



COLLEGE OF
**PSYCHOLOGISTS AND
BEHAVIOUR ANALYSTS**
OF ONTARIO

BY-LAWS

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BY-LAW 1: INTERPRETATION PROVISIONS

[Approved by Council on June 11, 1994; revoked on March 27, 2009]

By-law revoked as unnecessary as the definitions included are defined in the *Regulated Health Professions Act, 1991*.

BY-LAW 2: SEAL OF THE COLLEGE

[Approved by Council on June 11, 1994; last amended on September 25, 2009]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 2.1 The seal that is impressed in the margin hereof shall be the corporate seal of the College.
- 2.2 The Registrar shall be the custodian of the corporate seal.
- 2.3 No person shall place the College seal on a record affecting the College unless authorized by the *Psychology and Applied Behaviour Analysis Act, 2021*, the Regulations, or By-laws.

BY-LAW 3: MEETINGS OF THE COUNCIL

[Approved by Council on June 11, 1994; last amended on March 23, 2012]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 3.1 The Council:
 - a. shall hold regular meetings to be called by the President,
 - b. shall designate one of its regular meetings as the annual meeting, and
 - c. may hold special meetings which may be called by the President, or by a quorum of Council members who deposit with the Registrar a written requisition for the meeting containing the matter or matters for decision at the meeting.
- 3.2 Meetings of the Council shall take place in Ontario at a place, date and time designated by the President or the members of Council calling the meeting.
- 3.3 At the request of any member(s) of Council unable to attend a meeting in person, arrangements will be made for the member(s) to participate in the meeting through telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously, and upon participation in this manner the member(s) will be deemed to be in attendance at the meeting.
- 3.4 The Registrar shall cause each member of Council to be notified in writing of the place, date and time of a Council meeting at least 14 days before a regular meeting, or 5 days before a special meeting.
- 3.5 The Registrar shall cause a public announcement of the date, place and time of each Council meeting to appear on the College website at least 14 days before a regular meeting, or 5 days before a special meeting.
- 3.6 The President, in consultation with the Registrar, shall prepare an agenda for each Council meeting.
- 3.7 The President or their appointee shall be the presiding officer. In the event that the President cannot appoint someone to preside over a particular meeting of Council, the Council shall appoint a presiding officer for that meeting only.
- 3.8 A Council meeting may consider or transact,
 - a. at a regular meeting,
 - i. matters brought by the Executive Committee,
 - ii. recommendations in reports by Committees,
 - iii. motions of which notice of motion was given by a member of Council at the previous Council meeting,
 - iv. motions which the members of Council agree to consider by a two-thirds vote of those in attendance, and
 - v. matters which the presiding officer agrees to consider unless overruled by a simple majority,
 - b. at a special meeting, the matter for decisions at the meeting contained in the requisition deposited with the Registrar, and

- c. at any meeting, routine and procedural matters in accordance with the rules of order.
- 3.9 The presiding officer shall cause the proceedings of every Council meeting to be recorded by the President or presiding officer.
- 3.10 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.
- 3.11 The written record of every Council meeting shall be deposited with the Registrar promptly after it has been signed by the President or presiding officer.
- 3.12 A majority of the members of Council shall constitute a quorum (section 6 of the Code).
- 3.13 A resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council called, constituted and held for the purpose (subsection 94(4) of the Code).
- 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;
 - b. Council members who are eligible to vote are those individuals elected, appointed or selected in accordance with the *Psychology and Applied Behaviour Analysis Act, 2021*.

BY-LAW 4: ELECTION OF MEMBERS OF EXECUTIVE COMMITTEE

[Approved by Council on June 11, 1994; last amended on June 19, 2009]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 4.1 At the meeting of Council preceding the annual election prescribed in the By-laws, the President will advise Council of the process for seeking election to the Executive Committee.
- 4.2 At least twenty-five (25) business days prior to the first meeting of Council following the annual election, Council members, including those newly elected, will indicate their intention to seek election for a position on the Executive Committee. One may indicate one's interest in being a candidate for one or more Executive Committee positions.
- 4.3 If one indicates interest in being a candidate for President, one may also indicate an interest in being a candidate for Vice-President and/or for Member of the College/Public Member should one be unsuccessful in the preceding election. If one wishes to run for election to one of these other positions, one shall make this intention known at the time that the original expression of interest is submitted.
- 4.4 If one indicates interest in being a candidate for Vice-President, one may also indicate an interest in being a candidate for Member of the College/Public Member should one be unsuccessful in the Vice- President election. If one wishes to run for election to this other position, one shall make this intention known at the time that the original expression of interest is submitted.
- 4.5 The list of candidates will be forwarded to all Council members, along with notification that further names will be accepted until fifteen (15) business days before the first meeting of Council following the annual election.
- 4.6 All candidates will provide the Registrar with a biographical statement and candidate statement not to exceed one page in length, no later than fifteen (15) business days before the first meeting of Council following the annual election.
- 4.7 Only, if there is no candidate for a position, members of Council may indicate their willingness to run at the first meeting of Council following the annual election.
- 4.8 At the first meeting of Council after the annual election as prescribed in the By-laws, the Council shall elect from among the members of Council an Executive Committee in accordance with the By-laws.
- 4.9 The Executive Committee members elected in accordance with 4.8 will hold office until the first meeting of Council after the annual elections the following year.
- 4.10 The Registrar shall be responsible for supervising and administering all elections of the College.
- 4.11 Prior to the balloting, each candidate for office will answer questions from other Council members for a maximum of ten (10) minutes.
- 4.12 The order for the elections to the Executive Committee will be: President, Vice-President, Member

of the College, Public Member of Council. Unsuccessful candidates in an election, who have indicated their interest in candidacy for other Executive Committee positions as per 4.3 and 4.4, will be included in subsequent elections unless they choose to withdraw their name.

- 4.13 The election of the members of the Executive Committee shall be by secret ballot and, where more than two members of Council are running for any position, the member of Council who receives the lowest number of votes on each ballot shall be deleted from candidacy unless one member of Council receives a majority of the votes cast. This procedure shall be followed until one member of Council receives a majority of the votes cast.
- 4.14 The ballots will be counted by the Registrar and a member of Council not seeking election to office.
- 4.15 In the event of a tie vote, Council will be afforded the opportunity to question candidates for ten minutes, and then vote again. In the case of a second tie, the Registrar will flip a coin to decide the outcome of the election. The member of Council who has been assisting in counting the ballots will call the toss (“heads – candidate A; tails – candidate B”) prior to the toss.
- 4.16 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.
- 4.17 A position of the Executive Committee becomes vacant if the holder of the office dies, resigns, ceases to be a member of Council or is disqualified from sitting on the Council by a vote of Council at a special meeting called for that purpose. In addition, the position of Vice-President may become vacant, in accordance with subsection 4.16.
- 4.18 The Council shall fill a vacancy in the office of Vice-President or any other Executive Committee position at a special meeting which the President shall call for that purpose as soon as feasible after the vacancy occurs.

BY-LAW 5: SELECTION OF COMMITTEE CHAIRS AND COMMITTEE MEMBERS

[Approved by Council on June 11, 1994; last amended on March 11, 2022]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 5.1 The Council may by resolution establish Committees additional to those established through Section 10 of the Health Professions Procedural Code being Schedule 2 of the *Regulated Health Professions Act, 1991*.

Notification of Committee Positions Available

- 5.2 At least two months prior to the first meeting of Council following the annual election, College members will be notified of the opportunity to put their names forward for possible appointment to a Committee of the College. In addition to other information, College members, interested in appointment to a Committee are required to submit a statement of qualifications pertaining to the mandate of the Committees in which they wish to participate. Prior to the member submitting a Committee interest form, the member has completed any orientation program specified by the College relating to the business and governance of the College and the duties, obligations and expectations of Council and Committee members.

- 5.3 At the meeting of Council preceding the annual election prescribed in the By-laws, the President will advise the Council of the process for Committee appointments and for indicating their Committee preference. At least one month prior to the first meeting of Council following the annual election, all Council members will be notified of the opportunity to submit their preferences for appointment to Committees of the College.

Committee Appointments Working Group

- 5.4 A Committee Appointments Working Group will prepare a list of suggested appointees from the College membership to the Committees of the College. This list will be provided to the Executive Committee at the first meeting of Council following the annual election.

Appointment Process

- 5.5 Immediately after the first meeting of Council following the annual election, the Executive Committee shall appoint the Chairs and the members of the Committees identified in subsection 5.1 as well as those designated in section 10 of the Code.

