

## 9 NON-COUNCIL COMMITTEE MEMBERS

### 9.1 General

#### 9.1.1 Definition

In this article, the “**eligibility date**” means, in the case of a member of the College applying for appointment as a non-Council committee member, 9:00 a.m. on the day upon which applications for the appointment must be submitted to the Registrar, as provided in this article.

#### 9.1.2 Non-Council committee members

Council shall appoint non-Council committee members from among eligible candidates in accordance with the by-laws.

### 9.2 Eligibility

#### 9.2.1 Eligibility for non-Council committee members

A member of the College is eligible for appointment as a non-Council committee member provided that the member satisfies all of the following conditions on the eligibility date:

- a. the member has filed a completed application in the form approved by the Registrar;
- b. the member is not ineligible for election or selection as a member of Council under article 6.2.3 (Maximum term - elected) or article 6.3.3 (Maximum term - selected);
- c. the member is not in default of any fees, fines, or other amounts owed to the College;
- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws;
- e. the member is not the subject of any disciplinary or incapacity proceeding in Ontario or any similar proceeding in any other jurisdiction;
- f. the member’s certificate of registration is not subject to a term, condition, or limitation, other than one applicable to all members holding that class of certificate;
- g. the member is not and has not been during the previous two years
  - i. a director or other member of the board of directors, governing Council or other governing body of,
  - ii. officer of, or

- iii. Executive Director, Chief Administrative Officer, or other appointed official of
- iv. the Canadian Dental Association, Ontario Dental Association, a national or provincial dental specialty association or organization, or other similar national or provincial association or organization;
- h. the member is not and has not been engaged as a dental consultant to a third party dental benefits provider during the previous three years;
- i. the member is not and has not been a salaried employee of the College during the previous two years;
- j. where the member was found guilty of an offence under the *Criminal Code* (Canada) or any other criminal offence in any jurisdiction, a period of at least three years has elapsed since the member fully complied with any penalty imposed as a result of that finding, or where no penalty was imposed, a period of at least three years has elapsed since the finding was made;
- k. where the member was the subject of an order of the Discipline or Fitness to Practice Committee or any similar order made in any other jurisdiction in relation to a profession, a period of at least three years has elapsed since the member complied with all aspects of that order;
- k.1 the member does not have a notation on the College's (public) register that the member has been the subject of a caution or required to complete a specified continuing education or remediation program based on a decision of the Inquiries Complaints and Reports Committee;
- l. where the member was disqualified by Council from serving as a member of Council or as a member of a committee, a period of at least three years has elapsed since that disqualification;
- m. the member has not served as a non-Council committee member for more than three (3) consecutive terms, in the case of a member appointed to serve on any committee other than the Professional Liability Program Committee, and two (2) consecutive terms in the case of a member appointed to serve on the Professional Liability Program Committee.

### *9.2.2 Vacancy counted*

An appointment as a non-Council committee member to fill a vacancy shall be considered an appointment for the purposes of determining eligibility under article 9.2.1.

### *9.2.3 Reappointment permitted*

Subject to meeting the eligibility criteria set out in article 9.2.1, a non-Council committee member may be reappointed.

### *9.2.4 Members of Council disqualified*

A member of the College may not be a member of Council and a non-Council committee member at the same time.

### *9.2.5 Automatic termination*

The appointment of a non-Council committee member automatically terminates if the member becomes a member of Council.

## **9.3 Resignation**

### *9.3.1 Resignation by non-Council committee member*

A non-Council committee member may resign his or her appointment by giving written notice.

### *9.3.2 Effective date of resignation*

The resignation of a non-Council committee member is effective upon the date set out in the written notice or, where no date is specified, immediately upon receipt by the President, Vice-President, or Registrar.

### *9.3.3 Resignation irrevocable*

The resignation of a non-Council committee member is irrevocable and may not be withdrawn or rescinded.

## **9.4 Disqualification**

### *9.4.1 Termination by Council*

The Executive Committee shall terminate the appointment of a non-Council committee member where it is satisfied that the member meets any of the following criteria:

- a. the member ceases to meet any of the eligibility conditions set out in article 9.2.1;
- b. the member becomes the subject of a referral of specified allegations of professional misconduct or incompetence to the Discipline Committee;
- c. the member becomes the subject of a referral to the Fitness to Practice Committee;
- c.1 the member becomes the subject of a notation on the College's (public) register that the member has been the subject of a caution or required to complete a specified continuing education or remediation program based on a decision of the Inquiries Complaints and Reports Committee, whether or not the decision is subject to review or appeal;

- d. the member fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member;
- e. the member fails, without reasonable cause, to attend a hearing of a committee for which he or she has been appointed;
- f. the member breaches section 36 of the RHPA (Duty of confidentiality); or
- g. the member breaches any of the rules respecting conflicts of interest set out in bylaw 13 (CONFLICTS OF INTEREST).

## **9.5 Procedure**

### *9.5.1 Registrar to notify*

Subject to article 9.5.2, the Registrar shall notify every member of the College of the following information no later than sixty (60) days prior to the anticipated termination of the term of office of a non-Council committee member:

- a. the opportunity to be appointed as a non-Council committee member;
- b. the eligibility date set by the Registrar;
- c. the eligibility criteria to be appointed as a non-Council committee member; and
- d. the procedure to apply for appointment.

### *9.5.2 Exception*

The provisions of article 9.5.1 do not apply where the Registrar is seeking applications to fill a vacancy.

### *9.5.3 Registrar to set application procedure*

The Registrar shall establish the procedure for applying for appointment as a non-Council committee member, in consultation with the Executive Committee.

