

**ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO**

**MINUTES OF THE 409th MEETING OF COUNCIL**

**Thursday, March 10, 2016**

**DoubleTree by Hilton Toronto Hotel, 108 Chestnut Street, Toronto**

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The 409th Meeting of the Council of the Royal College of Dental Surgeons of Ontario was held on Thursday, March 10, 2016.

**ATTENDANCE:**

Mr. Derry Millar, Chair

Council Members:

*Elected Representatives:*

Dr. Elizabeth MacSween	District 1
Dr. Benjamin Lin	District 2
Dr. Lisa Kelly	District 3
Dr. Randy Lang	District 4
Dr. Lawrence Davidge	District 5
Dr. Joseph Stasko	District 6
Dr. Cam Witmer	District 7
Dr. Ronald Yarascavitch, President	District 8
Dr. Richard Hunter	District 9
Dr. Flavio Turchet	District 10
Dr. Robert Carroll	District 11
Dr. David Segal	District 12

*University Representatives:*

Dr. Harinder Sandhu, University of Western Ontario

Dr. David Mock, University of Toronto

*Lieutenant-Governor-in-Council Representatives:*

Mr. Ted Callaghan

Ms. Susan Davis

Ms. Beth Deazeley

**MINUTES**

**409<sup>TH</sup> Meeting of RCDSO Council**

**June 16, 2016**

**Page 2**

Mr. Gregory Larsen

Mr. Manohar Kanagamany

Ms. Catherine Kerr

Dr. Edelgard Mahant

Ms. Marianne Park

Ms. Elizabeth Wilfert

Mr. Derek Walter

*Legal Counsel:*

Mr. Alan Bromstein

*Royal College of Dental Surgeons of Ontario Staff:*

Mr. Angelo Avecillas, Assistant Manager, Communications

Ms. Anna Belz, Human Resources & Programs Administrator

Ms. Sinead Earley, Investigator, Professional Conduct and Regulatory Affairs

Mr. Irwin Fefergrad, Registrar

Ms. Christina Galie, Administrative Assistant, Professional Conduct and Regulatory Affairs

Dr. Michael Gardner, Manager, Quality Assurance

Ms. Sophie Gautheron, Intake Administrative Assistant, Registration

Ms. Elizabeth Gersh, Investigator, Professional Conduct and Regulatory Affairs

Dr. Brenda Hardiman, Senior Dental Analyst, Professional Conduct and Regulatory Affairs

Mr. Robert Lees, Manager, Registration

Ms. Lori Long, Manager, Professional Conduct and Regulatory Affairs

Ms. Peggi Mace, Director of Communications

Mr. Greg Moors, Director, Finance, Property and Administration

Ms. Olga Papolis, Executive Assistant

Mr. Ram Rajanayagam, Manager, IT

Ms. Ayla Salem, Administrative Assistant, Professional Conduct and Regulatory Affairs

Ms. Angie Sherban, Executive Assistant

Ms. Dayna Simon, Counsel, Regulatory Affairs

Dr. Chris Swayze, Supervising Dental Consultant, Professional Conduct and Regulatory Affairs

Ms. Brenda Waddington, General Manager, Operations & Facilities

Ms. Petula Widyaratne, Supervisor, Professional Liability Program

Ms. Julie Wilkin, Assistant Manager, Registration

**MINUTES**

**409<sup>TH</sup> Meeting of RCDSO Council**

**June 16, 2016**

**Page 3**

**1. CALL TO ORDER**

The Chair called the meeting to order at 8:30 a.m.

**2. ADOPTION OF AGENDA**

The agenda was adopted, as circulated.

**MOTION:**

**THAT the agenda for the 409<sup>th</sup> Meeting of Council be adopted, as circulated.**

**CARRIED**  
*(Unanimously)*

**3. ROLL CALL**

Mr. Fefergrad conducted the roll call. 24 Council members were in attendance and a quorum was declared.

**4. REMARKS/CHAIR**

Mr. Millar welcomed members of Council, staff, guests and observers to the meeting.

**5. REMARKS/PRESIDENT**

Dr. Yarascavitch welcomed everyone to the meeting. He formally welcomed a new public member of Council, Ms. Elizabeth Wilfert, from Richmond Hill and presented her with a College lapel pin.

He reported on proposed modernization to health regulation in Ontario that is long overdue. The College's Registrar was appointed by the Ministry of Health and Long-Term Care as co-chair of a working group that is developing a renewal strategy for health regulation.

Dr. Yarascavitch highlighted some of the College's accomplishments over the past year:

- In the latest reviews by the Office of the Fairness Commissioner, the College is one of only seven regulators out of 34 who did not receive recommendations for action or improvements.

## **MINUTES**

### **409<sup>TH</sup> Meeting of RCDSO Council**

**June 16, 2016**

**Page 4**

- Council approved the expansion of the number of people on the Discipline Committee to expedite the scheduling of panel hearings.
- Council meeting materials are now posted on the College's website in advance of meetings.
- Information on the public register has been significantly expanded to help patients make informed choices about their health-care providers. This information includes cautions, educational remediation required and any criminal findings.
- The Patient Relations Committee has developed a two-year plan that will support individuals who report sexual misconduct or boundary violations of a sexual nature.
- A social worker has been retained to provide support for individuals reporting sexual abuse and boundary violations.
- New guidelines were approved regarding the role of opioids in pain management.

Dr. Yarascavitch thanked Council members for their ongoing enthusiasm and ambition to continue the work for 2016.

#### **6. REMARKS/REGISTRAR**

Mr. Fefergrad's remarks emphasized the importance of being proactive and staying apprised of the profession's landscape. He reported on the Canada European Free Trade Agreement (CETA) and the Trans-Pacific Partnership (TPP) which could have significant implications on dentistry.

With respect to international labour mobility, it will be important to maintain standards of registration.

Mr. Fefergrad reported on proposed amendments that the Commission on Dental Accreditation of Canada wishes to make to its by-laws respecting program directors. The proposal is that directors of programs do not have to successfully complete the national examination in the dental specialty they are teaching. This proposal has not been accepted by the Canadian Dental Regulatory Authorities Federation and the College is not in favour, particularly in view of the Office of the Fairness Commissioner.

## MINUTES

### 409<sup>TH</sup> Meeting of RCDSO Council

June 16, 2016

Page 5

Part of the Registrar's role includes regular meetings with government officials to keep them informed on the College's activities. The Ministry is interested in modernizing the statute in order to meet current needs of colleges and this College will assist in any way it can.

## 7. COMMITTEE REPORTS

### (a) Executive Committee

Dr. Yarascavitch, Chair, presented the report and made recommendations on behalf of the Executive Committee. He thanked committee members and support staff for their commitment and availability to deal with issues as required.

#### 1. Reimbursement of Annual Membership Fees to Dental Faculties/Schools in Ontario

Dr. Yarascavitch reminded Council of the policy that was revised at its November 2015 meeting to increase the number of reimbursements of annual membership fees that the College would make to the Ontario dental faculties or schools. A concern raised was that the policy refers to "retired" dentists when, in fact, that designation is not really the basis of the policy.

The Executive Committee has now reworded the policy and it was recommended to Council for approval.

#### **MOTION #1:**

**THAT Council approve the reworded policy entitled "Reimbursement of Annual Membership Fees to Dental Faculty Schools in Ontario", as set out in Appendix A to the Executive Committee Report to Council.**

**CARRIED**  
*(Unanimously)*

#### 2. Public Member Committee Assignments

##### (a) Registration Committee

It was reported that one of the public members of Council, Ms. Beth Deazeley, has been appointed Registrar of the College of Early Childhood Educators (ECE). The

**MINUTES**

**409<sup>TH</sup> Meeting of RCDSO Council**

**June 16, 2016**

**Page 6**

ECE agreed for her to continue to serve on RCDSO Council, but not on any committee that makes decisions on specific member-related issued. Ms. Deazeley currently sits on the Registration Committee and the Discipline Committee and has now resigned from those committees.

