenue*, [1977] 1 S.C.R. 271, 1975 CanLII 4 (SCC), at p. 279.

[14] However, the presumption exists to ensure laws will apply retrospectively only where the legislature has clearly signaled that it has weighed the benefits of retrospectivity with its potential unfairness. Where the legislature signals by express language or necessary implication that it has turned its mind to the issue of retrospectivity, the presumption does not apply: *Tran*, at para. 50.

[15] In this case, I accept, as submitted by the College, that there is a strong likelihood a panel would find that Council expressly engaged with the issue of retrospectivity.

[16] The issue of the Bylaw amendment came before Council at a special meeting held on January 20, 2023. Eleven of Council's 16 members were present. They voted unanimously to approve the proposed amendment to the Bylaw.

[17] There was then a debate as to when the amendment should come into effect. Some Council members took the position that the effective date should be delayed until after the upcoming 2023 elections for Council. Others held the view that an immediate effective date was in the public interest. They reasoned that if it was in the public interest to amend the Bylaw, it was equally in the public interest to implement the amendments immediately and not wait until after the next election.

[18] Ultimately, Council voted 6-5 in favour of implementing the amendments immediately. Of Council's 16 members, 9 are chiropractors who are elected by their peers in specific electoral districts and 7 are public members appointed by the Lieutenant Governor in Council. All six votes in favour of immediate implementation came from Council's public members.

[19] The vote as to whether the amendment should be delayed was an express engagement with the issue of retrospectivity. The only concern with immediate implementation was the question of fairness to anyone caught by the changes in the 2023 election. Council was aware that the issue of the Bylaw amendment was triggered by Dr. Hardick's interest in running. Indeed, the package of material provided to Council members in advance of the meeting included letters from Dr. Hardick's supporters specifically raising the issue of his disqualification for candidacy should the amendment be passed immediately. In short, there is a strong argument to say that Council, after debate and some dissent, voted that the amended Bylaw should have retrospective effect and should capture those who would be impacted retrospectively in the 2023 election.

[20] Dr. Hardick points to a statement in the EC report to Council for the January 20, 2023 meeting, which, he submits, provides evidence that Council did not consider the impact of the amendment on him. The report states: "Consistent with legal advice, Council was encouraged to make its policy decision on a principled basis, and information concerning individual(s) who had already expressed an interest in running for election was not part of Council's deliberations." The report goes on to state:

The By-law Amendments do not target any one member. Rather, the By-law Amendments will affect anyone who, following a full and fair investigation, hearing, and referral to the discipline committee, has been found to have committed an act of misconduct or is incompetent as reflected on the COO's public register at any time up to six years from the finding.

[21] In my view, this excerpt should be read to say that Council was not targeting Dr. Hardick to prevent him from running for Council. This does not mean Council was unaware of the possible retrospective impact of the amended Bylaw.

[22] Dr. Hardick also submits that it was not open to Council to pass a bylaw with retrospective application where the enabling statute, the *Health Professions Procedural Code* (the "Code"), being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 (the "RHPA"), does not expressly authorize it to do so.

[23] It goes without saying that delegated legislation must fall within the bounds of the authority provided by the enabling statute. However, the Supreme Court of Canada has repeatedly emphasized a professional regulator's broad discretion to regulate. In *Green*, for example, it

compared rules made by a law society to bylaws passed by municipal councils. The Court emphasized that such bylaws “must reflect the broad discretion provincial legislators have traditionally accorded to municipalities engaged in delegated legislation”: at para. 21, quoting from *Catalyst Paper Corp. v. North Cowichan (District)*, 2012 SCC 2, [2012] 1 S.C.R. 5, at para. 19. The Court further underscored, at para. 22, the professional regulator’s “broad discretion to regulate ... on the basis of a number of policy considerations related to the public interest.” See also *Trinity Western University v. Law Society of Upper Canada*, 2018 SCC 33, [2018] 2 S.C.R. 453, at para. 18.

[24] Here, the College has a duty under s. 3(2) of the *Code* to serve and protect the public interest. Further, Council is granted broad powers to pass bylaws relating to the administration and internal affairs of the College, combined with express authority to pass bylaws regarding qualifications for members to run for Council, as well as conditions disqualifying members of Council. Subsection 94(1) of the *Code* provides, in relevant part:

94(1) The Council may make by-laws relating to the administrative and internal affairs of the College and, without limiting the generality of the foregoing, the Council may make by-laws,

...

(d.1) respecting the election of Council members, including requirements for members to be able to vote, electoral districts and election recounts;

(d.2) respecting the qualification and terms of office of Council members who are elected;

(d.3) prescribing conditions disqualifying elected members from sitting on the Council and governing the removal of disqualified Council members;

...

[25] In the circumstances of this case, Council expressly passed the Bylaw amendment to serve and protect the public interest. I will deal more fully below with the allegations that the College targeted Dr. Hardick with its amendments to the Bylaw. For now, I focus on the evidence the College relies on to say it was focused on the public interest.

[26] The College fully acknowledges that Council’s EC began to look into the issue of the cooling-off period after Dr. Hardick contacted the College’s Registrar in August and September 2022 to express an interest in running for Council. The EC was aware that Dr. Hardick had been found to have committed professional misconduct. This type of issue had not arisen at the College since 1999, when a Council member had been the subject of a Discipline Committee hearing.

[27] Since 1999, the environment in which the College operates as a regulatory health college had changed substantially. There had been significant changes to the expectation that regulatory colleges act in the public interest, including stricter requirements related, for example, to the publication of information regarding members on the public register. In addition, in 2020, the Ontario Ministry of Health established annual reporting requirements for all regulated health

profession colleges using a College Performance Measurement Framework (“CPMF”) to measure and report, in a standardized manner, how they were acting in the public interest. An important aim of the CPMF was consistency across colleges. The College had been working to improve its processes and structures, guided by the goals of the CPMF.

[28] In this context, the College’s EC considered Dr. Hardick’s potential candidacy to raise an important issue for consideration in the current regulatory environment. During its initial meetings to discuss the issue triggered by Dr. Hardick’s candidacy, the EC received information that a number of other regulated health colleges had a six-year cooling off period, including the three largest colleges: the College of Nurses of Ontario, the College of Physicians and Surgeons of Ontario and the Ontario College of Pharmacists.

[29] The EC came to the view and recommendation that the six-year cooling off period was a best practice. It reasoned that such a change increased the chances that the candidate would be running for election to regulate the profession in the public interest rather than to address their recent interactions with the College. Further, it found the amendment to be in the public interest because of enhanced public confidence in the College by members of the public who might be concerned about Council members who had recently been found to have committed professional misconduct or be incompetent. Finally, the EC was of the view that the amendment reduced the chance of a candidate, if elected, having a conflict of interest when dealing with issues related to a recent finding of professional misconduct.

[30] At the same time that it was considering the amendment in dispute, the EC also looked at other cooling off periods in the bylaws. It recommended an additional amendment so that the six-year cooling off period would also apply to the appointment of non-Council members to committees.

[31] The EC’s recommendation came before Council at the November 24, 2022 meeting. Council decided that it was in the public interest to solicit stakeholder feedback regarding the proposed amendments. Therefore, on December 2, 2022, it circulated a request for feedback. The College received extensive responses to this request, most of which were supportive of the proposed changes. Among other positive responses, the Ontario Chiropractic Association, which represents approximately 80% of the College’s members, sent a supportive letter. The College also received some feedback opposing the timing of the changes.

