



**College of Massage Therapists of Ontario
By-Law No. 6**

Non-Council Members

Interpretation

1. Singular and Plural / Gender

In these and all by-laws of the College, the singular shall include the plural, the plural shall include the singular, and any pronouns shall include all genders.

2. Consistency with the *Regulated Health Professions Act, 1991 (RHPA, 1991)* and the *Massage Therapy Act, 1991*

All provisions of these and all by-laws of the College shall be interpreted in a manner consistent with the *RHPA, 1991* and the *Massage Therapy Act, 1991* and where any inconsistency is found to exist, the inconsistent provision shall, where practical, be severed from the by-law.

3. Calculating Time

A reference to the number of days between two events means calendar days and excludes the day on which the first event happens and includes the day on which the second event happens.

4. Holidays

A time limit that would otherwise expire on a holiday or a weekend is extended to include the next day that is not a holiday or a weekend.

Definitions

1. In this By-Law, unless otherwise defined or required by the context,

- (A) "**Act**" means the *Massage Therapy Act, 1991*, and includes the regulations made under it;
- (B) "**By-laws**" means all by-laws of the College;
- (C) "**Code**" means the *Health Professions Procedural Code*, which is Schedule 2 of the *Regulated Health Professions Act, 1991*;
- (D) "**College**" means the College of Massage Therapists of Ontario (CMTO);
- (E) "**Committee**" means a committee established under section 10 of the *Code* or a committee established under these by-laws;
- (F) "**Committee Member**" means a member of a committee;
- (G) "**Council**" means the Council established under section 5 of the *Massage Therapy Act, 1991*;
- (H) "**Elected Council Member**" means a registrant of the College elected to Council in accordance with these by-laws, and includes an academic Council member;
- (I) "**Non-Council Member**" means a non-Council registrant or non-Council member of the public who has agreed to serve and has been appointed by the Council to a committee of the College;
- (J) "**Professional Association**" means an organized group of registrants or interested party who promote and advocate for the interests of the profession, but does not include an educational institute whose sole purpose is to educate;
- (K) "**Registrant**" means a person or health profession corporation registered with the College, as the case may be;
- (L) "**RHPA**" means the *Regulated Health Professions Act, 1991*, including its associated regulations and the *Code*.

Any term not defined in this By-Law shall have the meaning provided to it in the *RHPA, 1991* or the *Massage Therapy Act, 1991*.

Eligibility of Non-Council Registrant Members for Appointment to Committees

2. (A) A registrant shall be eligible to be appointed for a term of one year as a committee member if, on the date of appointment:
 - i. They reside in Ontario;
 - ii. Their certificate of registration is not subject to a term, condition or limitation other than one prescribed by regulation;
 - iii. The registrant is not the subject of any disciplinary or incapacity proceeding by a body that governs a profession in any jurisdiction;
 - iv. A period of at least six years has elapsed since:
 - (a) They complied with all aspects of any order that may have been issued by the Discipline Committee or Fitness to Practise Committee; and
 - (b) Their certificate of registration has been revoked or suspended pursuant to any order that may have been issued by the Discipline Committee, Fitness to Practice Committee or by the Registrar.
 - v. They have not been disqualified as a Council member or committee member in the six years preceding the appointment;
 - vi. They have not been found to have committed an act of professional misconduct or to be incompetent by a body that governs a profession in any jurisdiction;
 - vii. No court or other lawful authority (unless it has been reversed on appeal or judicial review) has made a finding of guilt against them in respect of:
 - (a) A criminal offence;
 - (b) any offence relating to the prescribing, compounding, dispensing, selling, or administering of drugs; or
 - (c) any offence relevant to their suitability to be licensed or registered with any professional regulatory body;
 - viii. They are not:
 - (a) An elected representative, director, officer or employee of, or a party to a contractual relationship to provide services to, the Registered Massage Therapists' Association of Ontario or similar national or provincial organization; or

- (b) An appointed committee Chairperson or member of a committee of the Registered Massage Therapists' Association of Ontario or similar national or provincial organization; such that it is reasonable to expect that a real or apparent conflict of interest may arise;
- ix. They are not in default of completing and returning any form required by a regulatory body;
- x. They are not in default of any obligation to a regulatory body under a regulation or by-law, including the payment of any required fees; and
- xi. They have not been employed or contracted by the CMTO within the previous three years.