Dr. Yarascavitch reported that Mr. Gregory Larsen and Mr. Derek Walter were appointed to the Discipline Committee recently. In December 2015, the Executive Committee appointed Mr. Walter to the Registration Committee as well, effective the date of Ms. Deazeley's resignation. Council was asked to confirm the appointment.

**MOTION #2:**

**THAT Council confirm the appointment of Mr. Derek Walter to the Registration Committee.**

**CARRIED**  
*(Unanimously)*

(b) Professional Liability Program (PLP) Committee

It was reported that Mr. Jose Saavedra's term on Council expired on January 31, 2016.

Mr. Saavedra was the Chair of the PLP Committee. To avoid disruption to the composition of the other College committees, the Executive Committee appointed Ms. Elizabeth Wilfert as a member and Chair of the PLP Committee, effective January 29, 2016, and Council was asked to confirm the appointment.

(c) Audit Committee

**MOTION #3:**

**THAT Council confirm the appointment of Ms. Elizabeth Wilfert as a member and Chair of the Professional Liability Program Committee.**

**CARRIED**  
*(Unanimously)*

**MINUTES**

**409<sup>TH</sup> Meeting of RCDSO Council**

**June 16, 2016**

**Page 7**

It was reported that Mr. Jose Saavedra was also a member of the Audit Committee and the Executive Committee appointed Ms. Beth Deazeley, effective February 5, 2016, to fill the vacancy on the Audit Committee. Council was asked to confirm this appointment.

**MOTION #4:**

**THAT Council confirm the appointment of Ms. Beth Deazeley as a member of the Audit Committee.**

**CARRIED**  
*(Unanimously)*

3. Social Media Strategy

Council was provided with a memorandum from the Director of Communications, Ms. Peggi Mace, regarding the College establishing a Twitter account. The Executive Committee endorsed the recommendation of staff to have a Twitter account in order to make the College more accessible to members and the public and to increase public participation.

**MOTION #5:**

**THAT Council approve the College's launch of a Twitter account.**

**CARRIED**  
*(Unanimously)*

4. International Conference of Dental Regulators

It was reported that the 2016 conference of the International Society of Dental Regulators (ISDR) is scheduled to be held in Geneva, Switzerland on Friday, May 20, 2016. There will be two keynote speakers: Mr. André Gariépy, Commissioner for the Recognition of Professional Competence at the Government of Quebec who will present on labour mobility and international accreditation and how it may affect Canada; and Ms. Rosalyn Hayles, Director of Scrutiny and Quality at the Professional Standards Authority (PSA) to provide a report on the review by PSA of the General Dental Council (GDC) in the United Kingdom and give advice to regulators on maintaining good practice.

**MINUTES**

**409<sup>TH</sup> Meeting of RCDSO Council**

**June 16, 2016**

**Page 8**

Dr. Yarascavitch gave an outline of the agenda for the conference. One of the items for discussion will be a document on international accreditation standards. One of the Council members suggested the federal government be made aware of what ISDR is trying to accomplish with regard to international accreditation.

The Executive Committee gave consideration to which Council members should attend the conference on behalf of the College. It was anticipated that the travel costs, hotel, expenses and registration would be in the vicinity of \$15,000.00 per attending Council member. Because of the cost, the Executive Committee recommended that only the President and Vice-President attend as College delegates. It was noted that the Registrar will also be attending, but his costs will be borne by ISDR in his role as Executive Director of that organization.

Dr. Segal abstained from voting on this item.

**MOTION #6:**

**THAT Council approve the attendance of the President and Vice-President at the International Society of Dental Regulators conference in Geneva, Switzerland being held on Friday, May 20, 2016 at an estimated cost of \$15,000 per councillor.**

**CARRIED**  
*(Abstention: 1)*

5. The National Dental Examining Board of Canada (NDEB)

This item was presented by Mr. Fefergrad because Dr. Yarascavitch declared a conflict.

Mr. Fefergrad reported that the College's representative on the NDEB, Dr. Lorne Akler, has resigned from that position and this has created a vacancy. In discussions with the Office of the Fairness Commissioner, OFC would find it beneficial to have a member of Council as the College's representative on the NDEB, preferably the President.

Dr. Yarascavitch expressed an interest in being appointed as the College's representative to NDEB, but he abstained from any of the discussion about this



**MINUTES**

**409<sup>TH</sup> Meeting of RCDSO Council**

**June 16, 2016**

**Page 9**

appointment. The Executive Committee endorsed the appointment of Dr. Yarascavitch as the College's representative on the NDEB Board.

**MOTION #7:**

**THAT Council approve Dr. Ronald Yarascavitch be appointed to be the Council representative to the National Dental Examining Board of Canada (NDEB).**

**CARRIED**

*(Abstention: 1)*

(b) Discipline Committee

Dr. Hunter, Chair, presented the Discipline Committee report. There were no recommendations from the Committee.

Dr. Hunter outlined the Discipline Committee's responsibilities and how it functions. A Committee member asked if it would be possible for the College to develop guidelines for the Discipline Committee when considering penalty. General Legal Counsel stated that this would be most inappropriate to influence the Discipline Committee in its determinations in respect of any particular case. However, the Discipline Committee could, if it wishes, look at prior cases to analyze and get a better understanding.

(c) Elections Committee

Mr. Callaghan, Chair, presented and made recommendations on behalf of the Elections Committee. Mr. Callaghan thanked the committee members and support staff on the committee.

He reminded Council of proposed by-law changes that were made approved, in principle, at the November 2015 meeting. The by-law changes referred to issues related to voting for elected members of Council, qualification and disqualification of elected and selected members of Council and the appointment and disqualification of non-Council committee members.

As directed by Council, the proposed changes were circulated to members and stakeholders for comment for at least sixty days. A total of four comments were received from the consultation process; two from members and two from

**MINUTES**

**409<sup>TH</sup> Meeting of RCDSO Council**

**June 16, 2016**

**Page 10**

stakeholders. Three of the four comments received were in support of the proposed by-law amendments. The comments were reviewed by the Elections Committee and the Legal and Legislation Committee and both committees were of the view that no changes were necessary as the comments were not substantive.

1. By-Law No. 7: Elections to Council and By-Law No. 8: Selections to Council

At the November 2015 meeting, Council approved, in principle, the revocation of the existing By-Law No. 7: Elections to Council with a proposed replacement by-law, together with proposed amendments to By-Law No. 8: Selections of Council. The recommendations for the by-law changes were to deal with two separate issues, namely, electronic voting during the RCDSO Council election and eligibility to stand for election or selection as a university representative on Council.

**MOTION #1:**

**THAT Council approve revoking By-Law No. 7: Elections to Council (Appendix B to the Elections Committee Report to Council) and replacing it with the proposed by-law set out in Appendix C to the Elections Committee Report to Council.**

**CARRIED**  
*(Unanimously)*

**MOTION #2:**

**THAT Council approve amendments to chapter 8.1 of By-Law No. 8: Selections to Council to add a new eligibility criterion as set out in article 8.1.1. paragraph (e.1) as set out in Appendix D to the Elections Committee Report to Council.**

**CARRIED**  
*(Unanimously)*

MINUTES

409<sup>TH</sup> Meeting of RCDSO Council

June 16, 2016

Page 11

2. By-Law No. 14: Disqualifications, General

**MOTION #3:**

**THAT Council approve amendments to add article 14.3.1 (a) and article 14.3.2 (a) to By-Law No. 14: Disqualifications, General, as set out in Appendix E to the Elections Committee Report to Council, highlighted and overstruck for easy reference.**

**CARRIED**  
*(Unanimously)*

3. By-Law No. 9: Non-Council Committee Members

**MOTION #4:**

**THAT Council approve revoking By-Law No. 9: Non-Council Committee Members (Appendix G to the Elections Committee Report to Council) and replacing it with the by-law set out in Appendix H to the Elections Committee Report to Council.**

**CARRIED**  
*(Unanimously)*

- (d) Inquiries, Complaints and Reports Committee

Dr. Stasko, Chair, presented the Inquiries, Complaints and Reports Committee report. There were no recommendations from the Committee. He thanked the Committee members for their dedication and for the ongoing support from staff.