[32] Prior to the January 20, 2023 meeting at which Council held its votes, each Council member received an information package containing the complete set of feedback received during the consultation process. As set out above, the amendment passed unanimously, though the decision to implement the changes immediately passed 6-5 with the public members all voting in favour of immediate implementation.

[33] In brief, Council passed the amendment with a focus on adhering to best practices in protecting the public and in the context of a regulatory environment intent on public accountability. It also expressly considered and voted in favour of the Bylaw’s retrospective application.

[34] Dr. Hardick has not provided any authority for the proposition that a public regulator is not entitled to pass a bylaw with retrospective application where the bylaw is expressly intended to protect the public interest and where the delegated authority specifically turned its mind to its retrospective impact. In view of the College's broad statutory mandate to serve and protect the public, combined with Council's wide bylaw powers, Dr. Hardick has not demonstrated his claim on this point has a strong likelihood of success. Put otherwise, in the circumstances of this case, Dr. Hardick has not shown a strong likelihood that, on judicial review, a panel of this Court would find Council's amendment to be outside the range of options available to the College applying a reasonableness standard.

**B. Bad Faith/Improper Motive**

[35] Dr. Hardick also submits that the Bylaw amendment should be quashed on the basis that Council passed it in bad faith and pursuant to an improper motive. He submits that the College's claims that it was acting in the public interest constitute a "thin veneer" hiding the real substance of the matter, which was to target his candidacy. He asks the Court to infer bad faith and improper purposes from factors such as the following: But for the fact of Dr. Hardick having notified the College's Registrar that he intended to run for election, there would have been no amendment prior to the current election cycle; the process was accelerated to capture him prior to the current election; he was the only member affected by the change for the current election; Council did not apply the same rule to sitting Council members; and there was no urgency to the amendment given that the College had considered the prior version of the Bylaw to be in the public interest for the previous 20 years.

[36] Bad faith connotes a lack of candour, frankness and impartiality. It includes arbitrary or unfair conduct and the exercise of power to serve private purposes at the expense of the public interest: *Equity Waste Management of Canada Corp v. Halton Hills (Town)*, 1997 CanLII 2742 (Ont. C.A.), 35 O.R. (3d) 321, at para. 61. Bylaws also may be set aside where they are passed for an improper purpose, including a purpose collateral to the one for which the power to make the bylaw was granted: *Hummel Properties Inc. v. Niagara-on-the Lake (Town)*, 2022 ONCA 737, at para. 26; *Markham v. Sandwich South (Township of)*, 1998 CanLII 5312 (Ont. C.A.), at para. 24.

[37] Dr. Hardick faces a heavy burden in seeking to demonstrate bad faith on the part of the majority of Council members: *Friends of Lansdowne Inc. v. Ottawa (City)*, 2012 ONCA 273, 110 O.R. (3d) 1, at para. 79.

[38] Dr. Hardick has not identified any private purpose or other personal reason that the public members of Council voted in favour of the immediate implementation of the Bylaw. Indeed, he acknowledged on cross-examination that he was not aware of any public member of Council having a bias against him, nor was he able to identify any motivation against him.

[39] I do not find a strong likelihood that on judicial review this Court would find the College acted for a purpose other than the public interest. Although the process of amending the Bylaw was triggered by Dr. Hardick's expression of interest, the basis for the review was to ensure the College's qualification rules complied with best practice. The College proceeded on an expedited basis and ultimately Council decided to pass the amendment with immediate effect. But it only did

so after engaging in consultations with the profession and public, through which the proposed amendment received broad support.

[40] With respect to the argument that the amendment did not potentially disqualify sitting Council members, there is a distinction between the retroactive and retrospective application of a bylaw. Retrospectivity changes the future legal effect of past events whereas retroactivity changes the legal effect of past events as if the law were different when those events occurred: Ruth Sullivan, *Sullivan on the Construction of Statutes*, 7th ed (Markham: LexisNexis, 2022), at § 25.02 [4] and 25.05 [1]; *Gustavson*, at p. 279. The fact that Council did not give the Bylaw retroactive effect does not detract from its ability to give the Bylaw retrospective effect. Sitting Council members are in a different position than those running for election. To disqualify them would mean undoing the results of an election *ex post facto*. Moreover, there is no evidence that any current Council member would have been captured by such a rule.

[41] Overall, in my view, a panel of this Court on judicial review would likely interpret the College as having acted in the public interest in a manner that impacted a particular member, Dr. Hardick, but not with the purpose of doing so. Therefore, in my view, Dr. Hardick has not demonstrated a strong likelihood that, on judicial review, the Bylaw would be found unreasonable.

***Will Dr. Hardick suffer irreparable harm?***

[42] I accept that Dr. Hardick will suffer irreparable harm if prevented from running in the election. The next election for the seat on Council in his electoral district will be in 2026. By then, the finding of professional misconduct against him will be sufficiently outdated that the Bylaw will not prevent him from running. Still, I do not consider the opportunity to run in the next election to obviate the three-year wait and lost opportunity to participate in the current governance of the College.

***Does the balance of convenience favour a stay?***

[43] Overall, the balance of convenience weighs in favour of denying a stay. When a court is considering a request for a stay suspending the operation of a validly enacted law, the law is presumed to be in the public good. In assessing the balance of convenience, therefore, the motions judge must proceed on the assumption that the law, or bylaw in this case, is directed to the public interest and serves a valid public purpose: *Harper v. Canada (Attorney General)*, 2000 SCC 57, 2 S.C.R. 764, at para. 9; *RJR-MacDonald*, at pp. 348-49.

[44] This presumed public interest must be weighed against Dr. Hardick's assertion of his own rights. I have found that he stands to suffer irreparable harm if he is prevented from running in the election. That said, and although not a cure for the harm he will suffer, he will have the opportunity to run again in the next election. Meanwhile, if the election proceeds on an invalid basis, this must be presumed to harm the public interest as a whole. Practically speaking, as I have said above, the election cannot simply be undone by Dr. Hardick's undertaking to resign. Requiring that an entirely new election be held, potentially with new candidates, in my view constitutes a greater harm than requiring Dr. Hardick to wait for the next election cycle.

**Disposition**

[45] Therefore, as indicated at the conclusion of the hearing, the motion is dismissed. Dr. Hardick shall pay costs to the College in the agreed-upon amount of \$20,000.

  
\_\_\_\_\_  
O'Brien J

**Date:** March 3, 2023

**From:** Krista Ryan <doctor@cco.info>  
**Sent:** Friday, November 17, 2023 11:17 AM  
**To:** cco.info  
**Subject:** Proposed changes

**CAUTION EXTERNAL:** This email originated from outside of the organization. Do not click links or open attachments unless you have verified the sender and know the content is safe.

