



**THE COLLEGE OF PSYCHOLOGISTS OF ONTARIO
L'ORDRE DES PSYCHOLOGUES DE L'ONTARIO**

**Consultation
Amendments to *By-law 20: Election to Council, Qualifications,
Terms of Office and Conditions for Disqualification*
September 28, 2017**

At the meeting of the Council of the College of Psychologists held on September 15, 2017, a motion was passed to circulate proposed amendments to *By-law 20: Election to Council, Qualifications, Terms of Office and Conditions for Disqualification*. According to the Health Professions Procedural Code under the *Regulated Health Professions Act, 1991*, amendments to this By-law must be circulated to members 60 days before it is approved by Council [94(1)(s), 94(2)]. If you wish to comment on the following proposal, we would appreciate hearing from you by Monday, November 27, 2017.

Beginning in June 2016, the College Council began to consider several amendments to *By-law 20: Election to Council*. . . These included revised criteria for the appointment of academic members, changes to the process for opting into Electoral District 7 (Psychological Associates), and housekeeping amendments related to the use of the online nominations and balloting process.

Click here for a copy of *By-law 20: Election to Council, Qualifications, Terms of Office and Conditions for Disqualification* showing the amendments with an accompanying explanation for the proposals.

The College Council will be discussing these amendments at the December 2017 meeting. If you wish to comment on the proposal we would appreciate hearing from you by Monday, November 27, 2017.

You can submit your feedback to electionsbylawconsultation@cpo.on.ca Thank you for your consideration of this matter.

Rick Morris, Ph.D., C.Psych.
Registrar and Executive Director

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

[Approved by Council December 1999; amended September 2000; September 2003; December 2004; March 27, 2009, December 14, 2012, March 2013]

This by-law is made under the authority of the Regulated Health Professions Act, 1991 as amended, and the Psychology Act, 1991 as amended.

<p>Electoral Districts</p> <p>20.1 The following electoral districts are established for the purpose of the election of members to the Council.</p> <ol style="list-style-type: none"> 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. 	<p>No changes being suggested to boundaries of electoral districts</p>
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8. District 8 (Academic) to be composed of professional training programs in psychology at Post Secondary Educational Institutions in Ontario granting graduate level degrees in psychology.

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 principally practises, or if the member is not engaged in the practice of psychology 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 in which the member principally practises 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 ~~shall~~ may submit a declaration to declare whether he or she chooses to vote in Electoral District 7 or in the district in which he or she principally practises, ~~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 will shall be eligible to vote in Electoral District 7 (Psychological Associate). A member may not change their declaration for three years.

(4) A member shall vote in only one electoral district.

District 8 (Academic) Representation

20.3 The members representing District 8 (Academic) are appointed to Council by the Executive Committee, upon the joint recommendation of the professional training programs in psychology. The professional training programs are composed of faculty in psychology from ~~at~~ Post Secondary Educational Institutions in Ontario granting graduate level degrees in psychology 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.

(2) The number of members to be appointed to District 8 (Academic) is two or three.

Change made to reflect revised wording of Registration Regulation proclaimed in April 2015

It has sometimes been difficult to obtain a declaration from some Psychological Associates regarding the district in which they wished to vote even with many reminders.

The use of “**shall** submit” in the current wording can be interpreted to mean that if a Psychological Associate does not choose one of the options, they would not be eligible to vote. The proposed change will permit a Psychological Associate to choose District 7, and make this the default electoral district if no selection is made.

Clarification provided with respect to who recommends members to represent District 8 (Academic)

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 8 (Academic) is two years.

Election/Appointment Date

20.6 (1) In March ~~2001~~ 2019 and every third year after that, an election of members to the Council shall be held for Electoral Districts 1, 2 and 3, ~~and one member representing District 8 (Academic) shall be appointed during the 2001-2002 fiscal year.~~

(2) In March ~~2002~~ 2020 and every third year after that, an election of members to the Council shall be held for Electoral Districts 4 and 7, ~~and one member representing District 8 (Academic) shall be appointed.~~

(3) In March ~~2003~~ 2018 and every third year after that, an election of members to the Council shall be held for Electoral Districts 5 and 6, ~~and one member representing District 8 (Academic) shall be appointed.~~

(4) The Council shall set the date in March for each election of members to the Council.