- (e) Legal and Legislation Committee

Ms. Deazeley, Chair, presented the Legal and Legislation Committee report and made a recommendation on behalf of the Committee.

1. Proposed Amendment to By-Law No. 24: Signing Authorities

Ms. Deazeley advised that at the November 2015 meeting, the Executive Committee reported that under the College's current by-law, the Registrar and President sign contracts on behalf of the College assuming the amount in the contract has been budgeted.

**MINUTES**

**409<sup>TH</sup> Meeting of RCDSO Council**

**June 16, 2016**

**Page 12**

In order to be more efficient and avoid delays in getting contracts signed by the President, the Executive Committee recommended that any contract up to \$30,000 be signed by the Registrar together with the Director of Finance and Administration or the Controller (assuming the amount has been budgeted).

Council approved a motion to direct the matter to the Legal and Legislation Committee for incorporation into the by-laws.

**MOTION #1:**

**THAT Council approve the proposed amendment to article 24.2.2 of By-Law No. 24: Signing Authorities, to add a new provision as follows:**

**“a.1 In respect of contracts involving an expenditure that has been included in a Council approved budget where the value of the contract, excluding taxes, is not more than \$30,000 the College’s Director of Finance and Administration or the College’s controller, together with the Registrar shall have signing authority and report to the Executive Committee on any contract signed.”**

**CARRIED**  
*(Unanimously)*

(f) Professional Liability Program Committee

Ms. Wilfert, Chair, presented the Professional Liability Program Committee report and there were no recommendations to make on behalf of the Committee. She looked forward to working with the Committee.

A Council member congratulated the College on the file management system, process mapping and the PLP and PAS collaborations.

(g) Quality Assurance Committee

Dr. Mock, Chair of the Quality Assurance Committee presented the report. There were no recommendations to make. He thanked Committee members and staff for their diligence and organization.

Dr. Mock reviewed the information in Part B of the report. There was a question raised regarding deferring e-portfolio reviews for members if they are also

**MINUTES**

**409<sup>TH</sup> Meeting of RCDSO Council**

**June 16, 2016**

**Page 13**

randomly selected to do the Practice Enhancement Tool (PET) at the same time. Dr. Mock confirmed that in such circumstances a member can request a postponement which would most likely be granted.

**8. ADOPTION OF MINUTES**

- (a) Draft Minutes of the 408<sup>th</sup> Meeting of Council dated November 19, 2015

**MOTION #1:**

**THAT Council adopts the minutes of the 408<sup>th</sup> meeting of Council, as circulated.**

**CARRIED**  
*(Unanimously)*

**9. MOTION TO MOVE *IN-CAMERA***

Mr. Fefergrad reported that there were two items that would be discussed *in-camera*. Senior staff were invited to stay, but guests and observers left the meeting for this discussion. Separate minutes were recorded for the *in-camera* session.

**MOTION #1:**

**THAT the public be excluded from the meeting pursuant to clause 7(2)(b) of the Health Professions Procedural Code of the Regulated Health Professions Act, 1991 in that financial or personal or other matters may be disclosed of such a nature that the harm created by the disclosure would outweigh the desirability of adhering to the principle that meetings be open to the public.**

**CARRIED**  
*(Unanimously)*

**10. GOOD AND WELFARE**

Council members were invited to comment on the meeting.

**MINUTES**

**409<sup>TH</sup> Meeting of RCDSO Council**

**June 16, 2016**

**Page 14**

**11. DATE OF NEXT COUNCIL MEETING**

DoubleTree by Hilton Toronto Hotel, 108 Chestnut Street, Toronto.

- Thursday, June 16, 2016

**12. ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:50 a.m.

**SIGNED:**

\_\_\_\_\_  
Signature of Presiding Officer

\_\_\_\_\_  
Signature of Recording Officer

\_\_\_\_\_  
Date

AMS:643092

**College Policy:**

# **Reimbursement of Annual Membership Fees to Dental Faculties/Schools in Ontario**

THAT Council approves a new policy to replace the policy previously unanimously approved at the Council meeting of March 10, 2010, such policy to be effective in respect of the annual membership fees for the year 2011 and to continue until otherwise directed by the Council, namely:

The College shall reimburse each of the Faculty of Dentistry, University of Toronto and the Schulich School of Medicine and Dentistry, Western University, for the annual membership fees for a maximum of 25 members where the Registrar is satisfied that each member for which reimbursement is made:

1. offers his/her services to the university/school of dentistry, but is not otherwise engaging in dental practice;
2. requires membership with the College for the purpose of providing services to the university/school in the university/school's dental clinic; and
3. has no other source of income from dentistry.

Passed by Council: November 19, 2015

## **7 ELECTIONS TO COUNCIL**

### **7.1 Timing of Elections**

#### *7.1.1 Election date*

A general election shall be held on the second Wednesday of December in 2014 and the second Wednesday of December in every second year thereafter.

### **7.2 Eligibility**

#### *7.2.1 Definitions*

The “**eligibility date**” is the day that is four days before the deadline for receipt of nominations set by the Registrar under article 7.4.2.

#### *7.2.2 Eligibility to vote*

A member of the College may vote in a general election provided that he or she satisfies all of the following conditions on the eligibility date:

- a. the member holds a general or specialty certificate of registration;
- b. the member practises dentistry or resides in Ontario;
- c. the member is not in default of payment of any fees, fines, or other amounts owed to the College; and
- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws.

#### *7.2.3 Electoral district*

The electoral district in which a member is eligible to vote is the district in which the designated Register address of the member is located on the eligibility date.

#### *7.2.4 Eligibility to stand for election*

A member of the College is eligible to stand for election to Council in an electoral district provided that he or she satisfies all of the following conditions on the deadline for receipt of nominations:

- a. the member holds a general or specialty certificate of registration;



- b. the member practises dentistry in the electoral district in which he or she wishes to stand for election, or the member is not engaged in the practice of dentistry and resides in the electoral district in which he or she wishes to stand for election;
- c. the member is not in default of payment 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 a salaried employee of the College during the previous two years;
- i. the member is not ineligible as a result of article 6.2.4 (Cooling off period, elected Council members);
- j. where the member was found guilty of an offence under the *Criminal Code* (Canada) or any other criminal offence in any other 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; and

1. where the member was disqualified by Council from serving as a member of Council as a result of a breach of article 11 (Code of Conduct) or article 13 (Conflicts of Interest), a period of at least three years has elapsed since that disqualification.

### **7.3 Disputed Eligibility**

#### *7.3.1 Disputed eligibility to vote*

Any dispute with respect to the eligibility of a member of the College to vote in a general election shall be decided by the Elections Committee.

#### *7.3.2 Disputed candidacy*

A member of the College standing for election to Council in an electoral district may dispute the eligibility of another candidate standing for election in the same district by filing a written notice with the Registrar.