1. A number By-laws are being changed to be more inclusive and neutral, changing pronouns from her/his to their or member. I am opposed to all of it. It's a slippery slope.
2. The way I understand it, with a Nomination Committee there are no longer any nominations allowed from the floor. I am opposed to the President of the Council being part of this committee as the President could have too much sway over the Council.
3. By-law changes to By-law 6.9 dealing with "cooling off period" as it pertains to someone's eligibility to run for Council seeks to change the period from 3 to 6 years. This is a change that will obstruct and exclude the most experienced, enthusiastic and committed members of our profession from continuing their service to the profession. This amendment is clearly not in the *public interest*. A 3 year cooling off period across the board is more than adequate. A criminal charge should NOT require a cooling off period. A criminal conviction, depending on the nature of the crime may be different IF the crime is such that it has significance to an individual's practice or their ability to serve on Council. Examples of this are physical or sexual assault, robbery, fraud and the like where a person's trust is in serious question. Convictions such as stunt driving, impaired driving etc are different and should be treated as such. They have no bearing on a person's capacity on Council. With regards to someone who is in a litigious situation with the CCO, I believe that someone in this position should not be prevented from running for Council. I understand we still live in a democracy and should have the ability to make actionable change without restricting service.
4. I support the amendment which addresses the type of vote needed to pass changes to By-laws. I support a 2/3 majority vote as opposed to a simple majority vote to change By-laws.

Warm Regards,  
 Dr. Krista Ryan

doctor@cco.info  
 416-291-1111

**From:** Dr. Glenn <dr@l...>  
**Sent:** Friday, November 17, 2023 10:52 AM  
**To:** cco.info  
**Subject:** CCO PROPOSED BY-LAW AMENDMENTS

**CAUTION EXTERNAL:** This email originated from outside of the organization. Do not click links or open attachments unless you have verified the sender and know the content is safe.

1. A number By-laws are being changed to be more inclusive and neutral, changing pronouns from her/his to their or member. I am opposed to all of it. It's a slippery slope.
2. The way I understand it, with a Nomination Committee there are no longer any nominations allowed from the floor. I am opposed to the President of the Council being part of this committee as the President could have too much sway over the Council.
3. By-law changes to By-law 6.9 dealing with "cooling off period" as it pertains to someone's eligibility to run for Council seeks to change the period from 3 to 6 years. This is a change that will obstruct and exclude the most experienced, enthusiastic and committed members of our profession from continuing their service to the profession. This amendment is clearly not in the *public interest*. A 3 year cooling off period across the board is more than adequate. A criminal charge should NOT require a cooling off period. A criminal conviction, depending on the nature of the crime may be different IF the crime is such that it has significance to an individual's practice or their ability to serve on Council. Examples of this are physical or sexual assault, robbery, fraud and the like where a person's trust is in serious question. Convictions such as stunt driving, impaired driving etc are different and should be treated as such. They have no bearing on a person's capacity on Council. With regards to someone who is in a litigious situation with the CCO, I believe that someone in this position should not be prevented from running for Council. I understand we still live in a democracy and should have the ability to make actionable change without restricting service.
4. I support the amendment which addresses the type of vote needed to pass changes to By-laws. I support a 2/3 majority vote as opposed to a simple majority vote to change By-laws.

Sincerely,

Dr. Glenn Lang  
box 1030 - 920 Yonge St  
Walkerton, Ontario  
N0G 2V0

[dr@l...](mailto:dr@l...)

**From:** Gord Burkholder <gord@...>  
**Sent:** Friday, November 17, 2023 9:59 PM  
**To:** Joel Friedman  
**Subject:** Feedback - Bylaw amendments circulated September 19, 2023 (2 attachments)  
**Attachments:** 1 Ontario Regulatory colleges cooling off chart.pdf; 1 Ontario Regulatory colleges voting procedures (5).pdf

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November 17, 2023

College of Chiropractors of Ontario

Attn: Joel Friedman-Deputy Registrar  
Ms Jo-Ann Willson - Registrar  
Dr. Sarah Green-President  
Executive Committee  
Quality Assurance Committee  
Council members

Re: Feedback - Bylaw amendments circulated September 19, 2023

I would like to submit my feedback regarding the recent proposed by-law amendments. I ask that my feedback be distributed to all council members and taken under consideration. These are my opinions and are submitted in good faith. I echo the sentiment of many of my peers that the feedback portal is grossly inadequate to provide quality feedback. I urge the council to look into a new feedback system.

**Bylaw 6**

Extending the cooling off periods from 3 to 6 years for an individual who has served as a director on other chiropractic boards is unnecessary and excessive. Just a few years ago there was no cooling off period and the council functioned extremely well. Then a one year cooling off period came into effect which seemed a reasonable addition to the election bylaws. But then it was followed by 3 years...now 6 years? Where does this end? Members that have served on other boards and organizations bring a wealth of knowledge and skill to the table. By excluding people for 6 years we prevent highly competent, committed people from serving on council. In some cases, depending on the date of resignation and the election cycle, this could exclude a member for almost 9 years. I wonder if this same exclusionary rule applies to the appointed public members? This is certainly not consistent with the majority of Colleges. A review of other college bylaws demonstrates that no other college requires 6 years(see attachment). The proposed amendment appears excessive. It is not in the public interest.

The Bylaw 6.9 (f) prohibits a member who resigns from running for 6 years and 4 months. I hope this amendment is an error because it is not consistent and the optics are not good. Why the extra 4 months? It appears it may be targeting specific individuals who resigned from council. If the college is targeting individuals then the council should be honest and transparent about this, and let the

public and membership decide if this is appropriate. As stated in the President's Message **"...when examining our by-laws we should not just ask if something is technically permissible within the relevant governing statutes, but also whether it is the right thing to do."** In my opinion targeting specific individuals is unethical, possibly unconstitutional and optically bad for our profession. I personally believe the majority of members and the public would feel the same. Consider someone resigning from council for health reasons, to look after a sick relative, or for maternity leave? Should they be excluded from returning to council for 6 years? Is this ethical? A review of other college bylaws shows that no other college prohibits for 6 years after resignation. This amendment is not in the public interest.

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Excluding a member who has been involved in litigation with the college for 6 years is not appropriate. Members must have their right to challenge the college preserved. It is a fundamental right. Is a discipline hearing or an appeal to HPARB considered litigation? This bylaw is very vague and there are numerous scenarios that must be considered. If a member successfully wins the appeal because the college was in error, should they be excluded from running for council? There are simply too many scenarios that could be interpreted as "litigation" leaving this open to interpretation and legal challenges. A review of other colleges shows that only 3 colleges use 6 years for this rule, the majority are silent or state "if currently involved in proceedings". This amendment as drafted is not in the public interest.

Excluding a member for 6 years after being charged with a criminal offence may be inappropriate and excessive in some cases. In Canada an individual is innocent until proven guilty. A charge does not equate to guilt. Also the nature of the criminal act should be taken into account. The majority are either silent on this issue or evaluate each situation to determine suitability. I believe the latter would be the appropriate amendment. For these reasons I believe this proposed bylaw amendment, as drafted, is not in the public interest.

#### Nomination committee/president

The president should not be allowed to sit on the nomination committee for internal elections for the same reason presidents generally don't vote (except to break a tie). The rationale for this (Robert's rules of order) is that the president has significant influence over the council. Members will often side with the president because they are in a position of authority and they are usually "popular". Nominations should be based on competency. Popularity is not in the public interest. When did the CCO start using a nomination committee? It is my understanding that, in the past, nominations always came from the floor. When did this change?

