

BRIEFING NOTE

TO: Council

FROM: Executive Committee

DATE: February 26, 2020

SUBJECT: 9.2 Eligibility Criteria for the Executive Committee and President/Vice-President Roles

☒ For Decision

☐ For Information

☐ Monitoring Report

Purpose:

To determine whether experiential eligibility criteria should be introduced in order run for election to the Executive Committee or to the roles of President or Vice-President.

Background:

As provided in the by-laws, all elected and public Council members are eligible for election to any position on the Executive Committee. There is no requirement that an individual serve on the Council for a minimum amount of time prior to running for Executive Committee election. Further, there is no requirement that an individual serve on the Executive Committee for a minimum amount of time before running for the President or Vice-President roles.

The by-laws do provide that the Executive Committee must consist of three elected Council members and two public Council members. The President may serve a maximum of two 1-year terms.

At its meeting on May 14, 2014, the Council considered whether to adopt a by-law provision that would introduce eligibility criteria for election to the Executive Committee of 1 year of experience on the Council. Also proposed was the eligibility criteria of 1 year of experience on the Executive Committee before being able to run as President. The motion was defeated.

At the time this matter was last considered, the proposed by-law change was circulated for stakeholder feedback and was provided to the Governance Committee for recommendation (**See Appendix A**). Although the Executive Committee supported the recommendation, the proposed by-law change was not supported by the Governance Committee.

For Consideration:

Several Council members have queried whether the introduction of eligibility criteria to run in the executive committee election and for the roles of President and Vice-President is prudent, specifically, whether a candidate should have previous experience on the Council or on the Executive Committee in order to become eligible to stand for election.

The Executive Committee has, between Council meetings, all the powers of the Council with respect to any matter, that in its opinion, requires immediate attention. The primary benefit of including experiential eligibility criteria to the Executive Committee would be to ensure that it has the necessary understanding of the Council's processes and culture in order to make critical decisions if called upon. The President, according to the College's governance framework, is first among equals.

While the President does not hold any additional decision-making authority beyond that of any other Council member, the President is an official spokesperson of the Council, so experience and understanding of the Council's history, the regulatory framework and College stakeholders may be important.

Introducing an experiential eligibility criteria, however, may place excessive emphasis on this competency over other important competencies, skills and attributes the Council may find essential in an individual serving on the Executive Committee or in the President or Vice-President roles. In some years, the Council may find that only a small number of Council members would be eligible or interested. There may be additional difficulty as this applies to public members, who have mid-year or concurrent expiry dates, or who are appointed for periods of less than 3 years.¹

An environmental scan of the by-laws of other Colleges related to Executive and President eligibility is attached as **Appendix B**.

The Executive Committee considered this matter at its meeting on February 10 and noted that the governance trend is toward competency profiles for Council and Committees. As part of the conclusion of the Governance manual overhaul, the Governance Committee is scheduled to update the terms of reference for each committee, including the Executive. The terms of reference can include the critical competencies for each committee, which may assist council in ensuring that the correct skill set is present in all committee appointments.

Recommendations/Action Required:

The Executive Committee recommends that Council provide feedback on this issue and refer the to the Governance Committee for further consideration and policy development.

¹ The College currently has five public members, two of whom were only appointed for a one-year period. Four of the five have term end dates in fall 2020.

APPENDIX A

PROPOSED BY-LAW ARTICLE AMENDMENTS

Current Language	Proposed Language	Explanation and Rationale	Stakeholder Feedback	Governance Committee Recommendations	Executive Committee's Recommendations
			BC College of Optics – The principal ‘one voice’ is good, but every Council decision cannot stand forever. If Council had a tie vote that was broken by the President, then at the next annual Council election, new faces might vote the other way. This way Council members can bring up the defeated matter in a timely manner.		
	<u>7.23 – Eligibility following Disqualification</u> <u>Where an elected Member of the Council has been disqualified from sitting on the Council, the Member shall not be eligible to run for election for six years.</u>	This works in conjunction with Article 6.3(n) and explains the consequences of being disqualified as per Article 7.22			
9.1 – Election of Executive Committee					
	<u>a.1) In order to be eligible to become a member of the Executive Committee, the Council member must have been a Council member for at least one year.</u>	This is an admittedly unusual amendment. Its desire is to ensure that members of the Executive Committee have some knowledge of Council and the College. Please note that the Member need not have been a Council member in the immediate preceding year.	VCC response – 9.1 a.1) and a.2) – Both of these sections are clear examples of the College’s misguided effort to deal with recent problems; even the explanation admits they are odd. The Council gives itself no leeway for an	<u>The committee determined that the addition of this provision was unnecessary and that it should not be included. The committee made the recommendation to instead make the orientation session for</u>	