#### *7.3.3 Registrar to refer*

Where the Registrar receives a written notice of disputed candidacy under article 7.3.2, or receives information which, if true, may disqualify or render ineligible a candidate for election to Council, the Registrar shall take one of the following actions:

- a. where the notice or information is received on or before the twenty-second (22<sup>nd</sup>) day before the election, refer the matter to the Elections Committee to determine the candidate's eligibility to stand for election; or
- b. where the notice or information is received after the twenty-second (22<sup>nd</sup>) day before the election and the candidate is successful in the election, refer the matter to Council to determine if the newly elected member should be disqualified.

#### *7.3.4 Registrar may postpone dates during dispute*

Where the Registrar refers a matter to the Elections Committee to determine the eligibility of a candidate under article 7.3.3, the Registrar may postpone the date of the election, the date of mailing of ballots to the impacted electoral district, or both by a maximum of seven (7) days.

*7.3.5 Independent legal consultant*

In determining a candidate's eligibility in a matter referred to it under article 7.3.3, the Elections Committee may obtain the assistance of an independent legal consultant with respect to any issues of law.

*7.3.6 Full disclosure*

The Elections Committee shall provide a candidate whose eligibility it is considering with full disclosure of any information it receives with respect to the matter, including any information it receives from an independent legal consultant retained under article 7.3.5.

*7.3.7 Submissions from disputed candidate*

The Elections Committee shall provide a candidate whose eligibility it is considering with a reasonable opportunity to make written and oral submissions.

*7.3.8 Notice of decision*

The Elections Committee shall notify the Registrar of its decision concerning the eligibility of a candidate referred to it under article 7.3.3, and the Registrar shall immediately notify the candidate and any member who filed a notice under article 7.3.2 of the decision of the Election Committee.

*7.3.9 Decision final*

A decision of the Elections Committee under article 7.3.1 or 7.3.8 is final, and an election result is not subject to challenge on the basis that a member of the College was not entitled to vote or a candidate was not permitted to stand for election as result of a decision of the Elections Committee.

**7.4 Nominations Procedure**

*7.4.1 Registrar to supervise nominations*

The Registrar shall supervise the nomination of candidates for election to Council.

*7.4.2 Registrar to set nominations deadline*

The Registrar shall set a deadline for the receipt of nominations of candidates for election to Council that is at least forty-five (45) days before the date of the election.

*7.4.3 Registrar to notify*

The Registrar shall notify every member of the College who is eligible to vote of the following information no later than sixty (60) days prior to the date of an election:

- a. the date, time, place, and method of the election;
- b. the procedure for standing for election; and
- c. the deadline for receipt of nominations.

*7.4.4 Nomination procedure*

A member of the College wishing to stand for election to Council shall submit the following information to be received by the Registrar on or before the deadline for the receipt of nominations set by the Registrar:

- a. a completed written nomination in the form approved by Council; and
- b. a completed and signed written declaration in the form approved by Council.

*7.4.5 Withdrawal of nomination*

A member of the College may withdraw his or her nomination as a candidate in an election by notifying the Registrar in writing at least forty (40) days prior to the election date.

*7.4.6 Registrar to provide labels, lists*

Where an election is to be held in an electoral district, the Registrar shall provide the following items to each member of the College standing for election in that district, immediately after the deadline for receipt of nominations:

- a. two sets of mailing labels containing the designated register address of each member of the College eligible to vote in the electoral district
- b. one printed list containing the designated register address and telephone number of each member of the College eligible to vote in the electoral district

*7.4.7 Where no nominated candidates*

Where no eligible candidate is nominated in an electoral district, the Registrar shall hold a by-election for that electoral district in accordance with the by-laws.

## **7.5 Acclamation**

### *7.5.1 Election by acclamation*

Where there is only one eligible candidate nominated to stand for election to Council in an electoral district, the Registrar shall declare that candidate to be elected by acclamation.

## **7.6 Voting Procedure**

### *7.6.1 Voting by mail*

Voting for a general election shall be conducted by ballot by mail, using the ballot supplied by the Registrar.

### *7.6.2 One vote per member*

A member of the College shall not cast more than one vote in a general election.

### *7.6.3 Registrar to supervise election*

The Registrar shall supervise and administer the election of candidates and, without limiting the generality of the foregoing, shall

- a. appoint one or more returning officers and scrutineers;
- b. set a deadline for the receipt of ballots;
- c. establish procedures for the opening and counting of ballots; and
- d. provide for the notification of all candidates and members of the College of the results of the election.

### *7.6.4 Registrar to send ballots, etc.*

The Registrar shall send to every member of the College eligible to vote in an electoral district in which an election is to take place, a list of the eligible candidates in the district, a ballot, and an explanation of the voting procedures.

### *7.6.5 Date of mailing ballots*

The ballots in an election shall be mailed on a date set by the Registrar that is at least fourteen (14) days and no more than twenty-one (21) days before the date of the election.

*7.6.6 Registrar to notify candidates*

The Registrar shall notify all candidates for election to Council of the date on which ballots will be mailed immediately after setting that date.

*7.6.7 Mailing irregularities*

A failure to mail the ballots in an election on the date set by the Registrar does not, in and of itself, invalidate the results of an election.

*7.6.8 Mail service interruption*

Where there is a mail service interruption during the period of nomination or election of members to Council, the Registrar may extend the deadline for receipt of nominations, postpone the date of the election, or both, for such period of time as the Registrar considers necessary to compensate for the interruption.

*7.6.9 Ballots to be opened, counted*

Ballots received on or before the deadline for the receiving of ballots in an election of members to Council shall be opened and counted on the day of the election by the returning officers and in the presence of the scrutineers appointed by the Registrar.

**7.7 Tied Votes**

*7.7.1 Full equality of votes determined by lot*

Where in an election to Council all of the candidates in an electoral district receive an equal number of votes, the Registrar shall break the tie by lot in the presence of at least one member of the Elections Committee.

*7.7.2 Partial equality of votes determined by run-off election*

Where in an election to Council in an electoral district at least two candidates receive the highest number of votes and at least one candidate receives fewer votes, a run-off election shall be conducted between only those candidates who received the highest number of votes in the manner provided in article 7.7.3.

*7.7.3 Run-off election procedure*

A run-off election shall be conducted in the same manner as provided in chapter 7.6 (Voting Procedure) with such necessary modifications, including that

- a. chapter 7.3 (Disputed Eligibility) and chapter 7.4 (Nominations Procedure) shall not apply;

- b. the only candidates for election shall be those who obtained the highest number of votes in the election that gave rise to the run-off election;
- c. the Registrar shall determine the date of the run-off election and the deadline for receipt of ballots, bearing in mind the need to complete the run-off election prior to the next regular meeting of Council; and
- d. where the run-off election results in a full or partial equality of votes cast for the candidates, the registrar shall break the tie between those candidates holding the highest number of votes by lot in the presence of at least one member of the Elections Committee.

## **7.8 Election Results**

### *7.8.1 Successful candidate*

The successful candidate in a general election is the eligible candidate who received the highest number of votes or whose name was chosen by the Registrar by lot in accordance with article 7.7.1 or article 7.7.3.

### *7.8.2 Registrar to notify*

As soon as possible following the counting of the ballots in an election, the Registrar shall

- a. notify each eligible candidate of the results of the election and the number of votes cast for each candidate;
- b. notify each eligible candidate that he or she may require a recount; and
- c. where the registrar broke a tie vote by lot, notify each eligible candidate of the manner in which the tie was broken and who was present when the registrar broke the tie.

## **7.9 Recounts**

### *7.9.1 Candidate may require recount*

An eligible candidate in an election of the members of Council may require a recount of the results of the election by providing a written request to the Registrar no more than five (5) days after being advised of the results of the election.

### *7.9.2 Registrar to hold recount*

The Registrar shall hold a recount of the results of an election no more than five (5) days after receiving a request under article 7.9.1.