#### Bylaw 8.8 Simple majority

It is interesting that the college is applying bylaw 8.8, a simple majority, to amend bylaws. I am absolutely perplexed that the CCO thinks the simple majority is the appropriate rule to apply. Robert's rules of order specifies that a 2/3 majority is required to amend a bylaw. The rationale for this is that a simple majority could allow the organization to be hijacked by a small group with ulterior motives. Doesn't it seem odd that a 2/3 majority vote is required to remove a chair or president, but a simple majority can be used to rewrite bylaws thus changing the rules that govern the entire organization? Robert's Rules of Order is the gold standard and has been used by nonprofits, corporations, regulatory bodies etc. since 1876. The majority of Colleges currently require a 2/3 majority vote to pass a bylaw amendment (**See attached chart**). The CCO appears to be the only college that does not specify how it amends bylaws. It is my opinion that the college needs to clarify how bylaw amendments are adopted. It is in the public interest that a 2/3 majority vote be required to amend all current and future bylaws.

#### Recent council package.

When reviewing the executive committee report in the public package I noticed something extremely concerning. It states that "**Council is not required by the RHPA to circulate many of these by-law amendments...**" While this may be true, we have years of precedent that conflict with this statement. I have been a member since 1995. To my knowledge, until recent years, all by-law amendments (both minor and major) were circulated for feedback. The feedback was considered and the document was edited and recirculated if needed. This allowed for the best possible document to be created. It was transparent and done in the spirit of self regulation. Circulation and feedback is also in alignment with CCO's core values of collaboration, respect and transparency. To not circulate shows disrespect to the public, the profession and the self regulatory process. I also noticed this statement: "**I anticipate the following recommendation at the November 23,2023 Council meeting: That Council approve the bylaw amendments as circulated.**" Feedback is not due until November 19, 2023. Are we to assume that the council is not going to take all relevant feedback into consideration? Is circulation and feedback viewed by council as just a formality? This is not appropriate and not in the public interest. All relevant feedback should be taken into account before a bylaw is amended. In some cases a bylaw amendment should be rejected, in other cases it may require editing and recirculation before it is adopted. To think that 16 council members can possibly think of all the possible ramifications of a bylaw change is unrealistic. This is unlikely to produce the best possible document. I urge the council to give Circulation and feedback the respect it deserves. As stated in the President's message "**a regulatory system is not just supported by formal rules, but also by norms, best practices and, of equal importance, community expectations. This is why when examining our by-laws we should not just ask if something is technically permissible within the relevant governing statutes, but also whether it is the right thing to do.**" Providing circulation and giving due consideration to all relevant feedback is "the norm". It is in the public interest and in alignment with the CCO's core values statement. While it is not mandatory, it is "the right thing to do." It is in the public interest.

In the past, bylaw changes were rare and usually came about due to changes in government legislation or simply to clarify wording issues. More recently there has been an unprecedented number of bylaw amendments. I understand the need for consistency with other colleges and the CPMF. However, many recent bylaw changes do not align with the majority of colleges and have nothing to do with the CPMF. In some cases they have an appearance of being driven by internal politics and/or agendas. The optics of this are not good for our profession. I believe the CCO needs to revisit its bylaw amendment procedures and ensure that they align with the core values of Integrity, Respect, Collaboration, and Transparency. Circulation and feedback is a vital component of the self regulatory process. It yields the best possible documents that are likely to stand the test of time. It is important that the college stays in alignment with best practices and the majority of Colleges. This is in the public interest.

Respectfully yours,

Gordon Burkholder D.C.  
Member in good standing since

## COOLING OFF PERIODS FROM ALL 26 REGULATORY COLLEGES in ONTARIO

'Cooling Off' requirements  Ontario Regulatory colleges	after being a director of an association or employee of an educational institution	after being an employee of the College	after 9 consecutive years on Council	after discipline decision	After guilty of criminal offence	after license revoked or suspended	After being disqualified from Council	After resigning from Council	After litigation or other legal proceedings against the College or members of Council
College of Audiologists and Speech-Language Pathologists of Ontario	1 year	1 year	12 months	6 years	silent	6 years except for nonpayment of dues	3 years	silent	silent
College of Chiropractors and Podiatrists of Ontario	1 year	silent	5 years	3 years	silent	6 years -except for nonpayment of dues	3 years	3 years except if resigned with permission	silent
College of Dental Hygienists of Ontario	1 year	1 year	1 year	6 years	3 years	silent	3 years	silent	1 year after being part of a legal proceeding against the college
College of Dental Technologists of Ontario	1 year	1 year	12 months	3 years	silent	6 years - except for nonpayment of dues	3 years	silent	silent
Royal College of Dental Surgeons of Ontario	3 years	6 years	5 years	never	never -has an Eligibility Committee to evaluate	silent	silent	silent	never
College of Denturists of Ontario	1 year	Not current employee	3 years	3 years	silent	6 years	6 years	silent	current proceedings
College of Dietitians of Ontario	3 years	2 years	3 years	never	never	6 years -except for nonpayment of dues	3 years	silent	current proceedings
College of Homeopaths of Ontario	Agrees to resign before taking office	2 years	silent	3 years	silent	6 years	3 years	silent	silent
College of Kinesiologists of Ontario	3 years	3 years	3 years	3 years	a criminal finding relevant to	silent	3 years	3 years - other than for health or personal	silent

					the registrant's ability to practise the profession			reasons acceptable to Council	
<b>'Cooling Off' requirements</b>	<b>after being a director of an association or employee of an educational institution</b>	<b>after being an employee of the College</b>	<b>after 9 consecutive years on Council</b>	<b>after discipline decision</b>	<b>After guilty of criminal offence</b>	<b>after license revoked or suspended</b>	<b>After being disqualified from Council</b>	<b>After resigning from Council</b>	<b>After litigation or other legal proceedings against the College or members of Council</b>
College of Massage Therapists of Ontario	2 years	2 years	silent	6 years	guilty of an offence that is relevant to their suitability to serve	6 years -if related to discipline order	6 years	silent	silent
College of Medical Laboratory Technologists of Ontario	12 months	12 months	12 months	silent	silent	6 years - except for nonpayment of dues	5 years	silent	6 years
College of Medical Radiation and Imaging Technologists	12 months	silent	silent	3 years	silent	6 years	silent	silent	silent
College of Midwives of Ontario	12 months	Can't be current employee	silent	3 years	silent	6 years -except for nonpayment of dues	3 years	silent	silent
College of Naturopaths of Ontario	2 years	2 years	silent	3 years	Prior conviction or current charges	6 years -except for nonpayment of dues	3 years	silent	current
College of Nurses of Ontario	Resign before nomination deadline	Resign before nomination deadline	3 years	3 years	silent	6 years -except for nonpayment of dues	3 years	16 months	silent
College of Occupational Therapists of Ontario	3 years	6 years	3 years	6 years	Finding of guilt relevant to suitability to practice	silent	6 years	3 years	current
College of opticians of Ontario	3 years	3 years	3 years	6 years	silent	6 years -except for nonpayment of dues	6 years	silent	6 years