(5) 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 he or she is nominated, or, if the member is not engaged in the practice of psychology in Ontario, is resident in the electoral district for which he or she is 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; and
- (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.

(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,

Housekeeping amendment to update the schedule to make it current with this revision rather than starting in 2001. Deletion permits "Academic" members to be appointed as needed

This change permits a member with an inactive certificate of registration to be eligible to run for election to Council. Normally, a member is "inactive" for a finite, relatively short period, e.g., sabbatical, parental leave.

<p>(a) the member meets the criteria set out in section 20.7(1) (a), (c), (d) and (e) of this by-law.</p> <p>(3) A member nominated for election to Council, who holds any position on the Board, Committee or staff of any professional psychological association involved in advocacy for the professionother than the College, must undertake to resign that position before taking office.</p> <p>(4) A member of the College who is also an employee of the College may be nominated for election to the Council so long as he or she first provides an irrevocable, written resignation of employment to the Registrar/Executive Director on or before the deadline for receipt of nominations.</p>	<p>Numbering fixed but no change in intent</p> <p>Clarification of type of psychological association intended, similar to criteria for disqualification (20.16) and “Committees” added. Current wording of “other than the College” is unclear and therefore is deleted</p>
<p>Eligibility for Appointment to District 8 (Academic)</p> <p>20.8(1) A member is eligible for appointment to the Council in District 8 if on the day of appointment:</p> <p>(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 appointment in a faculty of a department of psychology of a university in Ontario granting graduate level degrees in psychology; and</p> <p>(b) the member meets the criteria set out in section 20.7(1) (a), (c), (d) and (e) of this by-law.</p> <p>(c) Despite paragraph (a), at any given time, one of the members appointed to the Council may:</p> <p>i. Have retired within the previous two years and has maintained contact with the training program through clinical or research supervision or participation in other ongoing activities of the training program; or,</p> <p>ii. Hold an adjunct appointment in a faculty of a department of psychology of a university degree granting institution in Ontario which granting grants graduate level degrees in psychology and has maintained contact with the training program through clinical or research supervision or participation in other ongoing activities of the training program.</p> <p>iii. Have retired within the previous two years and been designated an Emeritus or Emerita member of the faculty of a department of psychology of a university in Ontario granting graduate level degrees in psychology</p> <p>(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.</p>	<p>Clarifies the status of members seeking to be an Academic representative</p> <p>Numbering fixed but no change in intent</p> <p>Remove “one of the” to suggest that all academic appointees could be from the categories listed</p> <p>Allows for retired members of faculty who have maintained program involvement to serve</p> <p>“university” changed to degree granting institution</p> <p>Notes the requirement to maintain involvement with program as in (c)i</p> <p>Deleted as Emeritus faculty captured in (c) i</p> <p>Sets out term limits for Academic members</p>