### *7.9.3 Recount procedure*

A recount of the results of an election shall be conducted in the same manner as the original counting of ballots except that

- a. at least one member of the Elections Committee shall be present, and
- b. each eligible candidate in the election may attend the recount in person or by representative.

### *7.9.4 Destruction of ballots*

Unless otherwise directed by the Registrar, the ballots cast in an election shall be destroyed

- a. following the first regular meeting of Council after the election provided that no recount has been requested under article 7.9.1 (Candidate may require recount) and the period of time in which to request such a recount has expired, or
- b. following the first regular meeting of Council following a recount conducted under article 7.9.1 (Candidate may require recount).

## **7.10 By-Elections**

### *7.10.1 By-election procedure*

A by-election in an electoral district shall be held in the same manner as a general election in that district, and the provisions of this by-law applicable to a general election shall apply with such necessary modifications, except

- a. all time limits and deadlines specified for the holding of a general election do not apply with respect to the by-election, and
- b. the Registrar shall be responsible for all aspects of the by-election, including setting the date of the by-election and determining all other dates and deadlines required to hold the by-election.



## **7 ELECTIONS TO COUNCIL**

### **7.1 Timing of Elections**

#### *7.1.1 Election date*

A general election shall be held on the second Wednesday of December in 2014 and the second Wednesday of December in every second year thereafter.

### **7.2 Eligibility**

#### *7.2.1 Definitions*

The “**eligibility date**” is the day that is four days before the deadline for receipt of nominations set by the Registrar under article 7.4.2.

#### *7.2.2 Eligibility to vote*

A member of the College may vote in a general election provided that he or she satisfies all of the following conditions on the eligibility date:

- a. the member holds a general or specialty certificate of registration;
- b. the member practises dentistry or resides in Ontario;
- c. the member is not in default of payment of any fees, fines, or other amounts owed to the College; and
- d. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws.

#### *7.2.3 Electoral district*

The electoral district in which a member is eligible to vote is the district in which the designated Register address of the member is located on the eligibility date.

#### *7.2.4 Eligibility to stand for election*

A member of the College is eligible to stand for election to Council in an electoral district provided that he or she satisfies all of the following conditions on the deadline for receipt of nominations:

- a. the member holds a general or specialty certificate of registration;

- b. the member practises dentistry in the electoral district in which he or she wishes to stand for election, or the member is not engaged in the practice of dentistry and resides in the electoral district in which he or she wishes to stand for election;
- c. the member is not in default of payment 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;
  - e.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;
- 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 a salaried employee of the College during the previous two years;
- i. the member is not ineligible as a result of article 6.2.4 (Cooling off period, elected Council members);
- j. where the member was found guilty of an offence under the *Criminal Code* (Canada) or any other criminal offence in any other 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; and
- l. where the member was disqualified by Council from serving as a member of Council as a result of a breach of article 11 (Code of Conduct) or article 13 (Conflicts of Interest), a period of at least three years has elapsed since that disqualification.

### **7.3 Disputed Eligibility**

#### *7.3.1 Disputed eligibility to vote*

Any dispute with respect to the eligibility of a member of the College to vote in a general election shall be decided by the Elections Committee.

#### *7.3.2 Disputed candidacy*

A member of the College standing for election to Council in an electoral district may dispute the eligibility of another candidate standing for election in the same district by filing a written notice with the Registrar.

#### *7.3.3 Registrar to refer*

Where the Registrar receives a written notice of disputed candidacy under article 7.3.2, or receives information which, if true, may disqualify or render ineligible a candidate for election to Council, the Registrar shall take one of the following actions:

- a. where the notice or information is received on or before the twenty-second (22<sup>nd</sup>) day before the election, refer the matter to the Elections Committee to determine the candidate's eligibility to stand for election; or
- b. where the notice or information is received after the twenty-second (22<sup>nd</sup>) day before the election and the candidate is successful in the election, refer the matter to Council to determine if the newly elected member should be disqualified.

#### *7.3.4 Registrar may postpone dates during dispute*

Where the Registrar refers a matter to the Elections Committee to determine the eligibility of a candidate under article 7.3.3, the Registrar may postpone the date of the election, ~~the date of mailing of ballots to in~~ the impacted electoral district, ~~or both~~ by a maximum of seven (7) days.

*7.3.5 Independent legal consultant*

In determining a candidate's eligibility in a matter referred to it under article 7.3.3, the Elections Committee may obtain the assistance of an independent legal consultant with respect to any issues of law.

*7.3.6 Full disclosure*

The Elections Committee shall provide a candidate whose eligibility it is considering with full disclosure of any information it receives with respect to the matter, including any information it receives from an independent legal consultant retained under article 7.3.5.

*7.3.7 Submissions from disputed candidate*

The Elections Committee shall provide a candidate whose eligibility it is considering with a reasonable opportunity to make written and oral submissions.

*7.3.8 Notice of decision*

The Elections Committee shall notify the Registrar of its decision concerning the eligibility of a candidate referred to it under article 7.3.3, and the Registrar shall immediately notify the candidate and any member who filed a notice under article 7.3.2 of the decision of the Election Committee.

*7.3.9 Decision final*

A decision of the Elections Committee under article 7.3.1 or 7.3.8 is final, and an election result is not subject to challenge on the basis that a member of the College was not entitled to vote or a candidate was not permitted to stand for election as result of a decision of the Elections Committee.

**7.4 Nominations and Election Procedure**

*7.4.1 Registrar to supervise nominations and elections*

The Registrar shall supervise the nomination of candidates for and the election of members to Council.

*7.4.2 Registrar to set nominations deadline*

The Registrar shall set a deadline for the receipt of nominations of candidates for election to Council that is at least forty-five (45) days before the date of the election.

*7.4.3 Registrar to notify*

The Registrar shall notify every member of the College who is eligible to vote of the following information no later than sixty (60) days prior to the date of an election:

- a. the date, time, place, and method of the election;
- b. the procedure for standing for election; and
- c. the deadline for receipt of nominations.

#### *7.4.4 Nomination procedure*

A member of the College wishing to stand for election to Council shall submit the following information to be received by the Registrar on or before the deadline for the receipt of nominations set by the Registrar:

- a. a completed ~~written~~ nomination ~~using the method in~~ and the form approved by Council; and
- b. a completed and signed ~~written~~ declaration ~~using the method in~~ and the form approved by Council.

#### *7.4.5 Withdrawal of nomination*

A member of the College may withdraw his or her nomination as a candidate in an election by notifying the Registrar in writing at least forty (40) days prior to the election date.

#### *7.4.6 Registrar to provide labels, lists*

Where an election is to be held in an electoral district, the Registrar shall provide the following items to each member of the College standing for election in that district, immediately after the deadline for receipt of nominations:

- a. two sets of mailing labels containing the designated register address of each member of the College eligible to vote in the electoral district; ~~and~~
- b. one printed list containing the designated register address and telephone number of each member of the College eligible to vote in the electoral district.

#### *7.4.7 Where no nominated candidates*

Where no eligible candidate is nominated in an electoral district, the Registrar shall hold a by-election for that electoral district in accordance with the by-laws.

### **7.5 Acclamation**

#### *7.5.1 Election by acclamation*

Where there is only one eligible candidate nominated to stand for election to Council in an electoral district, the Registrar shall declare that candidate to be elected by acclamation.

## 7.6 Voting Procedure

### 7.6.1 ~~Electronic Voting by mail~~

~~Voting for a general election shall be conducted by ballot by mail, using the ballot supplied by the Registrar.~~

Voting for eligible candidates shall be by electronic ballot cast in the manner determined by the Registrar.