College of Optometrists of Ontario	Resign if elected	silent	silent	Current proceeding	silent	silent	6 years for Council 3 year to committees	silent	silent
Ontario College of Pharmacists	3 years	silent	3 years	No current finding	current	6 years	6 years	silent	current
<b>'Cooling Off' requirements</b>  <b>Ontario Regulatory colleges</b>	<b>after being a director of an association or employee of an educational institution</b>	<b>after being an employee of the College</b>	<b>after 9 consecutive years on Council</b>	<b>after discipline decision</b>	<b>After guilty of criminal offence</b>	<b>after license revoked or suspended</b>	<b>After being disqualified from Council</b>	<b>After resigning from Council</b>	<b>After litigation or other legal proceedings against the College or members of Council</b>
College of Physicians and Surgeons of Ontario	1 year	5 years	never	silent	silent	6 years	5 years	5 years related to a proposed disqualification	silent
College of Physiotherapists of Ontario	12 months	12 months	1 year	6 years	relevant to the Registrant's suitability to serve as a Councillor	silent	3 years	silent	current
College of Psychologists of Ontario	1 year	1 year	silent	2 years	2/3 of Council vote to disqualify	6 years	silent	silent	silent
College of Registered Psychotherapists of Ontario	1 year	12 months	silent	3 years	opinion of Council, is of such a nature that warrants disqualification	6 years -except for nonpayment of dues	3 years	silent	6 years after being part of a legal proceeding against the college
College of Respiratory Therapists of Ontario	current	12 months	silent	6 years	offence relevant to their suitability to be licensed	silent	6 years	silent	silent
College of Traditional Chinese Medicine and Acupuncturists of Ontario	2 years	1 year	3 years	6 years	in the opinion of Council, is of such a nature that warrants disqualification	6 years	3 years	3 years	current

COOLING OFF PERIODS BEING RECOMMENDED TO COUNCIL BY CCO EXECUTIVE (compared to other Colleges)

'Cooling Off' requirements	after being a director of an association or employee of an educational institution	after being an employee of the College	after 9 consecutive years on Council	after discipline decision	After guilty of criminal offence	after license revoked or suspended	After being disqualified from Council	After resigning from Council	After litigation or other legal proceedings against the College or members of Council
<p>Ontario Regulatory colleges</p> <p>College of Chiropractors of Ontario</p> <p>Proposed Cooling Off requirements</p>	<p>Currently 3 years</p> <p>Proposing to make 6 years</p> <p>NO other college requires 6 years</p> <p>All other Colleges require 0-3 years</p>	<p>Currently 3 years</p> <p>Proposing to make 6 years</p> <p>ONLY 3 Colleges requires 5-6 years</p> <p>All other Colleges require 0-3 years</p>	<p>3 years</p> <p>No change</p> <p>Most Colleges require 0-3 years</p> <p>2 colleges require 5 years</p> <p>9 Colleges are silent</p> <p>1 college is never</p>	<p>6 years</p> <p>Just amended from 3 years in Jan 2023</p> <p>10 Colleges requires 6 or more years</p> <p>13 Colleges require 3 years or less</p> <p>2 Colleges are silent</p>	<p>Currently none</p> <p>Proposing to make a 6 years</p> <p>NO other college requires 6 years</p> <p>12 Colleges are silent</p> <p>8 Colleges evaluate suitability to practice and whether it warrants disqualification</p> <p>2 Colleges are never</p> <p>3 Colleges unclear and unique</p>	<p>6 years</p> <p>Just amended from 3 years in Jan 2023</p> <p>18 Colleges requires 6 years</p> <p>most say "except for nonpayment of dues"</p> <p>7 Colleges are silent</p>	<p>6 years</p> <p>Just amended from 3 years in Jan 2023</p> <p>13 Colleges requires 3 years</p> <p>9 Colleges requires 5-6 years</p> <p>3 Colleges are silent</p>	<p>Currently 3 years and 4 mths</p> <p>Proposing to make 6 years and 4 months</p> <p>NO other college requires 6 years</p> <p>ONLY 4 Colleges requires 3 years</p> <p>19 Colleges are silent</p> <p>1 College requires 5 years</p> <p>1 College requires 16 months</p>	<p>Currently none</p> <p>Proposing to make a 6 years</p> <p>ONLY 3 Colleges requires 6 years</p> <p>7 Colleges only if involved in current proceedings</p> <p>1 College requires 1 year</p> <p>14 Colleges are silent</p>

### Summary of Voting Procedures used by Ontario Regulatory Colleges

**CCO's Bylaw Clause 8.8:** Unless otherwise required by law or by-law, every question which properly comes before the Council may be decided by a simple majority of the votes cast at the meeting by council members, and, if there is an equal number of votes on a question, the chair may cast a deciding vote.

Ontario Regulatory college	Year created	Has a Simple Majority voting clause (CCO Bylaw 8.8)	Required votes to amend Bylaws	Required votes to remove from a position on Council/committee	President votes	Rules used or referenced Or Other unique clauses
College of Chiropractors of Ontario	1991	Yes (see above)  2023 Council applied this clause to Bylaw changes in January 2023  CCO did not apply this clause to Bylaw amendments in 2009 or 2015-16	Silent  (no specific clause or specific requirements listed)  Robert's Rules of order specifically referenced in CCO's Rules of Council.	2/3 of Council	Only to break the tie	Robert's Rules of Order

Ontario Regulatory college	Year created	Has a Simple Majority voting clause same/similar to CCO Bylaw 8.8	Required votes to amend Bylaws	Required votes to remove from a position on Council/committee	President votes	Rules used or referenced Or Other unique clauses
College of Audiologists and Speech-Language Pathologists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Never	Bourinot's Rules of Order
College of Chiropodists and Podiatrists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	silent In the event of a tie vote, the motion is defeated	Sturgis - The Standard Code of Parliamentary Procedure
College of Dental Hygienists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	silent	Robert's Rules of Order

<b>Ontario Regulatory college</b>	<b>Year created</b>	<b>Has a Simple Majority voting clause same/similar to CCO Bylaw 8.8</b>	<b>Required votes to amend Bylaws</b>	<b>Required votes to remove from a position on Council/committee</b>	<b>President votes</b>	<b>Parliamentary Rules used or referenced</b>  <b>Other unique clauses</b>
College of Dental Technologists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Yes	Robert's Rules of Order
Royal College of Dental Surgeons of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Yes	The Standard Code of Parliamentary Procedure
College of Denturists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	Majority of Council	Only to break the tie	Robert's Rules of Order
College of Dietitians of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	silent	determined by the chair or presiding officer of such meeting in accordance with the rules of order that the Board of Directors adopts from time to time.
College of Homeopaths of Ontario	2007	Yes -not used to change bylaws	Simple majority explicitly stated	silent	Yes	Robert's Rules of Order
College of Kinesiologists of Ontario	2007	Yes -not used to change bylaws	Simple majority explicitly stated	2/3 of Council	Yes	Robert's Rules of Order
College of Massage Therapists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Only to break the tie	None referenced
College of Medical Laboratory Technologists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Only to break the tie	The Board of Directors shall set or adopt such rules of order that it deems appropriate to govern and guide the conduct of its meetings
College of Medical Radiation and Imaging Technologists	1991 updated 2017	Yes -not used to change bylaws	Bourinot's Rules of Order (2/3 majority required)	silent	No second vote motion defeated	Bourinot's Rules of Order
College of Midwives of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Yes	None referenced
College of Naturopaths of Ontario	2007	Yes -not used to change bylaws	Simple majority explicitly stated	2/3 of Council	Yes	Robert's Rules of Order
College of Nurses of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	No	American Institute of Parliamentarians' Standard Code of Parliamentary Procedure

