

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.