5.6 Committee Chairs:

- a. Each Committee will have a Chair and each Statutory Committee will have a Vice-Chair, one of whom is a Council member; with the exception of the Registration Committee which will have Co-Chairs sharing the duties outlined in this policy.
- b. The Committee Chair reports to Council on behalf of the Committee.
 - i. The Vice-Chair will be elected or appointed by the Committee at the earliest opportunity.
 - ii. If the Chair of a Committee is not a Council member, the Vice-Chair will report to Council.
- c. The duties of the Committee Chair, or of the Vice-Chair in the Chair's absence, include;
 - i. Chairing Committee meetings;
 - ii. Approving meeting agendas prepared by College staff;
 - iii. Determining whether Committee members have the resources and training to effectively

- perform the Committee's work;
 - iv. Working with the Committee and College staff to establish, monitor and execute Committee goals;
 - v. Providing effective leadership for the Committee and facilitating Committee Meetings;
 - vi. Liaising with Council and the Executive Committee on the affairs of the Committee; and,
 - vii. Any other duties determined or assigned by Council.
- 5.7 Committee appointments will be announced within five business days of the first meeting of Council following the annual election.
- 5.8 A majority of the members of a Committee, other than a Committee prescribed in section 10 of the Code, constitutes a quorum.
- 5.9 Where one or more vacancies occur in the membership of a Committee during the year, so long as the number is not fewer than the prescribed quorum, the Committee may continue to conduct its business.
- 5.10 The Executive Committee may and, if necessary for a Committee to achieve its quorum, shall appoint members of the Council, or of the College where required, to fill any vacancies which occur in the membership of a Committee to take effect immediately and to be reported to Council at its next meeting.
- 5.11 Every appointment to a Committee automatically expires at the first meeting of Council following the annual elections unless otherwise prescribed in subsection 3(d) of By-law 21: *Committee Composition*; or any provision to the contrary in the Code, the By-laws or the policies of the College.
- 5.12 All registration titles will be represented on all Statutory Committees.

BY-LAW 6: COMMITTEE PROCEDURES

[Approved by Council on June 11, 1994; revoked on March 27, 2009]

By-law revoked and necessary information moved to College policy.

BY-LAW 7: APPOINTED OFFICERS

[Approved by Council on June 11, 1994; revoked on March 27, 2009]

By-law revoked as unnecessary as the information is included in the *Regulated Health Professions Act, 1991*.

BY-LAW 8: SIGNING OFFICERS

[Approved by Council on June 11, 1994; revoked on March 27, 2009]

By-law revoked and necessary information incorporated into *By-law 9: Banking and Finance*.

BY-LAW 9: BANKING AND FINANCE

[Approved by Council on June 11, 1994; last amended on September 18, 2015]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 9.1 The College does its banking at a bank chartered under the *Bank Act, 1991 (Canada)*.
- 9.2 All money belonging to the College shall be deposited in the name of the College with the bank.
- 9.3 The Registrar may endorse any negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank and the College's rubber stamp may be used for such endorsement.

Investment Philosophy

- 9.4 Funds of the College, not immediately required, may be invested in instruments that do not present undue risk to principal. All investments of the College shall ensure preservation of capital.
 - 9.4.1 Reserve funds

From time to time, the Council may establish reserve funds as required.

 - 9.4.1.1 At the end of each fiscal year an allocation from any excess of revenue over expenses shall be made to maintain the reserve funds as established by the Council.
 - 9.4.1.2 The reserve funds may be invested in short-term or long-term instruments, with terms of up to 10 years as appropriate to the need for liquidity of the specific funds. The primary objectives of such investments shall be, in order of importance, preservation of capital and yield.
 - 9.4.2 Other surplus funds, not immediately needed

Surplus funds, not needed to meet the College's operating expenses during the immediate 12- month period, may be invested in short-term or long-term instruments with terms of up to 10 years. The primary objectives of such investments shall be, in order of importance, preservation of capital and yield.
 - 9.4.3 All other funds

All other funds may be invested only in short-term instruments with a term of 0 days to 365 days, or in a pool of such investments. The primary objectives of such investments, in order of importance, shall be preservation of capital, maintenance of liquidity, and yield.

Responsibility/Authority to Invest

- 9.5 The Registrar is responsible to administer the College's investments in accordance with this By-law.
 - 9.5.1 Transfer of funds to a new financial institution

A transaction, involving transfer of any of the College's funds to a new financial institution, must be approved by one of the Registrar or Deputy Registrar together with one of the President or Vice-President. The transaction may be executed by both the Registrar and the Deputy Registrar together, or by one of the Registrar or Deputy Registrar plus the Director, Corporate Services.

- 9.5.2 Transfer of reserve funds and funds not required for immediate 12-month period
A transaction, involving transfer of the College's reserve funds and funds not required in the immediate 12-month period for the operating expenses of the College, within the same financial institution and including transfers of funds between different subsidiaries or business units of the same financial institution, must be consistent with this By-law. This includes the buying and selling of various investment instruments as allowed by this By-law. Such a transaction may be approved and executed by the Registrar or the Deputy Registrar.
- 9.5.3 Transfer of funds from operating account into investments under 9.4.3
A transaction involving transfer of funds from the College's operating account (and hence, involving the College's operating revenue for the current fiscal year) into investment instruments as defined in subsection 9.4.3 may be made by any one of the Registrar or the Deputy Registrar in consultation with the Director, Corporate Services. This provision applies to the transfer of funds within the same financial institution, including between different subsidiaries or business units of the financial institution.
- 9.5.4 A transaction involving transfer of funds from investments as defined in subsection 9.4.3 into the College's operating account, may be approved by and executed by any one of the Registrar or the Deputy Registrar in consultation with the Director, Corporate Services. This provision applies to the transfer of funds within the same financial institution, including between different subsidiaries or business units of the financial institution.
- 9.5.5 The Registrar shall be responsible for reporting the status of investments to the Council and the Executive Committee on a quarterly basis.

Acceptable Investments

- 9.6.1 Debt obligations issued or guaranteed by the Government of Canada or its agencies or Crown Corporations or managed pools of such instruments. The College may invest in individual instruments or a managed portfolio of Government of Canada guaranteed securities.
- 9.6.2 Debt obligations issued or guaranteed by Canadian, provincial or territorial governments, banks listed in Schedule I or Schedule II under the *Bank Act, 1991 (Canada)*, or Canadian corporations, or managed pools of such instruments. The College may invest in high quality debt obligations issued or guaranteed by Canadian, provincial or territorial governments, and banks incorporated in Canada or Canadian corporations, or in a managed fund of such securities. All investments will be with issuers who have a long term credit rating of at least AA low (Dominion Bond Rating Service) or its equivalent or a short term credit rating of R-1 Mid (DBRS) or its equivalent. A maximum of 10% of the investments will be securities from any one issuer, other than government issuers.
- 9.6.3 Short-term corporate paper or managed pools of such instruments
The College may invest in individual instruments or in a managed fund that includes high quality short-term corporate paper and fully collateralized loans on call. All investments in the fund will be with issuers who have a credit rating of at least R-1 mid

(DBRS) or its equivalent. Each investment in the fund will have a maximum term to maturity of one year. The average term of the entire fund will generally range from seven days to 90 days. All securities will be marketable. A maximum of 10% of the investments will be securities from any one issuer, other than government issuers.

- 9.7 Any security in which the College invests, or recorded evidence of a security or investment transaction shall be placed promptly after receipt by the College in the College's safety deposit box at the bank appointed under subsection 9(1).
- 9.7.1 Section 9.7 does not apply to securities in pooled funds of the type described in 9.6.1, 9.6.2 and 9.6.3 or to securities held by the bank on behalf of the College.
- 9.7.2 Securities and other records shall be placed in or removed from the College's safety deposit box by the Registrar and the Deputy Registrar acting together or by one of the Registrar or Deputy Registrar acting together with the Director, Corporate Services. A log shall be kept of the items placed in or removed from the safety deposit box and a report made to the Executive Committee, at its regular meeting, of any activity that has occurred since the previous meeting.
- 9.7.3 Upon reasonable notice, the President of the College may review the contents of the College's safety deposit box in the company of two persons authorized to access it under subsection 9.7.2.

Signing Officers of the College

- 9.8.1 For any amount, either the Registrar or the Deputy Registrar plus one of the President, the Vice President, or a member or members of Council appointed in accordance with Section 9.8.5;
- 9.8.2 For amounts up to \$7,500, the Registrar and the Deputy Registrar; or either the Registrar or the Deputy Registrar plus either the Director, Registration, the Director, Investigations and Hearings or the Director, Corporate Services;
- 9.8.3 Notwithstanding the above, for amounts up to \$35,000, the signing officers identified in 9.8.2 shall also be authorized to sign all cheques for: (1) mandatory employer remittances to the Canada Customs and Revenue Agency including payroll deductions and employer contributions; (2) monthly rent or mortgage payments for College premises; and (3) monthly premium payments for employee benefits.
- 9.8.4 Signing officers shall be provided with a duly approved invoice or purchase order in support of any cheque to be signed.
- 9.8.5 For purposes of paragraph 9.8.1, where either the President or the Vice-President resides in the Greater Toronto Area (GTA), Council shall appoint as a signing officer one other member of the Council who resides in the GTA. If neither the President nor the Vice-President resides in the GTA, Council shall appoint as signing officers two other members of the Council who reside in the GTA.