<b>Ontario Regulatory college</b>	<b>Year created</b>	<b>Has a Simple Majority voting clause same/similar to CCO bylaw 8.8</b>	<b>Required votes to amend Bylaws</b>	<b>Required votes to remove from a position on Council/committee</b>	<b>President votes</b>	<b>Rules used or referenced Or Other unique clauses</b>
College of Occupational Therapists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Only to break the tie	such rules of order as it deems appropriate to govern the conduct of each Board meeting
College of opticians of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	silent	No second vote motion defeated	Robert's Rules of Order
College of Optometrists of Ontario	1991	Yes -not used to change bylaws	Special resolution -defaults to Roberts Rules in Bylaws	2/3 of Council	No second vote motion defeated	Robert's Rules of Order
Ontario College of Pharmacists	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Yes with additional vote to break the tie	None referenced The Board may, from time to time, set or adopt Rules of Order to guide the conduct of Board meetings.
College of Physicians and Surgeons of Ontario	1991	Yes -not used to change bylaws	Wainberg's Society Meetings Rules of Order	2/3 of Council	silent	Wainberg's Society Meetings Rules of Order
College of Physiotherapists of Ontario	1991	Yes -not used to change bylaws	Simple majority explicitly stated	2/3 of Council	silent	Kerr and King's Procedures
College of Psychologists of Ontario	1991	Yes -not used to change bylaws	Keeseey's Modern Parliamentary Procedures	2/3 of Council	silent	Keeseey's Modern Parliamentary Procedures
College of Registered Psychotherapists of Ontario	2007	Yes -not used to change bylaws	Simple majority explicitly stated	2/3 of Council	Yes	Robert's Rules of Order
College of Respiratory Therapists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	silent	No	Robert's Rules of Order  The Nomination Committee will consist of at least two (2) members of Council who are not running for election to the Executive Committee, at least one of whom shall be a public member and at least one of whom shall be a professional member
College of Traditional Chinese Medicine and Acupuncturists of Ontario	2006	Yes -not used to change bylaws	Simple majority explicitly stated	Simple majority	No second vote motion defeated	Robert's Rules of Order

## Joel Friedman

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**From:** Jeff Winchester <...>  
**Sent:** Saturday, November 18, 2023 9:30 AM  
**To:** Joel Friedman  
**Subject:** Feedback

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I have always assumed that councils and boards were non-biased and fair in their assessment of the responsibility they carry out. I understand it is likely a thankless job in many ways. I do appreciate the work required.

However, when a board becomes weaponized then is the public really being protected? The board says "fiduciary" and I hear "gaslighting".

My biggest concern I would like to give feedback on is what I see as arbitrary number decisions. I just don't see where these numbers are coming from. If you had to defend these in a court of law then could you? I feel the changes in time frames have an absolute agenda attached to them.

Like I stated earlier, I used to think boards and councils were unbiased. Well in 2023 I don't believe in that anymore.

I see arbitrary numbers like 6 years AND FOUR MONTHS, three years to SIX YEARS and a SIMPLE MAJORITY vs 2/3 majority to make amendments. If you want to pretend there is no bias there at least should be an ILLUSION of that in the policies. I don't see that, in fact to me it appears the opposite. These changes seem like personal attacks on members trying to run for the board- or at least the argument could be made for that. This is the opposite of transparency.

If you can attack one chiropractor with bad policy then where does it stop and who is next? This has nothing to do with protecting the public.

There is no ILLUSION (anymore)- it is clear these are personal attacks.

Changing majority votes, years you can run since you have had an encounter with the CCO is not protecting the public. It appears to be an agenda to change, hide and rewrite the thankless work of previous boards and their thoughtful views.

I truly think this needs to be cautiously considered because the optics of these changes could easily put a smile on any opposing lawyers face.

Regards,

De Jeff Winchester  
It's not a problem with your BACK, it's a problem with your NERVOUS SYSTEM

**Joel Friedman**

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**From:** Michelle Whitney ✓  
**Sent:** Saturday, November 18, 2023 12:11 PM  
**To:** Joel Friedman; Green Sarah; Jo-Ann Willson  
**Subject:** Additional Feedback  
**Attachments:** 1 Ontario Regulatory colleges cooling off chart.docx; 1 Ontario Regulatory colleges voting procedures.docx

**238**

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Good afternoon,  
Please include the following charts in addition to feedback I provided on Thursday of this week. These charts are for all Council members eyes both elected and appointed.

Thank you for your attention to this.

M. Whitney,  
D.C.

# COOLING OFF PERIODS FROM ALL 26 REGULATORY COLLEGES in ONTARIO

'Cooling Off' requirements  Ontario Regulatory colleges	after being a director of an association or employee of an educational institution	after being an employee of the College	after 9 consecutive years on Council	after discipline decision	After guilty of criminal offence	after license revoked or suspended	After being disqualified from Council	After resigning from Council	After litigation or other legal proceedings against the College or members of Council
College of Audiologists and Speech-Language Pathologists of Ontario	1 year	1 year	12 months	6 years	silent	6 years except for nonpayment of dues	3 years	silent	silent
College of Chiropractors and Podiatrists of Ontario	1 year	silent	5 years	3 years	silent	6 years -except for nonpayment of dues	3 years	3 years except if resigned with permission	silent
College of Dental Hygienists of Ontario	1 year	1 year	1 year	6 years	3 years	silent	3 years	silent	1 year after being part of a legal proceeding against the college
College of Dental Technologists of Ontario	1 year	1 year	12 months	3 years	silent	6 years - except for nonpayment of dues	3 years	silent	silent
Royal College of Dental Surgeons of Ontario	3 years	6 years	5 years	never	never -has an Eligibility Committee to evaluate	silent	silent	silent	never
College of Denturists of Ontario	1 year	Not current employee	3 years	3 years	silent	6 years	6 years	silent	current proceedings
College of Dietitians of Ontario	3 years	2 years	3 years	never	never	6 years -except for nonpayment of dues	3 years	silent	current proceedings
College of Homeopaths of Ontario	Agrees to resign before taking office	2 years	silent	3 years	silent	6 years	3 years	silent	silent
College of Kinesiologists of Ontario	3 years	3 years	3 years	3 years	a criminal finding <b>relevant</b> to the registrant's ability to practise the profession	silent	3 years	3 years - <b>other than for health or personal reasons acceptable to Council</b>	silent

<b>'Cooling Off' requirements</b> <b>Ontario Regulatory colleges</b>	<b>after being a director of an association or employee of an educational institution</b>	<b>after being an employee of the College</b>	<b>after 9 consecutive years on Council</b>	<b>after discipline decision</b>	<b>After guilty of criminal offence</b>	<b>after license revoked or suspended</b>	<b>After being disqualified from Council</b>	<b>After resigning from Council</b>	<b>After litigation or other legal proceedings against the College or members of Council</b>
College of Massage Therapists of Ontario	2 years	2 years	silent	6 years	guilty of an offence that is relevant to their suitability to serve	6 years -if related to discipline order	6 years	silent	silent
College of Medical Laboratory Technologists of Ontario	12 months	12 months	12 months	silent	silent	6 years - except for nonpayment of dues	5 years	silent	6 years
College of Medical Radiation and Imaging Technologists	12 months	silent	silent	3 years	silent	6 years	silent	silent	silent
College of Midwives of Ontario	12 months	Cant be current employee	silent	3 years	silent	6 years -except for nonpayment of dues	3 years	silent	silent
College of Naturopaths of Ontario	2 years	2 years	silent	3 years	Prior conviction or current charges	6 years -except for nonpayment of dues	3 years	silent	current
College of Nurses of Ontario	Resign before nomination deadline	Resign before nomination deadline	3 years	3 years	silent	6 years -except for nonpayment of dues	3 years	16 months	silent
College of Occupational Therapists of Ontario	3 years	6 years	3 years	6 years	Finding of guilt relevant to suitability to practice	silent	6 years	3 years	current
College of opticians of Ontario	3 years	3 years	3 years	6 years	silent	6 years -except for nonpayment of dues	6 years	silent	6 years
College of Optometrists of Ontario	Resign if elected	silent	silent	Current proceeding	silent	silent	6 years for Council 3 year to committees	silent	silent
Ontario College of Pharmacists	3 years	silent	3 years	No current finding	current	6 years	6 years	silent	current