Eligibility of Non-Council Public Members for Appointment to Committees

- 3. (A) A member of the public shall be eligible to be appointed for a term of one year as a committee member if, on the date of appointment:
 - i. They reside in Ontario;
 - ii. They have never been a registrant;
 - iii. They are not the subject of any disciplinary or incapacity proceedings by a body that governs a profession in any jurisdiction;
 - iv. They have not been disqualified from serving on the Council or Committee in the six years preceding the appointment;
 - v. They have not been found to have committed an act of professional misconduct or to be incompetent by a body that governs a profession in any jurisdiction;
 - vi. They have no direct or indirect ownership interest in a massage therapy clinic or practice;
 - vii. No court or other lawful authority (unless it has been reversed on appeal or judicial review) has made a finding of guilt against them in respect of:
 - (a) a criminal offence;
 - (b) any offence relating to the prescribing, compounding, dispensing, selling, or administering of drugs; or
 - (c) any offence relevant to their suitability to be licensed or registered with any professional regulatory body;

viii. They are not:

(a) An elected representative, director, officer or employee of, or a party to a contractual relationship to provide services to, the Registered Massage Therapists' Association of Ontario or similar national or provincial organization;
or

(b) An appointed committee Chairperson or member of a committee of the Registered Massage Therapists' Association of Ontario or similar national or provincial organization such that it is reasonable to expect that a real or apparent conflict of interest may arise;

ix. They are not in default of completing and returning any form required by a regulatory body;

x. They are not in default of any obligation to a regulatory body under a regulation or by-law, including the payment of any required fees; and

xi. They have not been employed or contracted by the CMTO within the previous three years.

Terms of Non-Council Members

3. (A) The term of a member appointed to a committee as a non-Council member shall be one year, that begins at the moment of appointment to the committee and continues until:

i. The first regular Council meeting in a calendar year that takes place after the scheduled date for the election of Council members and the announcement of a new set of members of the committee; or

ii. The non-Council member resigns from the committee or is removed from the committee by Council; or

iii. If the member was appointed as a replacement non-Council member, until the completion of the term of the original non-Council member who vacated her/his seat.

(B) If the seat of a non-Council member becomes vacant before the end of the member's term on the committee, and the vacancy results in the committee failing to have the prescribed composition, the Council shall appoint a replacement to serve out the term of the committee member who vacated his or her seat, otherwise, the Council may:

i. Leave the seat vacant; or

- ii. Appoint a replacement non-Council member to serve out the term of the committee member who vacated his or her seat.

Disqualification of a Non-Council Member

4. (A) Council shall disqualify a non-Council member if s/he:

- i. No longer meets the eligibility criteria established for the appointment of non-Council members;
- ii. Is found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct; and
- iii. Is found by a panel of the Fitness to Practise Committee to be an incapacitated registrant;

(B) Council may disqualify a non-Council member if s/he:

- i. Breaches section 36 of the *RHPA, 1991* or the by-laws of the College that require Council members or committee members to preserve the confidentiality of information disclosed during the course of his or her duties as a Council member or committee member;
- ii. Has had her/his certificate of registration subject to a term, limitation or condition other than one prescribed by regulation;
- iii. Subject to the discretion of Council to excuse the absence;
 - (a) Fails to attend any two of three consecutive regular meetings of a committee of which she/he is a member;
 - (b) Fails to attend a hearing or proceeding, or part thereof, of a panel on which she/he sits.

(C) A non-Council member may also be removed from their position or sanctioned if s/he contravenes her/his duties (including abiding by the College's Code of Conduct and conflict of interest provisions).

(D) A member who is disqualified from sitting on a committee, shall cease to be a member of the committee.

Administration

5. This By-Law shall be administered by the Council.

Effective Date

6. This By-Law comes into force on the date enacted.

Enacted November 19, 1999

Amended November 2007, February 2014, September 2021