Borrowing

- 9.9.1 The Council may from time to time by resolution,
- a. borrow money on the credit of the College,
 - 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 the College, whether present or future.
- 9.9.2 Notwithstanding section 12 of the Code, the Executive Committee should not exercise the powers or duties of the Council under section 9.9.1 of this By-law or take any similar action.

BY-LAW 10: BORROWING

[Approved by Council on June 11, 1994; revoked on March 27, 2009]

By-law revoked and necessary information incorporated into *By-law 9: Banking and Finance*.

BY-LAW 11: PURCHASING AND LEASING

[Approved by Council on June 11, 1994; last amended on March 27, 2009]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 11.1 Goods, equipment, services and real property may be purchased or leased for the benefit of the College if the purchase or lease has been approved as a specific budget item during the setting of the budget or is consistent with the approved budget.
- 11.2 The Registrar is authorized to enter into contracts or agreements to purchase or lease goods or equipment as approved in 11.1.
- 11.3 The Registrar and President jointly are authorized to enter into contracts or agreements to purchase or lease real property as approved in 11.1.

BY-LAW 12: EXECUTION OF SUMMONSES, NOTICES AND ORDERS

[Approved by Council on June 11, 1994; last amended on March 27, 2009]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 12.1 The Registrar may execute summonses, notices and orders on behalf of any committee of the College which is a panel within the meaning of the *Regulated Health Professions Act* and the Health Professions Procedural Code.

BY-LAW 13: AUDIT

[Approved by Council on June 11, 1994; last amended on March 27, 2009]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 13.1 The financial year of the College shall terminate on the thirty-first day of May in each year or on such other date as the Council may from time to time by resolution determine.
- 13.2 The Council shall appoint annually an auditor who is duly licensed under the *Public Accountant Act, 2004*.
- 13.3 The auditor shall confer with the Chair of the Finance and Audit Committee and shall make such examinations as will enable the auditor to report to the Council as required by law and under this section.
- 13.4 The auditor shall report to the Finance and Audit Committee and the Council by the end of the first quarter of the ensuing fiscal year.

BY-LAW 14: REMUNERATION OF COUNCIL AND COMMITTEE MEMBERS

[Approved by Council on June 11, 1994; last amended on March 27, 2009]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 14.1 In this section, “Committee” means a Committee established by section 10 of the Code or by section 5.1 of the By-laws.
- 14.2 The amount payable to a member of Council or a member of a Committee or task force of the College, other than members appointed by the Lieutenant Governor in Council including:
- a. attendance at meetings of Council, at Committee meetings or hearings held by the College;
 - b. authorized associated preparation time
 - c. authorized office overhead;
 - d. northern travel;
 - e. or other official College business;
- shall be as set down in policy by resolution of Council.
- 14.3 Each member of Council or a member of a Committee or taskforces of the College, other than a member appointed by the Lieutenant Governor in Council, shall be paid necessary travelling and other expenses incurred in connection with the business of the College, as set down in policy by a resolution of the Council.

BY-LAW 15: COLLEGE MEMBERSHIPS

[Approved by Council on June 11, 1994; last amended on March 27, 2009]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 15.1 The College shall maintain membership in the Association of Canadian Psychology Regulatory Organizations (ACPRO), the Association of State and Provincial Psychology Boards (ASPPB), relevant organization(s) for the profession of Applied Behaviour Analysis, the Health Professions Regulators of Ontario (HPRO), and the Council on Licensure, Enforcement and Regulation (CLEAR) and shall pay the annual assessment required for the membership.

- 15.2 The Registrar, the President, and/or their designates may represent the College at membership meetings of the organizations mentioned in subsection 15.1.

BY-LAW 16: CODES OF ETHICS AND PRACTICE FOR MEMBERS

[Approved by Council on June 11, 1994; last amended on June 20, 2014]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 16.1 As a Code of Ethics for Psychologists and Psychological Associates, the College has adopted the *Canadian Code of Ethics for Psychologists*, Canadian Psychological Association, as revised from time to time.
- 16.2 As a Code of Ethics for Behaviour Analysts, the College has adopted the *Ethics Code for Behavior Analysts*, Behavior Analyst Certification Board (BACB), as revised from time to time.
- 16.3 The College shall provide members with reasonable access to the Code of Ethics and on request, copies of the Code of Ethics shall be made available to members and the general public at cost.
- 16.4 Of relevance to the practice of psychology and the practice of applied behaviour analysis, the College endorses the 2nd edition of the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (2022)* published by the Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, and Social Sciences and Human Research Council of Canada and the *Standards for Educational and Psychological Testing (2014)* published by the American Educational Research Association.
- 16.5 On request, the general public and members of the College shall be provided with the address of the publishers of the documents listed in section 16.4.

BY-LAW 17: PROCEDURE FOR MAKING, AMENDING OR REVOKING BY-LAWS

[Approved by Council on June 11, 1994; last amended on September 25, 2009]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 17.1 A By-law may be made, amended or revoked by a resolution of Council subject to subsection 94(2) of the Code.
- 17.2 In developing a new By-law:
 - a. the concept for the new By-law will be approved by the Executive including the allocation of appropriate resources for the development of a draft By-law;
 - b. the draft By-law will be reviewed by the Executive which will consult with the Finance and Audit Committee regarding any budgetary implications for the implementation of the proposed By-law;
 - c. the draft By-law, endorsed by the Executive, will be presented to Council for approval. When required under subsection 94(2) of the Code, the proposed By-law shall be circulated to the membership before approval by Council.
- 17.3 Every By-law and every amendment and revocation thereof shall be numbered according to the order in which it was passed, certified by the President or Vice-President and by the Registrar, sealed and maintained in a record in its numerical order.
- 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*.
- 17.5 A By-law signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council called, constituted, and held for the purpose.

BY-LAW 18: FEES

[Approved by Council December 1999; last amended on September 22, 2023]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

Note: The requirements for each certificate of registration are set out in the Registration Regulation.

Membership

- 18.1 Every member shall pay an annual membership fee in accordance with this By-law for each membership year.
- 18.2 A membership year begins on June 1 in one year and ends on May 31 of the following year.
- 18.3
- a. The annual fee for membership must be paid on or before June 1 in the membership year.
 - b. Notwithstanding subsection (a), the annual fee for a member holding a Certificate of Registration Authorizing Supervised Practice is payable in two equal instalments on or before June 1 and December 1 in the membership year.
- 18.4 The annual fee for membership to practise as a Psychologist or Psychological Associate is,
- a. \$1200 for members who hold
 1. a Certificate of Registration Authorizing Autonomous Practice,
 2. a Certificate of Registration Authorizing Interim Autonomous Practice, or
 - b. \$600 for members who hold a Certificate of Registration Authorizing Supervised Practice;
 - c. \$298 for members who hold an Inactive Certificate of Registration;
 - d. \$62.50 for members who hold a Retired Certificate of Registration; and
 - e. \$600 for members who hold an Academic Certificate of Registration.
 - f. \$300 for members who hold a Certificate of Registration Authorizing Interim Autonomous Practice for temporary, limited practice and who have entered into an *Undertaking and Agreement* with the College.
 - g. \$300 for members who hold a Temporary Emergency Class Certificate of Registration
- 18.5 The annual fee for membership to practise as a Behaviour Analyst is,
- a. \$795 for members who hold a Certificate of Registration Authorizing Autonomous Practice,
 - b. \$550 for members who hold a Certificate of Registration Authorizing Supervised Practice;
 - c. \$238.50 for members who hold an Inactive Certificate of Registration;
 - d. \$50 for members who hold a Retired Certificate of Registration; and
 - e. \$397.50 for members who hold an Academic Certificate of Registration.
 - f. \$300 for members who hold a Temporary Emergency Class Certificate of Registration
- 18.5.1 Members registered in Psychology and Applied Behaviour Analysis (Dual-Registration): The total annual membership fee for members who hold a Certificate of Registration for a Psychologist or Psychological Associate Authorizing Autonomous Practice, and who also hold a Certificate of Registration for a Behaviour Analyst Authorizing Autonomous Practice, is \$1200. **This fee will be in effect until June 30, 2026, and is subject to Council review prior to that date.**
- 18.5.2 Annual membership fees for all other certificates of registration, in any class, for members registered in psychology and applied behaviour analysis, are assessed in accordance with

Sections 18.4 and 18.5 of the by-laws to a maximum total annual membership fee of \$1200. **The maximum annual fee for two certificates of registration will be in effect until June 30, 2026, and is subject to Council review prior to that date.**

- 18.6 No later than 30 days before an annual fee is due, the Registrar shall notify the member of the amount of the fee and the day on which the fee is due.
- 18.7 A member who fails to pay an annual fee on or before the day on which it is due shall pay a penalty of 20 per cent of the annual fee, in addition to the annual fee.
- 18.8 Membership fees will be reviewed annually.

