

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

By-law with Tracked Changes	Explanation
<p>Electoral Districts</p> <p>20.1 The following electoral districts are established for the purpose of the election of members to the Council.</p> <ol style="list-style-type: none">1. Electoral District 1 (North) to be composed of the districts of Kenora, Rainy River, Thunder Bay, Cochrane, Algoma, Timiskaming, Manitoulin, Nipissing, and Parry Sound, and the City of Greater Sudbury.2. Electoral District 2 (Southwest) to be composed of the counties of Bruce, Grey, Huron, Perth, Wellington, Dufferin, Lambton, Middlesex, Oxford, Brant, Essex, Kent, Elgin, Norfolk and Haldimand and the Regional Municipality of Waterloo.3. Electoral District 3 (Central) to be composed of the District Municipality of Muskoka, and the counties of Haliburton, Hastings, Lennox and Addington, Frontenac, Simcoe, Northumberland, and Prince Edward, City of Peterborough, City of Kawartha Lakes and the Regional Municipalities of Halton, Hamilton-Wentworth, and Niagara, and the Regional Municipality of Durham (less the Towns of Whitby and Ajax and the Cities of Pickering and Oshawa), the Regional Municipality of York (less the City of Vaughan, and Towns of Richmond Hill and Markham), and the Regional Municipality of Peel (less the Cities of Mississauga and Brampton).4. Electoral District 4 (East) to be composed of the counties of Lanark, Renfrew, Leeds and Grenville, Prescott and Russell, Stormont, Dundas and Glengarry, and the City of Ottawa.5. Electoral District 5 (GTA East) to be composed of the addresses within the City of Toronto which have postal codes beginning with M1, M2, M3, and M4, and the City of Vaughan, Town of Richmond Hill, Town of Markham, City of Pickering, City of Ajax, Town of Whitby, and City of Oshawa.6. Electoral District 6 (GTA West) to be composed of the addresses within the City of Toronto which have postal codes beginning with M5, M6, M7, M8, and M9 and the City of Mississauga and the City of Brampton.7. Electoral District 7 (Psychological Associates) to be composed of the constituency of Psychological Associates.8. District 8 (Academic) to be composed of professional training programs in psychology at Post-Secondary educational Institutions in Ontario granting graduate level degrees in psychology. <p>Eligibility to Vote</p> <p>20.2.(1) A member who, on the date of the election, holds a certificate authorizing autonomous, interim autonomous or supervised practice, or an academic, inactive, or retired certificate of registration is eligible to vote.</p>	

- (2) The electoral district in which a member is eligible to vote is the district in which, on January 1 of the year in which an election is held, the member's primary place of work as provided to the College principally practises, or if the member is not engaged in the practice of psychology in Ontario, the district in which the member principally resides.
- (3) A member holding a certificate of registration as a Psychological Associate is eligible to vote in Electoral District 7 or in the electoral district of the member's primary place of work as provided to the College ~~in which the member principally practises~~ or, if the member is not engaged in the practice of psychology in Ontario, the district in which the member principally resides.
 - a. A member holding a certificate of registration as a Psychological Associate may submit a declaration to choose to vote in Electoral District 7 or in the electoral district of the member's primary place of work as provided to the College ~~in which he or she principally practises~~, or if the member is not engaged in the practice of psychology in Ontario, the district in which the member principally resides. If no choice is made, the member shall be eligible to vote in Electoral District 7 (Psychological Associate). A member may not change their declaration for three years.
- (4) A member shall vote in only one electoral district.

Housekeeping: Many members have multiple practice locations. This provides clarity regarding the location of a member's Electoral District.

District 8 (Academic) Representation

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

Number of Members Elected/Appointed

- 20.4. (1) The number of members to be elected in each of Electoral Districts 1, 2, 3, 4, 5, 6, and 7 is one.
- (2) The number of members to be appointed to District 8 (Academic) is two or three.

Terms of Office

- 20.5. (1) The term of office of a member elected to the Council is three years.
- (2) Notwithstanding paragraph (1), the term of office of a member appointed to Council for District 8 (Academic) is two years.

Election/Appointment Date

- 20.6. (1) In March 2019 and every third year after that, an election of members to the Council shall be held for Electoral Districts 1, 2 and 3.
- (2) In March 2020 and every third year after that, an election of members to the Council shall be held for Electoral Districts 4 and 7.

- (3) In March 2018 and every third year after that, an election of members to the Council shall be held for Electoral Districts 5 and 6.
- (4) The Council shall set the date in March for each election of members to the Council.
- (5) A member elected or appointed to Council shall take office at the first Council meeting following the election or appointment.