#### 7.6.1.1

Access to a ballot listing all of the eligible candidates and ~~giving~~ voting instructions shall be provided to every member eligible to vote in an electoral district in which an election is to take place on a date to be determined by the Registrar which date shall be not less than fourteen (14) and not more than twenty-one (21) days before the election.

### 7.6.2 *One vote per member*

A member of the College shall not cast more than one vote in a general election.

#### 7.6.2.1

Only ballots cast before 2:00 pm Eastern Standard Time on the day of the election shall be tabulated.

### 7.6.3 *Registrar to supervise election*

The Registrar shall supervise and administer the election of candidates and, without limiting the generality of the foregoing, shall

- a. ~~appoint one or more returning officers and scrutineers;~~ adopt a process to provide members who claim not to have received access to a ballot listing all of the eligible candidates and voting instructions to cast a ballot, provided the Registrar receives notice of that claim at least forty-eight (48) hours prior to the deadline to cast ballots;
- b. ~~set a deadline for the receipt of ballots;~~
- c. ~~establish procedures for the opening and counting of ballots;~~ retain an independent organization to receive the ballots cast and to tabulate the results of each election; and

- d. provide for the notification of all candidates and members of the College of the results of the election.

#### 7.6.4 Registrar to send ballots, etc.

The Registrar shall send to every member of the College eligible to vote in an electoral district in which an election is to take place, a list of the eligible candidates in the district, a ballot, and an explanation of the voting procedures.

#### 7.6.5 Date of mailing ballots

The ballots in an election shall be mailed on a date set by the Registrar that is at least fourteen (14) days and no more than twenty one (21) days before the date of the election.

#### 7.6.4 Registrar to notify candidates

The Registrar shall notify all candidates for election to Council of the date on which ballots will be mailed immediately members will be sent a ballot listing all of the eligible candidates and giving voting instructions, after setting that date.

#### 7.6.5 Mailing irregularities

A failure to mail send the ballots, on the date set by the Registrar, access to a ballot listing all of the eligible candidates and giving voting instructions in an election does not, in and of itself, invalidate the results of an election.

#### 7.6.6 Mail service interruption

Where there is a mail service interruption during the period of nomination or election of members to Council, the Registrar may extend the deadline for receipt of nominations, postpone the date of the election, or both, for such period of time as the Registrar considers necessary to compensate for the interruption.

#### 7.6.7 Ballots to be opened, counted

Ballots received on or before the deadline for the receiving of ballots in an election of members to Council shall be opened and counted on the day of the election by the returning officers and in the presence of the scrutineers appointed by the Registrar.

Ballots cast in an election on or before 2:00 pm Eastern Standard Time on the day of an election shall be tabulated by an independent organization appointed by the Registrar.

## **7.7 Tied Votes**

### *7.7.1 Full equality of votes determined by lot*

Where in an election to Council all of the candidates in an electoral district receive an equal number of votes, the Registrar shall break the tie by lot in the presence of at least one member of the Elections Committee.

### *7.7.2 Partial equality of votes determined by run-off election*

Where in an election to Council in an electoral district at least two candidates receive the highest number of votes and at least one candidate receives fewer votes, a run-off election shall be conducted between only those candidates who received the highest number of votes in the manner provided in article 7.7.3.

### *7.7.3 Run-off election procedure*

A run-off election shall be conducted in the same manner as provided in chapter 7.6 (Voting Procedure) with such necessary modifications, including that

- a. chapter 7.3 (Disputed Eligibility) and chapter 7.4 (Nominations Procedure) shall not apply;
- b. the only candidates for election shall be those who obtained the highest number of votes in the election that gave rise to the run-off election;
- c. the Registrar shall determine the date of the run-off election and the deadline for receipt of ballots, bearing in mind the need to complete the run-off election prior to the next regular meeting of Council; and
- d. where the run-off election results in a full or partial equality of votes cast for the candidates, the registrar shall break the tie between those candidates holding the highest number of votes by lot in the presence of at least one member of the Elections Committee.

## **7.8 Election Results**

### *7.8.1 Successful candidate*

The successful candidate in a general election is the eligible candidate who received the highest number of votes or whose name was chosen by the Registrar by lot in accordance with article 7.7.1 or article 7.7.3.

### *7.8.2 Registrar to notify*

As soon as possible following the counting tabulation of the ballots vote in an election, the Registrar shall



- a. notify each eligible candidate of the results of the election and the number of votes cast for each candidate;
- b. notify each eligible candidate that he or she may require a recount; and
- c. where the registrar broke a tie vote by lot, notify each eligible candidate of the manner in which the tie was broken and who was present when the registrar broke the tie.

## **7.9 Recounts**

### *7.9.1 Candidate may require recount*

An eligible candidate in an election of the members of Council may require a recount of the results of the election by providing a written request to the Registrar no more than five (5) days after being advised of the results of the election.

### *7.9.2 Registrar to hold recount*

The Registrar shall arrange ~~hold a recount~~ ~~for a re-tabulation~~ of the results of an election no more than five (5) days after receiving a request under article 7.9.1.

### *7.9.3 Recount procedure*

~~A recount of the results of an election shall be conducted in the same manner as the original counting of ballots except that~~

- ~~a. at least one member of the Elections Committee shall be present, and~~
- ~~b. each eligible candidate in the election may attend the recount in person or by representative.~~

~~The results of a recount shall be reported to the Elections Committee and once directed by it, the Registrar shall report the results of the recount to the candidates involved in the recounted election, including the number of votes cast determined to have been cast for each candidate.~~

### *7.9.4 Destruction of ballots*

Unless otherwise directed by the Registrar, the ballots cast in an election ~~and information held by the independent organization appointed by the Registrar to tabulate the votes cast,~~ shall be destroyed

- a. following the first regular meeting of Council after the election provided that no recount has been requested under article 7.9.1 (Candidate may require recount) and the period of time in which to request such a recount has expired, or
- b. following the first regular meeting of Council following a recount conducted under article 7.9.1 (Candidate may require recount).

## **7.10 By-Elections**

### *7.10.1 By-election procedure*

A by-election in an electoral district shall be held in the same manner as a general election in that district, and the provisions of this by-law applicable to a general election shall apply with such necessary modifications, except

- a. all time limits and deadlines specified for the holding of a general election do not apply with respect to the by-election, and
- b. the Registrar shall be responsible for all aspects of the by-election, including setting the date of the by-election and determining all other dates and deadlines required to hold the by-election.

## 8 SELECTIONS TO COUNCIL

### 8.1 Eligibility

#### 8.1.1 Eligibility for selection

A member is eligible to be selected as a selected member of Council provided that he or she satisfies all of the following conditions on the date of his or her selection:

- a. the member holds a full-time appointment of professorial rank in the faculty or school of dentistry that selected him or her;
- b. the member submitted a completed and signed written declaration in the form approved by Council and that written declaration was received by the Registrar;
- 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;
- e.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;
- 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 a salaried employee of the College during the previous two years;
- i. the member is not ineligible as a result of article 6.3.4 (Cooling off period, selected Council members);
- 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;
- l. where the member was disqualified by Council from serving as a member of Council as a result of a breach of By-Law 11 (CODE OF ETHICS) or By-Law 13 (CONFLICTS OF INTEREST), a period of at least three years has elapsed since that disqualification.

## **14 DISQUALIFICATIONS, GENERAL**

### **14.1 General**

#### *14.1.1 Commissioner*

Council shall appoint a former justice of the Ontario Superior Court of Justice to act as a commissioner for the purposes set out in these by-laws, on such terms and for such duration as Council deems appropriate.

#### *14.1.2 Definitions*

In this by-law, a “**commissioner**” means a commissioner appointed under article 14.1.1.