Examinations-Psychology

- 18.9 The fee for the Examination for Professional Practice in Psychology is the fee set by the Association of State and Provincial Psychology Boards and its contractors.
- 18.10 The fee for the Jurisprudence and Ethics Examination is \$200.
- 18.11 The fee for the oral examination is \$550.

Examinations-Applied Behaviour Analysis

- 18.12 The fee for the Ontario Examination for Professional Practice in Applied Behaviour Analysis is \$400.
- 18.13 The fee for the Jurisprudence and Ethics Course and Assessment in Applied Behaviour Analysis is \$200

Interviews

- 18.14 The fee for an interview is \$500.

Applications

- 18.15 a. The fee for an application for a Certificate of Registration Authorizing Supervised Practice as a Psychologist or Psychological Associate is \$230.
- b. Notwithstanding subsection (a), the fee for an application for a Certificate of Registration Authorizing Supervised Practice is \$100, if the applicant holds a Certificate of Registration Authorizing Autonomous Practice as a Psychological Associate.
- c. The fee for an application for a Certificate of Registration Authorizing Supervised Practice as a Behaviour Analyst is \$230.
- d. The fee for an application for a Certificate of Registration Authorizing Autonomous Practice as a Behaviour Analyst under Transitional Registration provisions is \$230.
- 18.16 a. The fee for an application for a Certificate of Registration Authorizing Interim Autonomous Practice is \$100.
- b. Where section 22.18 of the Code applies, the fee for an application for a Certificate of Registration Authorizing Autonomous Practice is \$100.

- c. The fee for an application for a Temporary Emergency Class Certificate of Registration is \$100.
 - d. Notwithstanding section (b), the fee for an application for a Certificate of Registration Authorizing Autonomous Practice is waived if the applicant holds a Temporary Emergency Certificate of Registration or held a Temporary Emergency Certificate of Registration within the six months prior to applying.
- 18.17 a. The fee for an application for each of the following certificates is \$100:
- 1. Academic Certificate of Registration;
 - 2. Inactive Certificate of Registration;
 - 3. Retired Certificate of Registration;
- b. Where an applicant for a Certificate of Registration Authorizing Autonomous Practice holds one of the certificates listed in subsection (a), the fee for the application is \$100.

Professional Corporations

- 18.18 The fee for the application for, and issuance of, a certificate of authorization, including any reinstatement of a certificate of authorization, for a professional corporation is \$350.
- 18.19 The fee for the annual renewal of a certificate of authorization is \$250.
- 18.20 The fee for the issuing of a document or certificate respecting a professional corporation, other than the first certificate of authorization or the annual renewal of a certificate of authorization, is \$50.

Other Matters

- 18.21 The fee for issuance of a document confirming a member's registration status is \$25.

Committee and Program Fees

- 18.22 The Registrar may charge members a fee for anything that a Committee of the College is required or authorized to do under statute or regulations.
- 18.23 Committee and program fees include, but are not limited to, the following:
- a. Cost of hearings or other items ordered by the Discipline Committee;
 - b. For the College's Quality Assurance Program, a fee of \$100 for failure to complete any of the mandatory requirements of the College's Quality Assurance Program within the timelines established by the Quality Assurance Committee;
 - c. For individual education or remediation programs, the fee charged by and payable to the supervisor, monitor, mentor or program;
 - d. For monitoring, supervision, or assessment pursuant to a decision of the Registration Committee, the fee charged by and payable to the monitor, supervisor, mentor or assessor;
 - e. Fees and/or costs related to activities, including but not limited to programs and assessments, referred to in acknowledgements and undertakings entered into by a member

with the College; and,

- f. Fees and/or costs related to orders and directions of the College Committees.

18.24 Any outstanding balance owed to the College in respect of any decisions made by a Committee, and any fees payable under this By-law will be added to and included in the members' annual fees.

BY-LAW 19: APPOINTMENT OF NON-COUNCIL MEMBERS TO COMMITTEES OF THE COLLEGE AND CONDITIONS FOR DISQUALIFICATION

[Approved by Council December 1999; last amended on March 27, 2009]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

Appointment

- 19.1 This By-law applies with respect to the appointment of members who are not members of the Council to a committee of the College.
- 19.2
- a. Committee appointments automatically expire at the first meeting of Council following the annual election unless otherwise prescribed in subsection 3(d) of By-law 21: Committee Composition; or any provision to the contrary in the Code, the By-laws or the policies of the College.
 - b. Notwithstanding 2(a) the terms of appointment for members of the Jurisprudence and Ethics Examination Committee automatically expire at the first meeting of Council following the annual election three years after the initial appointments.
- 19.3 A member is eligible for appointment to a committee if, on the date of the appointment:
- a. the member practices psychology and/or applied behaviour analysis in Ontario or resides in Ontario;
 - b. the member is not in default of payment of any prescribed fees;
 - c. the member's certificate of registration has not been revoked or suspended the six years preceding the date of the appointment;
 - d. the member is not, and has not been, within one year before the date of the appointment, a director, officer, board, committee, or staff of any professional association involved in the advocacy of the professions;
 - e. the member does not hold, and has not held, within one year before the date of the appointment, a position which would cause the member, if appointed as Committee member, to have a conflict of interest by virtue of having competing fiduciary obligations to both the College and another organization;
 - f. the member has not been an employee of the College (whether on contract or permanent, on a full-time or part-time basis) for at least one year preceding the appointment; and
 - g. the member's certificate of registration has not been subject to a term, condition or limitation as a result of a disciplinary action in the two years preceding the date of the appointment.

Disqualification

- 19.4. (1) The Council shall disqualify a member appointed to a committee from sitting on the committee if the member:
- a. is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;
 - b. is found to be an incapacitated member by a panel of the Fitness to Practice Committee;
 - c. fails, without cause, to attend two consecutive meetings of the committee or of a subcommittee of which they are a member;

- d. becomes a director, officer, board, committee, or staff of any professional association involved in the advocacy of the professions;
- e. fails, without cause, to attend a hearing or review of a panel for which they have been selected; or
- f. neither practices nor resides in Ontario.

(2) A member of a College committee may apply for employment with the College so long as they first resign as a committee member.

(3) A member who is disqualified under subsection (1) or (2) from sitting on a committee ceases to be a member of the committee and the Executive shall appoint a successor as soon after the disqualification as feasible.

(4) The term of office of a person who is appointed as a successor under subsection (3) expires when the term of office of the person being replaced would have expired.

BY-LAW 20: ELECTION TO COUNCIL, QUALIFICATIONS, TERMS OF OFFICE AND CONDITIONS FOR DISQUALIFICATION

[Approved by Council December 1999; last amended March 11, 2022]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

Electoral Districts

20.1 The following electoral districts are established for the purpose of the election of members to the Council.

- (1) Electoral District 1 (North) to be composed of the districts of Kenora, Rainy River, Thunder Bay, Cochrane, Algoma, Timiskaming, Manitoulin, Nipissing, and Parry Sound, and the City of Greater Sudbury.
- (2) Electoral District 2 (Southwest) to be composed of the counties of Bruce, Grey, Huron, Perth, Wellington, Dufferin, Lambton, Middlesex, Oxford, Brant, Essex, Kent, Elgin, Norfolk and Haldimand and the Regional Municipality of Waterloo.
- (3) Electoral District 3 (Central) to be composed of the District Municipality of Muskoka, and the counties of Haliburton, Hastings, Lennox and Addington, Frontenac, Simcoe, Northumberland, and Prince Edward, City of Peterborough, City of Kawartha Lakes and the Regional Municipalities of Halton, Hamilton-Wentworth, and Niagara, and the Regional Municipality of Durham (less the Towns of Whitby and Ajax and the Cities of Pickering and Oshawa), the Regional Municipality of York (less the City of Vaughan, and Towns of Richmond Hill and Markham), and the Regional Municipality of Peel (less the Cities of Mississauga and Brampton).
- (4) Electoral District 4 (East) to be composed of the counties of Lanark, Renfrew, Leeds and Grenville, Prescott and Russell, Stormont, Dundas and Glengarry, and the City of Ottawa.
- (5) Electoral District 5 (GTA East) to be composed of the addresses within the City of Toronto which have postal codes beginning with M1, M2, M3, and M4, and the City of Vaughan, Town of Richmond Hill, Town of Markham, City of Pickering, City of Ajax, Town of Whitby and City of Oshawa.
- (6) Electoral District 6 (GTA West) to be composed of the addresses within the City of Toronto which have postal codes beginning with M5, M6, M7, M8, and M9 and the City of Mississauga and the City of Brampton.
- (7) Electoral District 7 (Psychological Associates) to be composed of the constituency of Psychological Associates.
- (8) Electoral District 8 (Behaviour Analysts) to be composed of the constituency of Behaviour Analysts.
- (9) District 9 (Academic) to be composed of professional training programs in psychology at Post-Secondary Educational Institutions in Ontario granting graduate level degrees in psychology and professional training programs at Post-Secondary Educational Institutions in Ontario granting degrees with specialization in applied behaviour analysis.