<b>'Cooling Off' requirements</b> <b>Ontario Regulatory colleges</b>	after being a director of an association or employee of an educational institution	after being an employee of the College	after 9 consecutive years on Council	after discipline decision	After guilty of criminal offence	after license revoked or suspended	After being disqualified from Council	After resigning from Council	After litigation or other legal proceedings against the College or members of Council
College of Physicians and Surgeons of Ontario	1 year	5 years	never	silent	silent	6 years	5 years	5 years related to a proposed disqualification	silent
College of Physiotherapists of Ontario	12 months	12 months	1 year	6 years	relevant to the Registrant's suitability to serve as a Councillor	silent	3 years	silent	current
College of Psychologists of Ontario	1 year	1 year	silent	2 years	2/3 of Council vote to disqualify	6 years	silent	silent	silent
College of Registered Psychotherapists of Ontario	1 year	12 months	silent	3 years	opinion of Council, is of such a nature that warrants disqualification	6 years -except for nonpayment of dues	3 years	silent	6 years after being part of a legal proceeding against the college
College of Respiratory Therapists of Ontario	current	12 months	silent	6 years	offence relevant to their suitability to be licensed	silent	6 years	silent	silent
College of Traditional Chinese Medicine and Acupuncturists of Ontario	2 years	1 year	3 years	6 years	in the opinion of Council, is of such a nature that warrants disqualification	6 years	3 years	3 years	current

COOLING OFF PERIODS BEING RECOMMENDED TO COUNCIL BY CCO EXECUTIVE (compared to other Colleges)

'Cooling Off' requirements  Ontario Regulatory colleges	after being a director of an association or employee of an educational institution	after being an employee of the College	after 9 consecutive years on Council	after discipline decision	After guilty of criminal offence	after license revoked or suspended	After being disqualified from Council	After resigning from Council	After litigation or other legal proceedings against the College or members of Council
College of Chiropractors of Ontario	Currently 3 years	Currently 3 years	3 years	6 years	Currently none	6 years	6 years	Currently 3 years and 4 mths	Currently none
Proposed Cooling Off requirements	Proposing to make 6 years	Proposing to make 6 years	No change	Just amended from 3 years in Jan 2023	Proposing to make a 6 years	Just amended from 3 years in Jan 2023	Just amended from 3 years in Jan 2023	Proposing to make 6 years and 4 months	Proposing to make a 6 years
	NO other college requires 6 years All other Colleges require 0-3 years	ONLY 3 Colleges requires 5-6 years All other Colleges require 0-3 years	Most Colleges require 0-3 years 2 colleges require 5 years 9 Colleges are silent 1 college is never	10 Colleges requires 6 or more years 13 Colleges require 3 years or less 2 Colleges are silent	NO other college requires 6 years 12 Colleges are silent 8 Colleges evaluate suitability to practice and whether it warrants disqualification 2 Colleges are never 3 Colleges unclear and unique	18 Colleges requires 6 years most say "except for nonpayment of dues" 7 Colleges are silent	13 Colleges requires 3 years 9 Colleges requires 5-6 years 3 Colleges are silent	NO other college requires 6 years ONLY 4 Colleges requires 3 years 19 Colleges are silent 1 College requires 5 years 1 College requires 16 months	ONLY 3 Colleges requires 6 years 7 Colleges only if involved in current proceedings 1 College requires 1 year 14 Colleges are silent

Summary

A "6 years Cooling Off period" was not found to be consistent with most Regulatory colleges except in matters related to Discipline decisions, a revoked license, or a disqualification from Council after a proper investigation and vote by Council.

Most colleges have between 1 to 3 years "cooling off period" from associations, educational institutions, and staff positions.

A 6 year Cooling Off period following litigation/defending oneself against the College may be considered unconstitutional.

## Summary of Voting Procedures used by Ontario Regulatory Colleges

**CCO's Bylaw Clause 8.8:** Unless otherwise required by law or by-law, every question which properly comes before the Council may be decided by a simple majority of the votes cast at the meeting by council members, and, if there is an equal number of votes on a question, the chair may cast a deciding vote.

Ontario Regulatory college	Year created	Has a Simple Majority voting clause (CCO Bylaw 8.8)	Required votes to amend Bylaws	Required votes to remove from a position on Council/committee	President votes	Rules used or referenced Or Other unique clauses
College of Chiropractors of Ontario	1991	Yes (see above)  2023 Council applied this clause to Bylaw changes in January 2023  CCO did not apply this clause to Bylaw amendments in 2009 or 2015-16	Silent  (no specific clause or specific requirements listed)  Robert's Rules of order specifically referenced in CCO's Rules of Council.	2/3 of Council	Only to break the tie	Robert's Rules of Order

Ontario Regulatory college	Year created	Has a Simple Majority voting clause same/similar to CCO Bylaw 8.8	Required votes to amend Bylaws	Required votes to remove from a position on Council/committee	President votes	Rules used or referenced Or Other unique clauses
College of Audiologists and Speech-Language Pathologists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Never	Bourinot's Rules of Order
College of Chiropractors and Podiatrists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	silent In the event of a tie vote, the motion is defeated	Sturgis - The Standard Code of Parliamentary Procedure
College of Dental Hygienists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	silent	Robert's Rules of Order

Ontario Regulatory college	Year created	Has a Simple Majority voting clause same/similar to CCO Bylaw 8.8	Required votes to amend Bylaws	Required votes to remove from a position on Council/committee	President votes	Parliamentary Rules used or referenced  Other unique clauses
College of Dental Technologists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Yes	Robert's Rules of Order
Royal College of Dental Surgeons of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Yes	The Standard Code of Parliamentary Procedure
College of Denturists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	Majority of Council	Only to break the tie	Robert's Rules of Order
College of Dietitians of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	silent	determined by the chair or presiding officer of such meeting in accordance with the rules of order that the Board of Directors adopts from time to time.
College of Homeopaths of Ontario	2007	Yes -not used to change bylaws	Simple majority explicitly stated	silent	Yes	Robert's Rules of Order
College of Kinesiologists of Ontario	2007	Yes -not used to change bylaws	Simple majority explicitly stated	2/3 of Council	Yes	Robert's Rules of Order
College of Massage Therapists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Only to break the tie	None referenced
College of Medical Laboratory Technologists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Only to break the tie	The Board of Directors shall set or adopt such rules of order that it deems appropriate to govern and guide the conduct of its meetings
College of Medical Radiation and Imaging Technologists	1991 updated 2017	Yes -not used to change bylaws	Bourinot's Rules of Order (2/3 majority required)	silent	No second vote motion defeated	Bourinot's Rules of Order
College of Midwives of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Yes	None referenced
College of Naturopaths of Ontario	2007	Yes -not used to change bylaws	Simple majority explicitly stated	2/3 of Council	Yes	Robert's Rules of Order
College of Nurses of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	No	American Institute of Parliamentarians' Standard Code of Parliamentary Procedure