Eligibility for Election

- 20.7. (1) A member is eligible for election to the Council in Electoral Districts 1, 2, 3, 4, 5, and 6 if, on the date of the election,
- (a) the member holds a certificate of registration authorizing autonomous practice, or an inactive certificate of registration.
 - (b) the member is engaged in the practice of psychology in the electoral district for which they are eligible to vote ~~he or she is nominated~~, or, if the member is not engaged in the practice of psychology in Ontario, is resident in the electoral district for which ~~he or she is~~ they are nominated;
 - (c) the member is not in default of payment of any fees prescribed in the fees by-law;
 - (d) the member's certificate of registration has not been revoked or suspended in the six years preceding the date of election; ~~and~~
 - (e) the member's certificate of registration has not been subject to a term, condition or limitation as a result of a disciplinary action within the last two years.
 - (f) the member is not in default of any obligation to the College under a regulation, including the Quality Assurance Regulation, by-law, SCERP or Undertaking;
 - (g) the member is not and has not been within one year before the date of the election, a director, officer, board, committee, or staff of any professional psychological association involved in the advocacy for the profession;
 - (h) the member does not hold, and has not held within one year before the date of the election, a position which would cause the member, if elected as a member of Council, to have a conflict of interest by virtue of having competing fiduciary obligations to both the College and another organization;
 - ~~(f)~~(i) the member has not been an employee of the College (whether on contract or permanent, on a full-time or part-time basis) for at least one year preceding the election;
 - (j) the member is not a member of the Council or of a Committee of any other College regulated under the RHPA;
 - (k) prior to the member submitting a nomination form and nomination statement for the election, the member has completed any orientation program specified by the College relating to the business and governance of the College and the duties, obligations and expectations of Council and Committee members.

Housekeeping: Clarity to note that the Electoral District in which one may be nominated is based on the District in which one is eligible to vote.

Elaboration on the requirement that the member be in 'good standing'.

Prescribes the *cooling off period*

Enhances conflict of interest requirements.

Requires member to complete an orientation program, specified by the College, as part of nomination process.

- (2) A member is eligible for election to the Council in Electoral District 7 if, on the date of the elections, the member holds a Certificate of Registration Authorizing Autonomous Practice as a Psychological Associate; and,
- (a) the member meets the criteria set out in section 20.7.1 excluding (b), (a), (c), (d) and (e) of this By-law.

~~(3) A member nominated for election to Council, who holds any position on the Board, Committee or staff of any professional psychological association involved in the advocacy for the profession, must undertake to resign that position before taking office.~~

~~(4) A member of the College who is also an employee of the College may be nominated for election to the Council so long as he or she first provides an irrevocable, written resignation of employment to the Registrar/Executive Director on or before the deadline for receipt of nominations.~~

Eligibility for Appointment to District 8 (Academic)

- 20.8. (1) A member is eligible for appointment to the Council in District 8 if on the day of appointment,
- (a) the member holds a full-time appointment as a faculty member in a CPA accredited or equivalent program in a department of psychology of a degree granting institution in Ontario which grants graduate level degrees in psychology; and
- (b) the member meets the criteria set out in section 20.7.1 excluding (b) of this By-law.
- (c) Despite paragraph (a), at any given time, members appointed to the Council may:
- i. Have retired within the previous two year and has maintained contact with the training program through clinical or research supervision or participation in other ongoing activities of the training program; or
 - ii. Hold an adjunct appointment in a faculty of a department of psychology of a degree granting institution in Ontario which grants graduate level degrees in psychology and has maintained contact with the training program through clinical or research supervision or participation in other ongoing activities of the training program.
- (2) Academic appointees will be considered for up to three terms so long as the member of Council continues active involvement with the training program.
- (3) ~~A member to be appointed to Council must undertake to resign, before taking office, from any position on the Board, Committee or staff of any professional psychological association involved in advocacy for the profession.~~

Registrar to Supervise Nominations

20.9. The Registrar shall supervise the nomination of candidates.

To run in District 7 Psychological Associate, one must meet all the criteria in section 20.7.1 excluding (b) which defines one's geographic electoral district.

Captured in 20.7(1)(g)

Captured in 20.7(1)(j)

To be appointed in District 8 Academic, one must meet all the criteria in section 20.7.1 excluding (b) which defines one's geographic electoral district.

Captured in 20.7(1)(g)

Notice of Election and Nominations

20.10. No later than 90 days before the date of an election, the Registrar shall notify every member who is eligible to vote of the date, time, and place of the election and of the nomination procedure.

Nomination Procedure

20.11.(1) The member may be a candidate for election in only one electoral district in which he or she is an eligible voter.

(a) a member recommended by the training programs to serve in District 8 (Academic) may not be nominated in a geographic electoral district.

(2) The nomination of a candidate for election as a member of the Council shall be provided to the Registrar, in the form established by the Registrar at least 30 days before the date of the election.