Eligibility to Vote

- 20.2. (1) A member who, on the date of the election, holds a certificate authorizing autonomous, interim autonomous or supervised practice, or an academic, inactive or retired certificate of registration is eligible to vote.
- (2) The electoral district in which a member is eligible to vote is the district in which, on January 1 of the year in which an election is held, the member's primary place of work as provided to the College, or if the member is not engaged in the practice of psychology or behaviour analysis in Ontario, the district in which the member principally resides.
- (3) A member holding a certificate of registration as a Psychological Associate is eligible to vote in Electoral District 7 or in the electoral district of the member's primary place of work as provided to the College, or if the member is not engaged in the practice of psychology in Ontario, the district in which the member principally resides.
- a. A member holding a certificate of registration as a Psychological Associate may submit a declaration to choose to vote in Electoral District 7 or in the electoral district of the member's primary place of work as provided to the College, or if the member is not engaged in the practice of psychology in Ontario, the district in which the member principally resides. If no choice is made, the member shall be eligible to vote in Electoral District 7 (Psychological Associate). A member may not change their declaration for three years.
- (4) A member holding a certificate of registration as a Behaviour Analyst is eligible to vote in Electoral District 8.
- (5) A member shall vote in only one electoral district.
- (6) Notwithstanding Section (5), a member who holds a certificate of registration to practise psychology and a certificate of registration to practise applied behaviour analysis may vote in the electoral district in which they are eligible to vote in accordance with Section (2) and in Electoral District 8 in accordance with Section (4).

District 9 (Academic) Representation

20.3. The members representing District 9 (Academic) are appointed to Council by the Executive Committee, upon the joint recommendation of the professional training programs in psychology or applied behaviour analysis. The professional training programs are composed of faculty in psychology or in applied behaviour analysis from Post-Secondary Educational Institutions in Ontario granting graduate level degrees in psychology, or in a department that offers a specialization in applied behaviour analysis, from which graduates are eligible for registration with the College.

Number of Members Elected/Appointed

- 20.4. (1) The number of members to be elected in each of Electoral Districts 1, 2, 3, 4, 5, 6, and 7 is one. The number of members to be elected in Electoral District 8 (Behaviour Analysts) is three.
- (2) The number of members to be appointed to District 9 (Academic) is at least two and no more than four. At least one of the members selected belongs to a faculty of a department of psychology and at least one of the members selected belongs to a faculty of a department that offers a specialization in applied behaviour analysis.

Terms of Office

- 20.5. (1) The term of office of a member elected to the Council is three years.

- (2) Notwithstanding paragraph (1), the term of office of a member appointed to Council for District 9 (Academic) is two years.
- (3) Notwithstanding paragraph (1), the term of office for members elected in 2024, on a date to be determined by Council, to Electoral District 8, will be in accordance with Section 20.6 (4) (i) and (ii). The term for all members elected to Council in District 8, after the 2024 election, is three years.

Election/Appointment Date

- 20.6. (1) In March 2019 and every third year after that, an election of members to the Council shall be held for Electoral Districts 1, 2 and 3.
- (2) In March 2020 and every third year after that, an election of members to the Council shall be held for Electoral Districts 4 and 7.
 - (3) In March 2018 and every third year after that, an election of members to the Council shall be held for Electoral Districts 5 and 6.
 - (4) An election of three members to the Council shall be held in 2024 in Electoral District 8 on a date to be determined by Council.
 - i. The two members elected with the highest and second highest number of votes are elected for a three-year term ending in June 2027, with the next election to be held in March 2027 and every third year after that.
 - ii. The member elected with the third highest number of votes is elected for a two-year term ending in June 2026, with the next election to be held in March 2026 and every third year after that.
 - iii. If the number of candidates nominated for Electoral District 8 is equal to the number of members to be elected in the electoral district, the Registrar shall determine the length of the initial term for each candidate by lot.
 - (5) The Council shall set the date in March for each election of members to the Council.
 - (6) A member elected or appointed to Council shall take office at the first Council meeting following the election or appointment.

Eligibility for Election

- 20.7. (1) A member is eligible for election to the Council in Electoral Districts 1, 2, 3, 4, 5, and 6 if, on the date of the election,
- (a) the member holds a certificate of registration authorizing autonomous practice, or an inactive certificate of registration.
 - (b) the member is engaged in the practice of psychology in the electoral district for which they are eligible to vote, or, if the member is not engaged in the practice of psychology in Ontario, is a resident in the electoral district for which they are nominated;
 - (c) the member is not in default of payment of any fees prescribed in the fees By-law;
 - (d) the member's certificate of registration has not been revoked or suspended in the six

- years preceding the date of election;
 - (e) the member's certificate of registration has not been subject to a term, condition or limitation as a result of a disciplinary action within the last two years;
 - (f) the member is not in default of any obligation to the College under a regulation, including the Quality Assurance Regulation, By-law, Specified Continuing Educational or Remediation Program (SCERP) or Undertaking;
 - (g) the member is not and has not been within one year before the date of the election, a director, officer, board, committee, or staff of any professional association involved in the advocacy of the professions;
 - (h) the member does not hold, and has not held, within one year before the date of the election, a position which would cause the member, if elected as a member of Council, to have a conflict of interest by virtue of having competing fiduciary obligations to both the College and another organization;
 - (i) the member has not been an employee of the College (whether on contract or permanent, on a full-time or part-time basis for at least one year preceding the election);
 - (j) the member is not a member of the Council or of a Committee of any other College regulated under the *Regulated Health Professions Act, 1991*; and,
 - (k) prior to the member submitting a nomination form and nomination statement for the election, the member has completed any orientation program specified by the College relating to the business and governance of the College and the duties, obligations and expectations of the Council and Committee members.
- (2) A member is eligible for election to the Council in Electoral District 7 if, on the date of the elections, the member holds a certificate authorizing autonomous practice as a Psychological Associate; and,
- (a) the member meets the criteria set out in section 20.7.(1) excluding (b) of this By-law.
- (3) A member is eligible for election to the Council in Electoral District 8 if, on the date of the elections, the member holds a certificate authorizing autonomous practice as a Behaviour Analyst; and,
- (a) the member meets the criteria set out in section 20.7 (1) excluding (b) of this By-law.

Eligibility for Appointment to District 9 (Academic)

- 20.8. (1) A member is eligible for appointment to the Council in District 9 if on the day of appointment,
- (a) the member holds a full-time appointment as a faculty member in a CPA accredited or equivalent program in a department of psychology of a degree granting institution in Ontario which grants graduate level degrees in psychology, or
 - (b) the member holds a full-time appointment as a faculty member in a department of a degree granting institution in Ontario offering a specialization in applied behaviour analysis from which graduates are eligible for registration with the College; and
 - (c) the member meets the criteria set out in section 20.7.(1) excluding (b) of this By-law.
 - (d) Despite paragraphs (a) and (b), at any given time, members appointed to the Council may:
 - i. Have retired within the previous two year and has maintained contact with the training program through clinical or research supervision or participation in other ongoing activities of the training program; or
 - ii. Hold an adjunct appointment in a faculty of a department of psychology, or a specialization in applied behaviour analysis, of a degree granting institution

in Ontario which grants graduate level degrees in psychology or in applied behaviour analysis and has maintained contact with the training program through clinical or research supervision or participation in other ongoing activities of the training program.

- (2) Academic appointees will be considered for up to three terms so long as the member of Council continues active involvement with the training program.

Registrar to Supervise Nominations

20.9. The Registrar shall supervise the nomination of candidates.

Notice of Election and Nominations

20.10. No later than 90 days before the date of an election, the Registrar shall notify every member who is eligible to vote of the date, time and place of the election and of the nomination procedure.