#### *14.1.3 Council to be mindful*

In determining what actions to take regarding a member of Council who is the subject of a matter under by-law 14 (DISQUALIFICATIONS, GENERAL), Council shall be mindful of the general principle that sanctions, except in the most extreme cases, should not be used to punish a member, but rather to protect the integrity of the College and its processes.

### **14.2 Temporary Exclusion**

#### *14.2.1 Temporary exclusion for default*

An elected or selected member of Council who becomes in default of

- a. any fees, fines, or other amounts owed to the College, or
- b. completing and submitting any form prescribed by the regulations or required by the by-laws,

including any default that originates after the deadline for receipt of nominations, in the case of an elected member of Council, or after the member’s selection, in the case of a selected member, shall not serve on Council or any committee until the default is remedied.

#### *14.2.2 Temporary exclusion during proceedings*

An elected or selected member of Council who becomes the subject of a disciplinary or incapacity proceeding, including any proceeding that originates after the deadline for receipt of nominations, in the case of an elected member of Council, or after the member’s selection, in the case of a selected member, shall not serve on Council or any committee until the proceeding is finally completed.

## 14.3 General Disqualification Criteria

### 14.3.1 Elected members of Council

Council shall disqualify an elected member of Council where the member is found to meet any of the following criteria:

- a. the member is determined by Council not to have met **any of** the eligibility conditions for election, **other than that set out in e.1 of article 7.2.4**;
- b. the member ceases to hold either a general or specialty certificate of registration;
- c. the member ceases to practice or reside in the electoral district from which the member was elected;
- d. the member has a term, condition, or limitation placed on his or her certificate of registration other than one applicable to all members holding that class of certificate;
- e. the member is found to have committed an act of professional misconduct or to be incompetent by a panel of the Discipline Committee;
- f. the member is found to be incapacitated by a panel of the Fitness to Practice Committee;
- g. the member fails, without reasonable cause, to attend two consecutive regular meetings of Council;
- h. the member fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member; or
- i. the member fails, without reasonable cause, to attend a hearing of a committee for which he or she has been selected.

### 14.3.2 Selected members of Council

Council shall disqualify a selected member of Council where the member is found to meet any of the following criteria:

- a. the member is determined by Council not to have met **any of** the eligibility conditions for selection, **other than that set out in e.1 of article 8.1.1**;
- b. the member has a term, condition, or limitation placed on his or her certificate of registration other than one applicable to all members holding that class of certificate;
- c. the member ceases to hold a full-time appointment of professorial rank in the faculty or school of dentistry that selected the member;

- d. the member has his or her selection rescinded, withdrawn, or otherwise cancelled by the faculty or school of dentistry that selected the member;
- e. the member is found to have committed an act of professional misconduct or to be incompetent by a panel of the Discipline Committee;
- f. the member is found to be incapacitated by a panel of the Fitness to Practice Committee;
- g. the member fails, without reasonable cause, to attend two consecutive regular meetings of Council;
- h. the member fails, without reasonable cause, to attend three consecutive meetings of a committee of which he or she is a member; or
- i. the member fails, without reasonable cause, to attend a hearing of a committee for which he or she has been selected.

## **9 NON-COUNCIL COMMITTEE MEMBERS**

### **9.1 General**

#### *9.1.1 Definitions*

In this by-law,

“**Electoral districts**” mean the electoral districts as defined in article 6.1.1, with the exception that Electoral District 3A is composed of the territorial districts of Algoma, Cochrane, Manitoulin, Nipissing, Timiskaming and the Regional Municipality of Sudbury, and Electoral District 3B is composed of the territorial districts of Kenora, Rainy River and Thunder Bay; and

“**Eligibility date**” means, in the case of a member of the College applying for random selection, 9:00 a.m. on the day fourteen (14) days prior to the day on which the random selection is to take place and, in the case of a member of the College applying for appointment to the Professional Liability Program Committee, 9:00 a.m. on the day upon which applications for the appointment must be submitted to the Registrar.

#### *9.1.2 Non-Council committee members*

Council shall appoint eighteen (18) non-Council committee members selected in accordance with the by-laws.

#### *9.1.3 Random selection*

One (1) member of the College per electoral district shall be randomly selected from among eligible candidates in that district, including Electoral Districts 3A and 3B, to be appointed as non-Council committee members.

#### *9.1.4 Professional Liability Program Committee members*

Five (5) members of the College shall be appointed from among eligible candidates as non-Council committee members of the Professional Liability Program Committee.

### **9.2 Eligibility**

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

A member of the College is eligible to be selected 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 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);
- b. the member is not in default of any fees, fines, or other amounts owed to the College;
- c. the member is not in default of completing and submitting any form prescribed by the regulations or required by the by-laws;
- d. the member is not the subject of any disciplinary or incapacity proceeding in Ontario or any similar proceeding in any other jurisdiction;
- e. 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;
- f. 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;
- g. 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;
- h. the member is not and has not been a salaried employee of the College during the previous two years;
- i. 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;
- j. 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. 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;
  - l. where the member is seeking appointment through the random selection process, the member was not randomly selected to serve as a non-Council committee member in the two consecutive selections immediately prior; and
  - m. where the member is seeking appointment to the Professional Liability Program Committee, the member has not served as a member of the committee for more than the previous six consecutive years.

#### *9.2.2 Vacancy counted*

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

#### *9.2.3 Random selection from electoral district*

A member of the College is eligible for random selection only in the electoral district in which his or her designated Register address is situated.

#### *9.2.4 Reappointment permitted*

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

#### *9.2.5 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.

#### *9.2.6 Automatic expiry*

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

#### *9.2.7 Successful candidate in election ineligible*

A member of the College who has applied to be appointed as a non-Council committee member and who is at the same time standing for election as a member of Council is

ineligible to be selected for appointment as a non-Council committee member if the member receives the highest number of votes in his or her electoral district's election.

### **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 to the President, Vice-President, or Registrar.

#### *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*

Council 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 is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;
- c. the member is found to be incapacitated by a panel of the Fitness to Practice Committee;
- 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 selected;
- 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 by-law 13 (CONFLICTS OF INTEREST).

## **9.5 Random Selection**

### *9.5.1 Notice to members*

The Registrar shall notify every member of the College of the following information no later than forty-five (45) days prior to the date of the random selection:

- a. the opportunity to be appointed as a non-Council committee member;
- b. the eligibility date;
- c. the eligibility conditions to be selected for appointment as a non-Council committee member; and
- d. the procedure for becoming a candidate for random selection.

### *9.5.2 Candidacy procedure*

A member of the College seeking to become a candidate for random selection for appointment as a non-Council committee member shall submit the following to be received by the Registrar on or before the deadline set by the Registrar:

- a. a completed written application in the form approved by Council; and
- b. a completed and signed written declaration in the form approved by Council.

### *9.5.3 Timing of random selection; Registrar to supervise*

The random selection of members of the College for appointment as non-Council committee members shall take place on the same day as the general election under the supervision of the Registrar.

### *9.5.4 Registrar to determine eligibility*

The Registrar shall determine whether each member who has been put forward for consideration is eligible for selection for appointment as a non-Council committee member.

### *9.5.5 Registrar to notify where ineligible*

Where the Registrar determines that a member of the College who has been put forward for consideration is ineligible for appointment as a non-Council committee member, the Registrar shall notify the member as soon as possible of

- a. the reasons why the Registrar believes the member is ineligible, and

- b. the opportunity to make submissions to the Executive Committee under article 9.5.6.

*9.5.6 Member may contest ineligibility*

A member of the College who is found by the Registrar to be ineligible for random selection under article 9.5.4 (Registrar to determine eligibility) may make written submissions to the Executive Committee contesting the Registrar's finding.