PROPOSED BY-LAW ARTICLE AMENDMENTS

Current Language	Proposed Language	Explanation and Rationale	Stakeholder Feedback	Governance Committee Recommendations	Executive Committee’s Recommendations
			individual who may have useful board or industry experience. It should be for the Council to understand that neophyte Council members are not ready and have no business in leadership positions. But, at the same time, they should have the ability to take individual circumstances into account. That should not require a bylaw. That is merely common sense.	<u>Council members more thorough and have it take place in December, prior to the first Council meeting.</u>	
	<u>a.2) In order to be eligible to become President, the Council member must have been a member of the Executive Committee for at least one year.</u>	This is an admittedly unusual amendment. Its desire is to ensure that the President has knowledge of the issues faced by the Executive Committee, Council and the College. In light of the high profile nature of this position, the Committee believes that these are important qualities for the President to hold. Please note that the Member need not have been a member of the Executive Committee in the immediate preceding year.	VCC response – see 9.1 a.1)	<u>The committee determined that the addition of this provision was unnecessary and that it should not be included. It was determined that because the President is elected in by Council, it should be at their discretion whether the potential persons experience is enough to competently serve as President.</u>	Change to read, “a.1) In order to be eligible to become President, the Council member must have been a <u>Council</u> member of the Executive Committee for at least one year.”

Formatted: Indent: Left: 0"

PROPOSED BY-LAW ARTICLE AMENDMENTS

Current Language	Proposed Language	Explanation and Rationale	Stakeholder Feedback	Governance Committee Recommendations	Executive Committee's Recommendations
	<u>a.3) Despite the language of 9.1(a.1) and 9.1(a.2), if there are not sufficient members of Council to satisfy 9.1(a.1) or 9.1(a.2), the requirements of 9.1(a.1) or 9.1(a.2) do not apply.</u>				a.2) Despite the language of 9.1(a.1) and 9.1(a.2) , if there are not sufficient members of Council to satisfy 9.1(a.1) or 9.1(a.2) , the requirements of 9.1(a.1) or 9.1(a.2) do not apply.

APPENDIX B

College	Executive Prequalification	President Prequalification	Source
Audiologists and Speech-Language Pathologists	None	None	(See Article 9.5 Appointments to Statutory and Non-Statutory Committees and article 8.1 Election of Officers) http://caslpo.com/sites/default/uploads/files/LAW_EN_1_Conduct_Of_Affairs_of_The_College.pdf
Chiropodists	None	None	(See Article 10 Election and Removal of President, Vice-President and Other Officers and Schedule 1 Process for Election of Council Officers) http://www.cocoo.on.ca/pdf/bylaws/bylaws-1.pdf
Chiropractors	None	None	(See Article 7 Elections within Council) https://www.cco.on.ca/wp-content/uploads/2019/09/By-law-7-September2019.pdf
Dental Hygienists	None	None	(See Articles 3.11, 3.12, 3.13) http://www.cdho.org/docs/default-source/pdfs/reference/bylawno5.pdf
Dental Technologists	None	None	(See Article 6 Election of Officers) https://cdto.ca/wp-content/uploads/By-laws-Approved-Sept-25-2015-last-amended-June-8-2018.pdf
Dental Surgeons	None	None	(See Article 3 Officers of the College and Article 4 Committees of the College) https://az184419.vo.msecnd.net/rcdso/pdf/RCDSO_By-Laws_Jan2015.pdf
Denturists	None	Must be a public member	(See Article 6 Election of Officers) https://denturists-cdo.com/Resources/Legislation-Regs-By-laws/By-laws/CDO-By-laws.aspx