Ontario Regulatory college	Year created	Has a Simple Majority voting clause same/similar to CCO bylaw 8.8	Required votes to amend Bylaws	Required votes to remove from a position on Council/committee	President votes	Rules used or referenced Or Other unique clauses
College of Occupational Therapists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Only to break the tie	such rules of order as it deems appropriate to govern the conduct of each Board meeting
College of opticians of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	silent	No second vote motion defeated	Robert's Rules of Order
College of Optometrists of Ontario	1991	Yes -not used to change bylaws	Special resolution -defaults to Roberts Rules in Bylaws	2/3 of Council	No second vote motion defeated	Robert's Rules of Order
Ontario College of Pharmacists	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	2/3 of Council	Yes with additional vote to break the tie	None referenced The Board may, from time to time, set or adopt Rules of Order to guide the conduct of Board meetings.
College of Physicians and Surgeons of Ontario	1991	Yes -not used to change bylaws	Wainberg's Society Meetings Rules of Order	2/3 of Council	silent	Wainberg's Society Meetings Rules of Order
College of Physiotherapists of Ontario	1991	Yes -not used to change bylaws	Simple majority explicitly stated	2/3 of Council	silent	Kerr and King's Procedures
College of Psychologists of Ontario	1991	Yes -not used to change bylaws	Keesey's Modern Parliamentary Procedures	2/3 of Council	silent	Keesey's Modern Parliamentary Procedures
College of Registered Psychotherapists of Ontario	2007	Yes -not used to change bylaws	Simple majority explicitly stated	2/3 of Council	Yes	Robert's Rules of Order
College of Respiratory Therapists of Ontario	1991	Yes -not used to change bylaws	2/3 of Council explicitly stated	silent	No	Robert's Rules of Order  The Nomination Committee will consist of at least two (2) members of Council who are not running for election to the Executive Committee, at least one of whom shall be a public member and at least one of whom shall be a professional member
College of Traditional Chinese Medicine and Acupuncturists of Ontario	2006	Yes -not used to change bylaws	Simple majority explicitly stated	Simple majority	No second vote motion defeated	Robert's Rules of Order

**From:** Dr. Paul Blaser <[ccco@ccco.on.ca](mailto:ccco@ccco.on.ca)>  
**Sent:** Sunday, November 19, 2023 10:43 PM  
**To:** cco.info  
**Subject:** Re: President's Message: September 19, 2023 - Draft Amendments to Standard of Practice S-003: Professional Portfolio and By-laws for Circulation and Feedback

**CAUTION EXTERNAL:** This email originated from outside of the organization. Do not click links or open attachments unless you have verified the sender and know the content is safe.

Dear members of the CCO,

Thank you once again for tireless work to uphold the highest standards for regulating our profession. For brevity, I have summarized the following points.

1. I am 100% opposed to the proposal to changing pronouns to be gender neutral. Social media ideologies are not the concerns of the CCO.
2. I agree that 5 hours of hands-on training of adjustments every 3 periods is good for the profession.
3. I am opposed to having a Nomination Committee coming from within the CCO council. This gives too much power and control to the president and council members.  
It should be available from all good-standing members of the profession.
4. An individual's eligibility to run for council was recently changed from 3 to 6 years. The sudden bylaw change was fast-tracked immediately before an upcoming election. In my opinion, this was a targeted attack upon 1 member. This is probably the most embarrassing event that I can recall in my 37 years in practice.
5. I support the prevailing idea that a minimum of a 2/3's majority is required to change an existing bylaw.

Once again, please consider the above points as we all strive to strengthen and unify our profession.  
All my regards.

Dr. Paul H. Blaser

On Tue, Sept 19, 2023, 1:31 p.m. College of Chiropractors of Ontario <[ccco.info@ccco.on.ca](mailto:ccco.info@ccco.on.ca)> wrote:



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***President's Message: September 19, 2023 - Draft Amendments to Standard of Practice S-003: Professional Portfolio and By-laws for Circulation and Feedback***

**Update – Council Meeting September 8, 2023 and Strategic Planning Sessions September 9, 10, 2023**

**From:** Bob Pike <rp@ccocpa.org>  
**Sent:** Sunday, November 19, 2023 11:04 PM  
**To:** cco.info  
**Subject:** feedback on CCO BY-LAW Policy

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**CAUTION EXTERNAL:** This email originated from outside of the organization. Do not click links or open attachments unless you have verified the sender and know the content is safe.

**CCO's BY- LAW CHANGES.**

- 1.
- 2.
3. Transcultural modifications to CCO terminology is unwise and will be a waste of time and energy.
- 4.

- 2.
- 3.
4. I support the amendment to the standard of practice S-003.
- 5.

It is preferable that 5 hours of 'hands on' sessions for adjustments be provided and completed every six years.

- 3.
- 4.
5. The nomination committee is a recent development at the CCO. There are no longer any nominations allowed from the floor. We are opposed to the president being a part of this committee, as the president has too much influence over the Council.
- 6.
- 7.

4 By-law changes to by- law 6.9, dealing with a "cooling off period" as it pertains to someone's eligibility to run for Council; seeks to change the period from three to six years. We find this amendment unsupportable. This is a change that will block or delay our most qualified members from providing leadership in our profession.

The Council is not punitive. We believe that three years is sufficient. We further feel that this policy could be used to prevent specific individuals from applying for positions on Council which is not a good omen for our young and evolving profession.

5. We believe that when a by-law change is happening, that Roberts Rules of order should be the default protocol for our profession. It specifically states that a 2/3rds majority is required for a by-law change rather than a mere majority policy.

It is in the public interest that a government regulatory body like the CCO, follow this well established rule. We are in favour of a 2/3rds majority, rather than a simple majority vote when it comes to changing by-laws. We feel that this policy protects both the public and our profession from tyrannical interference, and from influences that have the best interests of either Chiropractic or the public interest, as their priority.

We feel that by-laws are not to be changed without the best interests of Chiropractic as the overriding compass.

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Thank you for your service to our profession.

**Dr. Bob Pike D.C.**

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## Joel Friedman

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**From:** Dr Emilie Perras <[emilie.perras@ccco.info](mailto:emilie.perras@ccco.info)>  
**Sent:** Sunday, November 19, 2023 10:51 PM  
**To:** cco.info  
**Cc:** Emilie Perras  
**Subject:** member feedback due nov 19th

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Hello,

I was unable to find a place to send in my feedback for some guidelines that are up for consideration. If it's not too late, can you send me the link? I looked everywhere once I logged into the member portal. I also looked on the public page but could not see anything.

I am also writing my comments here. If there is a place in the portal I am happy to send it through there instead.

1. I don't believe the president should be included in the nomination committee. They already hold a lot of power and could sway others' decisions.
2. As for the cooling off period proposed. I do believe 3 years is sufficient. I had already written in my comments on this matter.
3. I don't believe we need to change to gender neutral, they/them language. In my opinion it is not a good use of the CCO's time and the membership money.

Thank you,

Dr Emilie Perras  
Pediatric & Family Chiropractor - Chiropraticienne Pédiatrique et Familiale [www.coltshealth.com](http://www.coltshealth.com)  [emilie.perras@ccco.info](mailto:emilie.perras@ccco.info)