Notice of Election and Nominations for Inaugural Elections for Electoral District 8:

20.10.1 Despite Section 20.10, for the first election for Electoral District 8 immediately following proclamation of the *Psychology and Applied Behaviour Analysis Act, 2021*, and no later than 60 days before the date of an election, the Registrar shall notify every member who is eligible to vote in Electoral District 8 of the date, time and place of the election and of the nomination procedure. This provision is revoked immediately following the inaugural election for Electoral District 8 in 2024.

Nomination Procedure

- 20.11.(1) The member may be a candidate for election in only one electoral district in which they are an eligible voter.
 - (a) a member recommended by the training programs to serve in District 9 (Academic) may not be nominated in a geographic electoral district.
- (2) The nomination of a candidate for election as a member of the Council shall be provided to the Registrar, in the form established by the Registrar at least 30 days before the date of the election.
- (3) The nomination shall be agreed to by the candidate and endorsed by at least 5 members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.
- (4) At least 45 days before the date of the election, the Registrar shall notify every member who is eligible to vote of the nominations received, if any, and that further nominations will be received until 30 days before the date of the election.
- (5) A candidate may withdraw their nomination for election to the Council by giving notice to the Registrar in writing not less than 30 days before the date of the election.
- (6) No less than 30 days before the date of the election, a member nominated for election shall provide the Registrar with a one page biographical note and a candidate's statement.

Nomination Procedure for Inaugural Elections for Electoral District 8:

20.11.1 Despite Section 20.11, for the first election for Electoral District 8 immediately following proclamation of the *Psychology and Behaviour Analysis Act, 2021*:

- (1) The member may be a candidate for election in Electoral District 8, only if they hold a certificate of

registration as a Behaviour Analyst and are not currently a member of Council.

(a) a member recommended by the training programs to serve in District 9 (Academic) may not be nominated in Electoral District 8.

- (2) The nomination of a candidate in Electoral District 8 for election as a member of the Council shall be provided to the Registrar, in the form established by the Registrar at least 35 days before the date of the election.
- (3) The nomination shall be agreed to by the candidate and endorsed by at least 2 members who support the nomination and who are eligible to vote in Electoral District 8.
- (4) A candidate may withdraw their nomination for election to the Council by giving notice to the Registrar in writing not less than 30 days before the date of the election.
- (5) No less than 30 days before the date of the election, a member nominated for election shall provide the Registrar with a one page biographical note and a candidate's statement.

Section 20.11.1 is revoked immediately following the inaugural election for Electoral District 8 in 2024.

Acclamation

20.12. If the number of candidates nominated for an electoral district is equal to the number of members to be elected in the electoral district, the Registrar shall declare the candidates to be elected by acclamation.

Registrar's Electoral Duties

- 20.13.(1) 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,
- a. appoint returning officers and scrutineers;
 - b. establish a deadline for the receiving of ballots;
 - c. establish procedures for the opening and counting of ballots;
 - d. provide for the notification of all candidates and members of the results of the election; and,
 - e. provide for the destruction of ballots following an election.
- (2) No later than 15 days before the date of an election, the Registrar shall make available to every member eligible to vote in an electoral district in which an election is to take place
- i. a list of the candidates in the electoral district;
 - ii. each candidate's biographical note and statement;
 - iii. a ballot; and,
 - iv. an explanation of the voting procedure as set out in the By-laws.

Tie Votes

20.14 If there is a tie in an election of members to the Council, the Registrar shall break the tie by lot.

Recounts

- 20.15.(1) A candidate may require a recount by giving a written request to the Registrar no more than 10 business days after the date of an election.
- (2) The Registrar shall hold the recount no more than five business days after receiving the request.

Disqualification of Elected or Appointed Members

- 20.16.(1) The Council shall disqualify an elected or appointed member from sitting on the Council if the elected or appointed member,
- a. is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;
 - b. is found to be an incapacitated member by a panel of the Fitness to Practise Committee;
 - c. fails, without cause, to attend two consecutive regular meetings of the Council;
 - d. fails, without cause, to attend two consecutive meetings of a committee of which they are a member;
 - e. ceases to be eligible to vote in the electoral district for which the member was elected;
 - f. becomes a director, officer, board, committee or staff of any professional association involved in the advocacy of the professions;
 - g. ceases to hold a certificate of registration for a Psychological Associate if the member was elected to Electoral District 7;
 - h. ceases to hold a certificate of registration for a Behaviour Analyst if the member was elected to Electoral District 8;
 - i. ceases to meet the requirements of section 20.8 (1) if the member was appointed to District 9; or,
 - j. has been convicted of contravening a federal, provincial or territorial law, and after consideration of all of the circumstances, two-thirds of the eligible voting members of Council vote to disqualify the member.
- (2) An elected or appointed member of the Council may submit an application for any position of employment with the College so long as they first provide an irrevocable written resignation of their Council seat to the President. Upon provision of such resignation the member shall be immediately disqualified from sitting on the Council.
- (3) An elected or appointed member who is disqualified from sitting on the Council ceases to be a member of the Council.

Filling of Vacancies

- 20.17.(1) If the seat of an elected Council member becomes vacant in an electoral district not more than twelve months before the expiry of the member's term of office, the Council may,
- a. leave the seat vacant;
 - 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
 - c. direct the Registrar to hold an election in accordance with this By-law for that electoral district.
- (2) If the seat of a Council member appointed to represent District 9 (Academic) becomes vacant in an electoral district not more than twelve months before the expiry of the member's term of office, the Council may,
- a. leave the seat vacant; or
 - b. direct the Executive to appoint a member to represent District 9 (Academic), upon joint the recommendation of the training programs.
- (3) If the seat of an elected Council member becomes vacant in an electoral district more than twelve months before the expiry of the member's term of office, the Council shall direct the Registrar to hold an election in accordance with this By-law for that electoral district.

- (4) If the seat of a member appointed to represent District 9 (Academic) becomes vacant in an electoral district more than twelve months before the expiry of the member's term of office, the Executive shall appoint a member to represent District 9 (Academic) upon the joint recommendation of the training programs.
- (5) The term of a member elected or appointed under clauses (1), (2), (3) or (4) shall continue until the time the former Council member's term would have expired.

BY-LAW 21: COMMITTEE COMPOSITION

[Approved by Council December 1999; last amended on September 21, 2018]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 21.1 (1) The Executive Committee shall be composed of:
- a. five members of the Council who are members of the College;
 - b. all titles shall be represented among the members in section (a); and
 - c. two members of the Council appointed to the Council by the Lieutenant Governor in Council.
- (2) The President and Vice-President of the Council shall be members of the Executive Committee and the balance of the members shall be elected to complete the composition of the Executive Committee as set out subsection (1).
- (3) The President of the Council shall be the chair of the Executive Committee.
- 21.2. The Registration Committee shall be composed of:
- a. at least three members of the Council who are members of the College; normally two of whom have academic involvement;
 - b. at least two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - c. at least two members of the College who are not members of the Council.
- 21.3. The Inquiries, Complaints and Reports Committee shall be composed of:
- a. at least two members of the Council who are members of the College;
 - b. at least three members of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - c. at least two members of the College who are not members of the Council
 - d. a member of a panel who would otherwise cease to be a member of the Inquiries, Complaints and Reports Committee after an investigation of a matter has been commenced by the panel shall continue, for the purposes of concluding that matter, to remain a member of that panel and of the committee until the final disposition of the matter by the committee.
- 21.4. The Discipline Committee shall be composed of:
- a. at least six members of the Council who are members of the College;
 - b. at least four members of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - c. at least two members of the College who are not members of the Council.
- 21.5. The Fitness to Practice Committee shall be composed of:
- a. at least two members of the Council who are members of the College;
 - b. at least one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - c. at least two members of the College who are not members of the Council.
- 21.6. The Quality Assurance Committee shall be composed of:
- a. at least two members of the Council who are members of the College;
 - b. at least one member of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - c. at least two members of the College who are not members of the Council.

- 21.7. The Client Relations Committee shall be composed of:
- a. at least two members of the Council who are members of the College;
 - b. at least two members of the Council appointed to the Council by the Lieutenant Governor in Council; and
 - c. at least two members of the College who are not members of the Council.

BY-LAW 22: PROFESSIONAL LIABILITY INSURANCE

[Approved by Council December 1999; last amended on June 21, 2013]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analyst Act, 2021* as amended.