### *9.5.4 Application procedure may include forms, documentation*

The procedure to apply for appointment as a non-Council committee member shall include the completion of a form set by the Registrar and the submission of relevant documentation, including the applicant's curriculum vitae.

### *9.5.5 Mail service interruption*

Where there is a mail service interruption during the process of seeking application for appointment as a non-Council committee member, the Registrar may extend the date for the

receipt of applications for such period as the Registrar considers appropriate to compensate for the interruption.

#### *9.5.6 Registrar to prepare list of candidates*

After the eligibility date or any extension under article 9.5.5, the Registrar shall

- a. prepare a list of all eligible candidates for appointment as non-Council committee members, and
- b. submit the list, along with any documentation received from the candidates, to the Executive Committee.

#### *9.5.7 Executive Committee to present slate*

Following receipt of the list of eligible candidates for appointment as non-Council committee members, the Executive Committee shall present a slate of members for appointment for each committee, having regard for the composition requirements of each committee as set out in the by-laws.

##### **9.5.7.1 Selection Criteria**

The Executive Committee's selection of members to present to Council for appointment as non-Council committee members shall be based on merit with consideration that it is generally desirable that there be representation of members across the province.

#### *9.5.8 Council to appoint non-Council committee members*

After receiving the recommendations of the Executive Committee and subject to any amendments by Council, Council shall appoint members of the College as non-Council committee members to the committees.

## **9.7 Term of Office**

#### *9.7.1 Members not on the Professional Liability Program Committee*

Subject to article 9.7.3, the term of office of a non-Council member of a committee other than the Professional Liability Program Committee commences on the date of his or her appointment and terminates at the initial Council meeting following the next general election.

#### *9.7.2 Members on the Professional Liability Program Committee*

Subject to article 9.7.3, the term of office of a non-Council member of the Professional Liability Program Committee commences on the date of his or her appointment and terminates at the first regular Council meeting in the third calendar year after the date of appointment.

### *9.7.3 Term of office, vacancies*

The term of office of a non-Council committee member appointed to fill a vacancy commences on the date of his or her appointment and continues for the balance of the term of office of the member whom he or she replaced.

### *9.7.4 Termination*

Council may, by resolution, terminate the appointment of a non-Council committee member at any time and for any reason without notice, with or without cause.

## **9.8 Vacancies**

### *9.8.1 Vacancies*

A vacancy occurs where for any reason, a member appointed as a non-Council committee member ceases to act in that capacity, including as a result of the member's death, resignation, disqualification or termination of the appointment by Council prior to the completion of the term.

### *9.8.2 Appointment of replacement member*

Where a vacancy occurs, as contemplated by article 9.8.1, the Executive Committee may appoint, in accordance with this article and effective immediately, a member who had made application to be appointed to be a non-Council committee member when the College last sought applications from members for appointment.

### *9.8.3 Verify willingness, eligibility*

Before making the appointment, the Executive Committee shall verify that the proposed replacement member appointed pursuant to article 9.8.2 is both willing and eligible to be appointed as a non-Council committee member.

### *9.8.4 Eligibility of replacement member*

A proposed replacement member appointed pursuant to article 9.8.2 is eligible to be appointed as a non-Council committee member provided that the member meets the eligibility criteria set out in article 9.2.1 on the date of his or her appointment.

### *9.8.5 Where no eligible member*

Where no willing and eligible member can be found under article 9.8.2, the Executive Committee shall direct the Registrar to seek applications for appointment in accordance with the procedure set out in article 9.5.

### *9.8.6 Council to confirm appointment*

Council shall be asked to confirm an appointment by the Executive Committee under article 9.8.2 at its next regular meeting, or such later meeting as Council may determine.

### *9.8.7 Council refusal to appoint*

In the event Council refuses to confirm an appointment to fill a vacancy under article 9.8.2 the member appointed shall immediately cease to be a non-Council committee member and shall immediately cease to be member of the committee or committees to which he or she was appointed.

### *9.8.8 Clarification*

Subject to the requirements of these by-laws, the Executive Committee may fill a committee vacancy with a member who is currently a non-Council committee member of another committee, in which event article 9.8 would not apply.

## **9.9 Additional Non-Council Committee Members**

### *9.9.1 Additional non-Council committee members*

Where the Executive Committee believes that one (1) or more additional non-Council committee members is required by the College, the Executive Committee may appoint, in accordance with this article, and effective immediately, one (1) or more members who had previously made application to be appointed to be a non-Council committee member when the College last sought applications from members for appointment.

### *9.9.2 Verify willingness, eligibility*

Before making the appointment, the Executive Committee shall verify that the proposed additional member appointed pursuant to article 9.9.1 is both willing and eligible to be appointed as a non-Council committee member.

### *9.9.3 Eligibility of additional member*

A proposed additional member appointed pursuant to article 9.9.1 is eligible to be appointed as a non-Council committee member provided that the member meets the eligibility criteria set out in article 9.2.1 on the date of his or her appointment.

### *9.9.4 Where no eligible member*

Where no willing and eligible member can be found under article 9.9.1, the Executive Committee shall direct the Registrar to seek applications for appointment in accordance with the procedure set out in article 9.5.

*9.9.5 Council to confirm appointment*

Council shall be asked to confirm an appointment by the Executive Committee under article 9.9.1 at its next regular meeting, or such later meeting as Council may determine.

*9.9.6 Council refusal to appoint*

In the event Council refuses to confirm an appointment to fill a vacancy under article 9.9.1, the member appointed shall immediately cease to be a non-Council Committee member and shall immediately cease to be member of the Committee or Committees to which he or she was appointed.