<p>(3) A member <u>to be appointed</u> nominated for election to Council must undertake to resign, before taking office, from any position on the Board, <u>Committee</u> or staff of any professional psychological association <u>involved in advocacy for the profession</u>.</p> <p>Registrar to Supervise Nominations 20.9 The Registrar shall supervise the nomination of candidates.</p> <p>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.</p> <p>Nomination Procedure 20.11. (1) The member may be a candidate for election in only one electoral district in which he or she is an eligible voter. (a) a member recommended by the training programs to serve in District 8 (Academic) may not be nominated in a geographic electoral district.</p> <p>(2) The nomination of a candidate for election as a member of the Council shall be in writing and shall be given<u>provided</u> to the Registrar, <u>in the form established by the Registrar</u>, at least 60 <u>30</u> days before the date of the election.</p> <p>(3) The nomination shall be signed <u>agreed to</u> by the candidate and <u>endorsed</u> 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.</p> <p>(4) The Registrar shall, at <u>At</u> least 45 days before the date of the election, <u>the Registrar shall</u> notify every member who is eligible to vote of the nominations received, <u>if any</u>, and if no nominations have been received, shall notify every member that further nominations will be received until 30 days before the date of the election.</p> <p>(5) A candidate may withdraw his or her 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.</p> <p>(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.</p> <p>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.</p> <p>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</p>	<p>Wording changed to reflect "appointment" not "election". Type of profession psychological association clarified similar to disqualification criteria (20.16).</p> <p>College has moved to online election process. New wording permits nominations to be either in writing, online or in some other format as prescribed by the Registrar.</p> <p>Nomination is due 30 days before, not 60.</p> <p>Due to online process as noted above, use of "signed" removed</p> <p>Clarifies that a notice will be sent by the Registrar 45 days before the election of any nominations received and indicating that nominations are open until 30 days before the election.</p>
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<p>Registrar may, subject to the by-laws,</p> <ul style="list-style-type: none"> (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. <p>(2) No later than 15 days before the date of an election, the Registrar shall send <u>make available</u> to every member eligible to vote in an electoral district in which an election is to take place:</p> <ul style="list-style-type: none"> i. <u>i.</u> a list of the candidates in the electoral district; ii. <u>ii.</u> each candidate’s biographical note and statement; iii. <u>iii.</u> the ballot; and, iv. <u>iv.</u> an explanation of the voting procedure as set out in the by-laws. <p>Tie Votes</p> <p>20.14 If there is a tie in an election of members to the Council, the Registrar shall break the tie by lot.</p> <p>Recounts</p> <p>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.</p> <p>(2) The Registrar shall hold the recount no more than five business days after receiving the request.</p> <p>Interruption of Mail Service</p> <p>20.16. Where there is an interruption of mail service during a nomination or election, the Registrar shall extend the holding of the nomination or election for such period of time as the Registrar considers necessary to compensate for the interruption.</p> <p>Disqualification of Elected or Appointed Members</p> <p>20.17. <u>20.16.</u> (1) The Council shall disqualify an elected or appointed member from sitting on the Council if the elected or appointed member,</p> <ul style="list-style-type: none"> (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 he or she is a member; (e) ceases either to practise or reside in the electoral district for which the member was elected; (f) continues to be or becomes a member of the Board, <u>Committee</u> or a staff member of any professional 	<p>Wording changed to make language more consistent with online running of the elections. “Make available” permits this to be on paper or online.</p> <p>Section deleted as election process is now online</p> <p>Renumbered due to deletion regarding “Interruption of Mail Service”</p> <p>“Committee” added. As with section on Eligibility</p>
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<p>psychological association involved in advocacy for the profession other than the College;</p> <p>(g) ceases to hold a certificate of registration for a Psychological Associate if the member was elected to Electoral District 7;</p> <p>(h) ceases to <u>meet the requirements of section 20.8 (1)</u> hold a full-time appointment in a faculty of a department of psychology of a university in Ontario granting graduate level degrees in psychology if the member was appointed to District 8; or,</p> <p>(i) 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.</p> <p>(2) An elected or appointed member of the Council may submit an application for any position of employment with the College so long as he or she first provides an irrevocable written resignation of his or her Council seat to the President. Upon provision of such resignation the member shall be immediately disqualified from sitting on the Council.</p> <p>(3) An elected or appointed member who is disqualified from sitting on the Council ceases to be a member of the Council.</p> <p>Filling of Vacancies</p> <p>20.18.<u>20.17.</u> (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,</p> <p>(a) leave the 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>(2) If the seat of a Council member appointed to represent District 8 (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,</p> <p>(a) leave the seat vacant; or</p> <p>(b) direct the Executive to appoint a member to represent District 8 (Academic), upon joint the recommendation of the training programs.</p> <p>(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.</p> <p>(4) If the seat of a member appointed to represent District 8 (Academic) becomes vacant in an electoral district more than twelve months before the expiry of the member's term of office, the Executive</p>	<p>(20.7) above, wording of "other than the College" is unclear and therefore is deleted</p> <p>Wording simplified as it relates to all of 20.8(1)</p>
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<p>shall appoint a member to represent District 8 (Academic) upon the joint recommendation of the training programs.</p> <p>(5) The term of a member <u>elected or</u> appointed under clauses (1), <u>(2), (3) or (4)</u>, (b), (2)(b) or subsection (4), or elected in an election under clause (1)(c) or sub-section (3) shall continue until the time the former Council member's term would have expired.</p>	<p>Wording simplified as this sections refers to sections listed above</p>
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