- 22.1 Subject to Section 6, each member of the College registered with a certificate of registration authorizing autonomous practice, interim autonomous practice or supervised practice shall hold, or otherwise be covered by professional liability insurance in all settings in which the member practices.
- 22.2 The amount of insurance coverage shall be no less than \$2,000,000.
- 22.3 The insurance shall have no deductible.
- 22.4 On or before June 1 of each year, every member described in section 1 shall confirm to the College, normally through the annual renewal process;
- a. that the member has valid existing professional liability insurance in place; and
 - b. the name of the insurer providing the liability insurance.
- 22.5 Each member upon being registered for the first time or whose certificate of registration has been reinstated shall, within 30 days of registration, confirm to the College, in a manner required by the College:
- a. that the member has valid existing professional liability insurance in place; and
 - b. the name of the insurer providing the liability insurance.
- 22.6 Exemptions from the requirement under section 1 apply only to:
- (1) Any member who resides outside of Ontario and who provides no services within Ontario at any time during the registration year, nor supervises anyone in the provision of services in Ontario.
 - (2) Any member who holds academic status and who provides no services within Ontario at any time during the registration year, nor supervises anyone in the provision of services in Ontario.
 - (3) Any member who holds retired status and who provides no services within Ontario at any time during the registration year, nor supervises anyone in the provision of services in Ontario.
 - (4) Any member who attests that:
 - a. the member has provided no direct services to individuals or families, nor conducted research with individuals or families within Ontario during the preceding registration year; and,
 - b. the member has provided no supervision to anyone in the provision of such services nor the conduct of such research in Ontario during the preceding registration year; and,
 - c. the member will not be providing such services, conducting such research nor providing such supervision in the current registration year.
- 22.7 If required to do so by the Registrar, a member must provide proof of insurance coverage within 30 days.

BY-LAW 23: PROFESSIONAL CORPORATIONS

[Approved by Council March 2003; last amended on March 27, 2009]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 23.1 Every member of the College shall, for every professional corporation of which the member is a shareholder, submit the appropriate fee and provide, in writing, the following information on the application and annual renewal for a certificate of authorization, upon the written request of the Registrar within 30 days and upon any change in the information within 30 days of the change:
- a. the name of the professional corporation as registered with the Ministry of Public and Business Service Delivery;
 - b. any business names used by the professional corporation;
 - c. the name, as set out in the register, and registration number of each shareholder of the professional corporation;
 - d. the name, as set out in the register, and registration number of each officer and director of the professional corporation, and the title or office held by each officer and director;
 - e. the principal practice or head office address, telephone number, facsimile number and email address of the professional corporation;
 - f. the address and telephone number of all other locations, other than residences of clients, at which the professional services offered by the professional corporation are provided; and,
 - g. a brief description of the professional activities carried out by the professional corporation.
- 23.2 The information specified in subsection (5) is designated as public for the purposes of paragraph 4 of subsection 23(3) of the Health Professions Procedural Code.

BY-LAW 24: FORMS

[Approved by Council December 2002, last amended on July 2011]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

24.1 The Form to be issued as a Certificate of Registration for a Psychologist Authorizing Autonomous Practice shall read as follows:

(Logo)

The College of Psychologists and

Behaviour Analysts of Ontario

L'Ordre des psychologues et

d'analyse comportementale appliquée

de l'Ontario

Certificate of Registration

as a PSYCHOLOGIST

in the Province of
Ontario

THIS IS TO CERTIFY THAT
UNDER

*The Psychology and Applied Behaviour
Analysis Act, 2021*

AND THE REGULATIONS AND SUBJECT

TO THE LIMITATIONS THEREOF,

(name, highest degree upon which registration is based)

is registered as a Psychologist

DATED AT TORONTO, THE _____

REGISTRAR _____

FOR THE COUNCIL _____

CERTIFICATE NO. _____

24.2 The Form for a Certificate of Registration for a Psychological Associate Authorizing Autonomous Practice shall read as follows:

(Logo)

The College of Psychologists and
Behaviour Analysts of Ontario
L'Ordre des psychologues et
d'analyse comportementale appliquée
de l'Ontario

Certificate of Registration as a

PSYCHOLOGICAL

ASSOCIATE

in the Province of
Ontario

THIS IS TO CERTIFY THAT
UNDER

*The Psychology and Applied Behaviour
Analysis Act, 2021*

AND THE REGULATIONS AND SUBJECT

TO THE LIMITATIONS THEREOF,

(name, highest degree upon which registration is based)

is registered as a Psychological Associate

DATED AT TORONTO, THE _____

REGISTRAR _____

FOR THE COUNCIL _____

CERTIFICATE NO. _____

24.3 The Form for a Certificate of Registration for a Behaviour Analyst Authorizing Autonomous Practice shall read as follows:

(Logo)

The College of Psychologists and
Behaviour Analysts of Ontario
L'Ordre des psychologues et
d'analyse comportementale appliquée
de l'Ontario

Certificate of Registration

as a BEHAVIOUR

ANALYST

in the Province of
Ontario

THIS IS TO CERTIFY THAT
UNDER

*The Psychology and Applied Behaviour
Analysis Act, 2021*

AND THE REGULATIONS AND SUBJECT

TO THE LIMITATIONS THEREOF,

(name, highest degree upon which registration is based)

is registered as a Behaviour Analyst

DATED AT TORONTO, THE _____

REGISTRAR _____

FOR THE COUNCIL _____

CERTIFICATE NO. _____

24.4 The Form for a Certificate of Authorization for a Psychology Professional Corporation shall read as follows:

(Logo)

The College of Psychologists and
Behaviour Analysts of Ontario
L'Ordre des psychologues et
d'analyse comportementale appliquée
de l'Ontario

This is to certify that

has been duly granted a Certificate of Authorization

_____ has met the requirements defined by Ontario Regulation 39/02 under the Regulated Health Professions Act to obtain a certificate of authorization for the purpose of permitting its owners to practice the profession of psychology through the professional corporation.

This certificate of authorization remains in effect for a period of one year from its date of issuance or until the professional corporation is no longer eligible to hold a certificate of authorization.

Authorization Number _____

Registrar

Issue Date _____

President

24.5 The Form for a Certificate of Authorization for an Applied Behaviour Analysis Professional Corporation shall read as follows:

(Logo)

The College of Psychologists and
Behaviour Analysts of Ontario
L'Ordre des psychologues et
d'analyse comportementale appliquée
de l'Ontario

This is to certify that

has been duly granted a Certificate of Authorization

_____ has met the requirements defined by Ontario Regulation 39/02 under the Regulated Health Professions Act to obtain a certificate of authorization for the purpose of permitting its owners to practice the profession of applied behaviour analysis through the professional corporation.

This certificate of authorization remains in effect for a period of one year from its date of issuance or until the professional corporation is no longer eligible to hold a certificate of authorization.

Authorization Number _____

Registrar

Issue Date _____

President

BY-LAW 25: THE REGISTER AND RELATED MATTERS

[Approved by Council December 2003; last amended on June 22, 2018]

This By-law is made under the authority of the *Regulated Health Professions Act, 1991* as amended, and the *Psychology and Applied Behaviour Analysis Act, 2021* as amended.

- 25.1 (1) A member's name in the register shall be the member's name as provided in the recorded evidence used to support the member's initial registration.
- (2) The Registrar shall direct that a name other than as provided in subsection (1) be entered in the register if such a request is made by the member and the Registrar is satisfied that the member has validly changed their name and that the use of the name is not for an improper purpose.
- 25.2 (1) Unless otherwise approved by the Registrar, a member's business address in the register shall be the address of the location in Ontario where the public may contact the member.
- (2) A member's business telephone number in the register shall be the telephone number of the location in Ontario where the member principally engages in practice or, if the member does not practise in Ontario, the telephone number of the location designated in subsection (1).
- 25.3 In addition to the information required under subsection 23(2) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*, the register of the College shall contain the following information with respect to each member:
1. The member's name and any changes to the member's name which have been made in the register since they first became registered with the College;
 2. The member's registration number;
 3. The member's gender and date of birth;
 4. The date when the member's certificate of registration was first issued by the College;
 5. If the person ceased to be a member as a result of their resignation or death, the date upon which the person ceased to be a member;
 6. The highest degree held by the member and on which registration is based;
 7. The name of the educational institution from which the member received their highest degree upon which registration was based, and the year in which the degree was obtained;
 8. The classes of certificates of registration held by the member, the date on which each was issued and, if applicable, the termination or expiration date of each;
 9. Where a member holds a Certificate of Registration as a Psychologist or Psychological Associate, the member's authorized Area(s) of Practice and authorized Client Groups served;
 10. The address and telephone number of each location in Ontario where the member engages in practice;
 11. The member's home address and home telephone number;
 12. The member's preferred mailing address for communication by the College;
 13. The member's preferred e-mail address for communication by the College;
 14. An optional e-mail address for use by the public;
 15. If the member is a shareholder, officer or director of a health profession corporation which holds a certificate of authorization issued by the College, the name of the health profession corporation and what position or title, if any, the member holds with that corporation;
 16. While a member holds a Certificate of Registration Authorizing Supervised Practice as a