(3) The nomination shall be agreed to by the candidate and endorsed by at least 5 members who support the nomination and who are eligible to vote in the electoral district in which the election is to be held.

(4) At least 45 days before the date of the election, the Registrar shall notify every member who is eligible to vote of the nominations received, if any, and that further nominations will be received until 30 days before the date of the election.

(5) A candidate may withdraw his or her nomination for election to the Council by giving notice to the Registrar in writing not less than 30 days before the date of the election.

(6) No less than 30 days before the date of the election, a member nominated for election shall provide the registrar with a one-page biographical note and a candidate's statement.

Acclamation

20.12. If the number of candidates nominated for an electoral district is equal to the number of members to be elected in the electoral district, the Registrar shall declare the candidates to be elected by acclamation.

Registrar's Electoral Duties

20.13. (1) The Registrar shall supervise and administer the election of candidates and, for the purpose of carrying out that duty the Registrar may, subject to the by-laws,

- a. appoint returning officers and scrutineers;
- b. establish a deadline for the receiving of ballots;
- c. establish procedures for the opening and counting of ballots;
- d. provide for the notification of all candidates and members of the results of the election; and,
- e. provide for the destruction of ballots following an election.

- (2) No later than 15 days before the date of an election, the Registrar shall make available to every member eligible to vote in an electoral district in which an election is to take place
- i. a list of the candidates in the electoral district;
 - ii. each candidate's biographical note and statement;
 - iii. a ballot; and,
 - iv. an explanation of the voting procedure as set out in the by-laws.

Tie Votes

20.14 If there is a tie in an election of members to the Council, the Registrar shall break the tie by lot.

Recounts

20.15. (1) A candidate may require a recount by giving a written request to the Registrar no more than 10 business days after the date of an election.

(2) The Registrar shall hold the recount no more than five business days after receiving the request.

Disqualification of Elected or Appointed Members

20.16. (1) The Council shall disqualify an elected or appointed member from sitting on the Council if the elected or appointed member,

- a. is found to have committed an act of professional misconduct or is found to be incompetent by a panel of the Discipline Committee;
- b. is found to be an incapacitated member by a panel of the Fitness to Practise Committee;
- c. fails, without cause, to attend two consecutive regular meetings of the Council;
- d. fails, without cause, to attend two consecutive meetings of a committee of which he or she is a member;
- e. ceases to be eligible to vote ~~either to practise or reside~~ in the electoral district for which the member was elected;
- f. ~~continues to be or~~ becomes a member, director, officer, board, committee, or staff of the ~~Board, Committee or a staff~~ member of any professional psychological association involved in advocacy for the profession ~~other than the College~~;
- g. ceases to hold a certificate of registration for a Psychological Associate if the member was elected to Electoral District 7;
- h. ceases to meet the requirements of section 20.8 (1) if the member was appointed to District 8; or,
- i. has been convicted of contravening a federal, provincial, or territorial law, and after consideration of all of the circumstances, two-thirds of the eligible voting members of Council vote to disqualify the member.

(2) An elected or appointed member of the Council may submit an application for any position of employment with the College so long as he or she first provides an irrevocable written resignation of his or her Council seat to the President. Upon provision of such resignation the member shall be immediately disqualified from sitting on the Council.

Housekeeping: Edited for clarity.

To align with the criteria for *cooling off period* as set out in 20.7(1)(g)

- (3) An elected or appointed member who is disqualified from sitting on the Council ceases to be a member of the Council.

Filling of Vacancies

- 20.17. (1) If the seat of an elected Council member becomes vacant in an electoral district not more than twelve months before the expiry of the member's term of office, the Council may,
- a. leave the seat vacant;
 - b. appoint as an elected member, the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of Council members for that electoral district; or
 - c. direct the Registrar to hold an election in accordance with this by-law for that electoral district.
- (2) If the seat of a Council member appointed to represent District 8 (Academic) becomes vacant in an electoral district not more than twelve months before the expiry of the member's term of office, the Council may,
- a. leave the seat vacant; or
 - b. direct the Executive to appoint a member to represent District 8 (Academic), upon joint the recommendation of the training programs.
- (3) If the seat of an elected Council member becomes vacant in an electoral district more than twelve months before the expiry of the member's term of office, the Council shall direct the Registrar to hold an election in accordance with this by-law for that electoral district.
- (4) If the seat of a member appointed to represent District 8 (Academic) becomes vacant in an electoral district more than twelve months before the expiry of the member's term of office, the Executive shall appoint a member to represent District 8 (Academic) upon the joint recommendation of the training programs.
- (5) The term of a member elected or appointed under clauses (1), (2), (3) or (4) shall continue until the time the former Council member's term would have expired.