APPENDIX B

College	Executive Prequalification	President Prequalification	Source
Dietitians	None	None	(See Article 10 Election and Removal of the President and Vice-President and schedule 1 Process for Election of Council Officers) https://www.collegeofdietitians.org/resources/laws-regulations-bylaws/bylaw-1-(june-2016).aspx
Homeopaths	None	None	(See Article 6 Election of Officers) http://collegeofhomeopaths.com/uploads/1/2/4/8/124811910/cho_bylaws_amended_november_28-18_final.pdf
Kinesiologists	None	None	(See Article 6 Election of Officers and Schedule 1 Process for Election of Officers) https://coko.ca/CKO_Public/Who_We_Are/Legislation_Regulations_and_By-Laws/CKO_Public/Public_Content_Records/About_Legislation_and_ByLaws.aspx?hkey=5abe4e10-9588-431b-9a5a-b9ca9faa15f0
Massage Therapists	None	None	https://www.cmtto.com/assets/By-law-No.-3-Election-of-the-Officers-of-the-College.pdf
Medical Laboratory Technologists	None	None (There are two vice-presidents, one must be an elected member and one must be a public member)	(See Article 23 Elected Officers) http://www.cmlto.com/images/stories/About_CMLTO/cmlto_cons_bylaws.pdf
Medical Radiation Technologists	None	None	(See Article 12 Officers of the College) https://www.cmrito.org/pdfs/by-laws/by-law-60.pdf

APPENDIX B

College	Executive Prequalification	President Prequalification	Source
Midwives	Yes - a member of Council is eligible for election to the Executive Committee if, on the date of the election, the member has served, wherever possible, at least twelve (12) months on Council.	None	(See Article 6.03 Election of Executive Committee, Schedule 1, article 6.05 Role of Past President, Article 10 Officers) http://www.cmo.on.ca/wp-content/uploads/2018/10/General-Bylaw-October-2018.pdf
Naturopaths	None	One of, but not both, the president and vice-president shall be a public member.	(See Article 6 Election of Officers) http://www.collegeofnaturopaths.on.ca/CONO/Resources/Legislation_-_Regulations_-_Bylaws/CONO/Resources/Legislation_and_Regulations/Legislation,_Regulations,_Bylaws_New.aspx?hkey=f82de946-6aa0-4642-93b1-3aab1090b769
Nurses	None	None	(See Article 9 Election of the Executive Committee and Schedule 1) http://www.cno.org/globalassets/docs/general/46005_bylaws.pdf
Occupational Therapists	None	None	(See Article 7 Officers) https://www.coto.org/docs/default-source/bylaws/bylaws.pdf?sfvrsn=35395359_54
Optometrists	None	None	(See Article 7 Election of Officers) https://www.collegeoptom.on.ca/wp-content/uploads/2016/06/COO_Bylaws_Council_Approved.pdf
Pharmacists and Pharmacy Technicians	None	None	(See Article 9 Composition and Duties of Statutory and Standing Committees and Article 10 Officers) https://www.ocpinfo.com/regulations-standards/bylaws/

APPENDIX B

College	Executive Prequalification	President Prequalification	Source
Physicians and Surgeons	None	None	(See Article 28 Meetings and Officers and Article 39 Executive Committee) https://www.cpso.on.ca/admin/CPSO/media/Documents/about-us/legislation-bylaws/general-bylaw.pdf
Physiotherapists	None	None	(See Article 6 Election of Executive Committee) https://www.collegept.org/rules-and-resources
Psychologists	None	None	(See Article 4 Election of Members of Executive Committee) http://www.cpo.on.ca/Resources.aspx?m=72
Registered Psychotherapists and Mental Health Therapists	None	None	(See Article 6 Election of Officers and Schedule 1 Process for Election of Officers) https://www.crpo.ca/wp-content/uploads/2017/08/CRPO-By-laws.pdf
Respiratory Therapists	None	None	(See Article 20 Executive Committee) http://www.crto.on.ca/pdf/Bylaws/bylaws.pdf
Traditional Chinese Medicine Practitioners and Acupuncturists	None	None	(See Article 7 Procedures for Election of Officers and https://www.ctcmpao.on.ca/regulation/by-law/CTCMPAO_ByLaws_2019-02-01.pdf