- Psychologist or Psychological Associate, the names of the members who are acting, or have acted as primary or alternate supervisors;
17. While a member holds a Certificate of Registration Authorizing Supervised Practice as a Behaviour Analyst, the name of the member who is acting, or has acted as the supervisor;
 18. The name(s) and contact information of the individual(s) who will have custody of the member's client records in the event of a member's incapacity or death, or if the member is no longer practicing in Ontario. This information will be made available only to the public in the actual event of a member's incapacity or death or in the case of a member no longer practicing in Ontario, if that information has been provided to the College;
 19. The registration status of a member with every health regulatory body, inside and outside of Ontario;
 20. If an allegation of professional misconduct or incompetence has been referred to the Discipline Committee in respect of the member, and is outstanding,
 - a. the date of the hearing if the hearing date has been set or the next scheduled date for the continuation of the hearing if the hearing has commenced, and,
 - b. if the hearing has been adjourned *indefinitely*, a notation of that fact;
 21. If the question of the member's capacity has been referred to the Fitness to Practice Committee and not yet decided, a notation of that fact;
 22. If, prior to January 1, 1994, the person ceased to be a member as a result of their resignation after a referral to Discipline, a brief summary of the allegations against the member, and the fact that the resignation occurred in the face of such allegations, or such other notations as may be agreed to by the member and the Registrar;
 23. If a finding of professional misconduct, incompetence or incapacity has been made against a member by any other regulatory body, in or outside of Ontario, or in any other health profession,
 - a. a notation of that fact,
 - b. the date of the finding and the name of the governing body that made the finding,
 - c. a brief summary of the facts on which the finding was based,
 - d. the penalty, if any, and
 - e. where the finding is under appeal, a notation of that fact, which notation shall be removed once the appeal is finally disposed of;
 24. If an application for reinstatement has been referred to the Discipline Committee and is outstanding,
 - a. a notation of that fact, and
 - b. the date of the hearing if the hearing date has been set or the next scheduled date for the continuation of the hearing if the hearing has commenced;
 25. The result, including a synopsis of the decision, of any reinstatement proceeding before the Discipline Committee;
 26. The text of any reprimand delivered by a panel of the Discipline Committee, unless otherwise prohibited by law;
 27. In respect of the elements of an Undertaking & Agreement entered into with the Inquiries, Complaints or Reports Committee or Discipline Committee, a notation of each of the elements that has been completed while the Undertaking & Agreement remains in effect, and where applicable, a notation that the decision has been appealed;
 28. In respect of a Specified Continuing Education or Remediation Program ordered by the Inquiries, Complaints and Reports Committee, a notation of each of the elements that has been completed, and, where applicable, a notation that the decision has been appealed;
 29. In respect of a caution required by the Inquiries, Complaints and Reports Committee, the date

the caution was issued, and, where applicable a notation that the decision has been appealed.

- 25.4 In addition to the information under subsection 23(2) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*, the register shall contain, in respect of each health profession corporation to which a certificate of authorization has been issued by the College, the following information:
1. The certificate of authorization number;
 2. The mailing address of the health profession corporation if different from the member's business address;
 3. The date upon which the certificate of authorization was first issued;
 4. If the certificate of authorization has been revoked, a notation of the fact, the date when the revocation occurred and a brief summary of the reasons for the revocation;
 5. If the certificate of authorization was revised or a new certificate of authorization was issued to the health profession corporation, a notation of that fact and the date when that occurred;
 6. The name, as set out in the College register, of each of the officer and director of the health profession corporation and the title or office held by each;
 7. The practice name(s) or business name(s), if any, used by the health profession corporation;
 8. The address and telephone number of each location at which the health profession corporation carries on business;
 9. A brief description of the business activities carried on by the health profession corporation.
- 25.5 (1) Subject to section 25.2 and 25.5.(2), all information contained in section 25.3, excluding information in paragraphs 2, 3, 11, 12, 13, 20, 22; and all information in section 25.4 shall be information available to the public from the register of the College under subsection 23(5) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*.
- a. At the discretion of the Registrar, information designated as public in the register may be provided to any person in printed, electronic or oral form.
 - b. The College will not provide a member's registration number but may verify the number upon request.
 - c. In the case of a member holding a Certificate of Registration Authorizing Supervised Practice as a Psychologist or Psychological Associate, information respecting authorized Area(s) of Practice and authorized Client Groups Served will not be made available to the public.
- (2) At the discretion of the Registrar, a member's previous name or names shall not be information available to the public from the register of the College.
- (3) Information which, but for the commencement of an appeal or other legal proceeding, would have been available to the public from the register of the College of subsection 23(5) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*, shall be available to the public from the register of the College as if no appeal or legal proceeding had been commenced.
- 25.6 (1) A member shall immediately provide to the College, upon request, the following:
- a. information described in sections 25.3 and 25.4, and
 - b. any other information which the College may be required to collect at the request of the Minister, for the purpose of health human resources planning as per section 36.1 of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act*,

1991.

- (2) A member shall notify the Registrar within thirty (30) days of a change in their name. If there has been a change in any of the other information required to be provided under subsection (1) the member shall notify the Registrar in writing of the change within thirty (30) days of the effective date of the change.

TABLE OF AMENDMENTS

By-law 1:	Approved: June 11, 1994; Amended: March 4, 1995; Revoked: March 27, 2009
By-law 2:	Approved: June 11, 1994; Amended: March 4, 1995, March 27, 2009, September 25, 2009
By-law 3:	Approved: June 11, 1994; Amended: March 4, 1995, September 1999, March 27, 2009, March 23, 2012
By-law 4:	Approved: June 11, 1994; Amended: March 4, 1995, December 6, 2002, March 14, 2003, March 27, 2009, June 19 2009
By-law 5:	Approved: June 11, 1994; Amended: March 4, 1995, December 2002, March 14, 2003, September 2007, March 27, 2009, September 2018, March 2022
By-law 6:	Approved: June 11, 1994; Amended: March 4, 1995; Revoked: March 27, 2009
By-law 7:	Approved: June 11, 1994; Amended: March 4, 1995; Revoked: March 27, 2009
By-law 8:	Approved: June 11, 1994; Amended: March 4, 1995, May 1998, September 1999, June 2001, September 2004; Revoked on March 27, 2009
By-law 9:	Approved: June 11, 1994; Amended: March 4, 1995, May 1998, September 1999, June 2001, September 2004; revoked on March 27, 2009
By-law 10:	Approved: June 11, 1994; Amended: March 4, 1995; Revoked: March 27, 2009
By-law 11:	Approved: June 11, 1994; Amended: March 4, 1995; March 27, 2009
By-law 12:	Approved: June 11, 1994; Amended: March 4, 1995, March 27, 2009
By-law 13:	Approved: June 11, 1994; Amended: March 4, 1995, March 27, 2009
By-law 14:	Approved: June 11, 1994; Amended: March 4, 1995, March 27, 2009
By-law 15:	Approved: June 11, 1994; Amended: March 4, 1995, March 27, 2009
By-law 16:	Approved: June 11, 1994; Amended: March 4, 1995; September 1996, March 27, 2009, June 2014
By-law 17:	Approved: June 11, 1994; Amended: March 4, 1995, March 27, 2009, September 25, 2009
By-law 18:	Approved: December 22, 1999; Amended: March 2001; February 2002; amended March 2003; March 2004; September 2005, March 27, 2009; December 13, 2013; December 2014; March 2017, December 2017, September 2019; September 2023, December 2024
By-law 19:	Approved: December 22, 1999; Amended: March 2001, February 2002, March 2003, March 2004, September 2005, March 27, 2009, December 2024
By-law 20:	Approved: December 22, 1999; Amended: September 2000; September 2003; December 2004; March 27, 2009, December 14, 2012, March 2013, December 2017, March 2022
By-law 21:	Approved: December 22, 1999; Amended: March 2001 and June 2002, December 2006, September 2007, March 27, 2009, June 2009, September 2017, September 2018
By-law 22:	Approved: December 3, 1999; Amended: March 2001, September 2007, September 2010, June 2013
By-law 23:	Approved: March 14, 2003; Amended: December 2007, March 27, 2009
By-law 24:	Approved: December 6, 2002; Amended: July 2011
By-law 25:	Approved: December 12, 2003; Amended: March 2007, March 27, 2009, September 25, 2009, March 21, 2014, June 22, 2018