*9.5.7 Executive Committee to determine eligibility*

The Executive Committee shall, in its sole discretion, determine whether a member of the College making a submission under article 9.5.6 is eligible for appointment as a non-Council committee member.

*9.5.8 Decision final*

A decision of the Executive Committee regarding eligibility for appointment as a non-Council committee member is final.

*9.5.9 Random selection procedure*

When conducting a random selection under article 9.1.3, the Registrar shall

- a. appoint two scrutineers to observe the random selection process,
- b. place the name of each eligible candidate for random selection into thirteen (13) separate boxes segregated by electoral district, and
- c. select one name at random from each box in the presence of the two scrutineers.

*9.5.10 Registrar to notify selected candidates*

The Registrar shall notify each member of the College selected for appointment as a non-Council committee member as soon as possible following the random selection.

*9.5.11 Written notice*

Where the Registrar is unable to contact a member selected for appointment as a non-Council committee member within two (2) days of the random selection, the Registrar shall send a written notice to the member by courier informing the member of his or her selection and of the requirement under article 9.5.12.

*9.5.12 Selected candidates to submit curriculum vitae*

Each member of the College randomly selected for appointment as a non-Council committee member shall submit to the Registrar a copy of his or her curriculum vitae within five (5) days of being notified of his or her selection, or such longer time as determined by the Registrar.

*9.5.13 Disqualification*

A member of the College who fails to provide a copy of his or her curriculum vitae as required by article 9.5.12 shall be disqualified.

*9.5.14 Mail service interruption*

Where there is a mail service interruption during the process of obtaining candidates for random selection for appointment as non-Council committee members, the Registrar shall extend the date of the random selection for such period as the Registrar considers appropriate to compensate for the interruption.

*9.5.15 Where no eligible candidates*

Where there are no eligible candidates for random selection for appointment as a non-Council committee member in an electoral district, the Executive Committee may select, in such manner it considers appropriate, a member of the College whose designated Register address is in the electoral district, to recommend to Council for appointment.

*9.5.16 Council to appoint non-Council committee members*

After receiving any recommendations of the Executive Committee, the Council shall appoint the randomly selected members of the College to committees, other than the Professional Liability Program Committee, in accordance with the by-laws.

*9.5.17 Council may reassign*

Council may remove a non-Council committee member appointed under article 9.5.16 and reappoint him or her to another committee.

**9.6 Appointment to the Professional Liability Program Committee**

*9.6.1 Registrar to notify*

The Registrar shall notify every member of the College of the following information no later than sixty (60) days prior to the anticipated expiry of the term of office of a member of the Professional Liability Program Committee:

- a. the opportunity to be appointed as a member of the Professional Liability Program Committee;
- 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 for becoming a candidate for appointment.

*9.6.2 Registrar to set candidacy procedure*

The Registrar shall establish the procedure for becoming a candidate for selection for appointment to the Professional Liability Program Committee with the approval of Council or the Executive Committee.

*9.6.3 Candidacy procedure may include forms, documentation*

The procedure for becoming a candidate for appointment as a member of the Professional Liability Program Committee may include the completion of a form set by the Registrar and the submission of relevant documentation, including the applicant's curriculum vitae.

*9.6.4 Mail service interruption*

Where there is a mail service interruption during the process of obtaining candidates for appointment to the Professional Liability Program Committee, the Registrar shall extend the date for the receipt of applications for such period as the Registrar considers appropriate to compensate for the interruption.

*9.6.5 Registrar to prepare list of candidates*

After the eligibility date, the Registrar shall

- a. prepare a list of all eligible candidates for appointment to the Professional Liability Program Committee, and
- b. submit the list, along with any documentation received from the candidates, to the Executive Committee.

*9.6.6 Executive Committee to rank candidates*

Following receipt of the list of eligible candidates for appointment to the Professional Liability Program Committee, the Executive Committee shall

- a. select candidates from the list at least equal in number to the number of anticipated positions on the committee to be filled,
- b. rank the selected candidates in order of preference, and

- c. submit the ranked list of selected candidates to Council as recommended appointments.

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

After receiving the recommendations of the Executive Committee, Council shall appoint members of the College to the Professional Liability Program Committee from among the eligible candidates.

### **9.7 Term of Office**

#### *9.7.1 Randomly selected members*

The term of office of a non-Council committee member appointed through random selection commences on the date of his or her appointment and terminates at the initial Council meeting following the next general election.

#### *9.7.2 Professional Liability Program Committee members*

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.

### **9.8 Vacancies**

#### *9.8.1 Random selection of replacement candidate*

Where a vacancy occurs as a result of the resignation, disqualification, or other termination of a non-Council committee member who was appointed through random selection, the Registrar shall randomly select a replacement candidate from among the balance of eligible candidates from that electoral district as at the previous selection date.

#### *9.8.2 Registrar to verify willingness, eligibility*

Where the Registrar has selected a replacement candidate for a non-Council committee member vacancy under article 9.8.1, the Registrar shall contact the candidate to determine whether he or she is both willing and eligible to be considered for appointment as a non-Council committee member.



*9.8.3 Eligibility of replacement candidate*

A replacement candidate selected pursuant to article 9.8.1 is eligible to be appointed as a non-Council committee member provided that

- a. the candidate's designated Register address remains in the same electoral district from which he or she was selected, and
- b. the candidate meets the eligibility criteria set out in article 9.2.1 on the date of his or her random selection.

*9.8.4 Where replacement candidate unwilling, ineligible*

Where the replacement candidate selected under article 9.8.1 is either unwilling or ineligible to be appointed as a non-Council committee member, the Registrar shall repeat the random selection process provided for in that article until a willing and eligible candidate is selected.

*9.8.5 Where replacement candidate selected*

Where a willing and eligible replacement candidate is selected under article 9.8.1, the Executive Committee shall recommend the candidate to Council to be appointed as a non-Council committee member to fill the vacancy.

*9.8.6 Where no replacement candidate*

Where no willing and eligible replacement candidate can be found as a result of the random selection process under article 9.8.1, the Executive Committee may select, in such manner it considers appropriate, a member of the College whose designated Register address is in the applicable electoral district, to recommend to Council to be appointment as a non-Council committee member to fill the vacancy.

*9.8.7 Council to appoint replacement non-Council member*

The Council shall appoint the replacement candidate recommended by the Executive Committee under article 1.9.5 or 1.9.6 as a non-Council committee member to fill the vacancy.

*9.8.8 Vacancy on Professional Liability Program Committee*

If a vacancy occurs as a result of the resignation, disqualification, or other termination of a non-Council committee member who was appointed to the Professional Liability Program Committee, the Executive Committee shall select a replacement candidate from among the balance of eligible candidates as at the previous eligibility date to recommend to Council.

*9.8.9 Executive Committee to verify willingness, eligibility*

The Executive Committee shall verify that the replacement candidate it selects under article 9.8.8 is both willing and eligible to be considered for appointment as a non-Council committee member.

*9.8.10 Eligibility of replacement candidate, PLP*

A replacement candidate selected pursuant to article 9.8.1 is eligible to be appointed as a non-Council committee member provided that the candidate meets the eligibility criteria set out in article 9.2.1 on the date of his or her selection.

*9.8.11 Where no eligible candidate, PLP*

Where no willing and eligible candidate can be found under article 9.8.8, the Executive Committee may select, in such manner as it considers appropriate, a member of the College to recommend to Council to be appointed as a non-Council committee member to fill the vacancy on the Professional Liability Program Committee.

*9.8.12 Council to appoint replacement non-Council member, PLP*

After receiving the recommendation from the Executive Committee under article 9.8.8 or 9.8.11, the Council shall appoint a replacement non-Council committee member to fill the vacancy on the Professional Liability Program Committee.

## 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 Practise 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.