



**College of Massage Therapists of Ontario  
By-Law No. 5**

**Committees of the College**

**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) "**Ad Hoc Committee**" is a committee created by Council for a specific purpose, with powers and duties prescribed by Council, and which ceases to exist on a specific date or upon completion of a specific task;
- (C) "**Appointed Council Member**" means a person appointed to Council by the Lieutenant Governor in Council;
- (D) "**By-laws**" means all by-laws of the College;
- (E) "**Code**" means the *Health Professions Procedural Code*, which is Schedule 2 of the *Regulated Health Professions Act, 1991*;
- (F) "**College**" means the College of Massage Therapists of Ontario (CMTO);
- (G) "**Committee**" means a committee established under section 10 of the *Code* or a committee established under these by-laws;
- (H) "**Committee Meeting**" means a meeting of any committee but does not include a hearing or a meeting of a panel of a committee;
- (I) "**Committee Member**" means a member of a committee;
- (J) "**Council**" means the Council established under section 5 of the *Massage Therapy Act, 1991*;
- (K) "**Council Meeting**" means a meeting of Council;
- (L) "**Council Member**" means an elected or appointed member of the Council;
- (M) "**Elected Council Member**" means a registrant of the College elected to Council in accordance with these by-laws, and includes an academic Council member;
- (N) "**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;
- (O) "**Registrar**" means the Registrar and Chief Executive Officer of the College, or in the case of the absence or inability of the Registrar, the Deputy Registrar of the College and/or includes a person appointed as Interim Registrar by the Council;
- (P) "**Resolution**" means a vote of a majority of those Council members in attendance at the meeting and voting on the resolution, where a quorum is present;
- (Q) "**RHPA**" means the *Regulated Health Professions Act, 1991*, including its associated regulations and the *Code*;
- (R) "**Standing Committee**" means a committee created by Council, under this by-law, with powers and duties prescribed by Council in Terms of Reference, and which continues in existence unless dissolved by Council, by motion;
- (S) "**Terms of Reference**" is a document that describes the powers and duties of a committee.

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*.

### **Creation of Standing and Ad Hoc Committees**

2. (A) i. Council may, by motion, create and dissolve standing committees;
  - ii. Council shall prescribe the mandate, powers and duties of such committees in Terms of Reference; and
  - iii. Standing committees shall have an annual operating budget that the committee shall prepare and submit to Council for approval.
- (B) i. Council may, by motion, create an ad hoc committee, to deal with an issue or subject matter that does not fall within the mandate of any single statutory or standing committee of the College;
  - ii. Council shall prescribe the mandate, composition, duties and period of existence of such a committee that may be subject to review and modification by Council;
  - iii. Each ad hoc committee shall, within a time period set by Council, provide an initial written report to Council;
  - iv. Council shall appoint the members of an ad hoc committee, at least one of whom shall be a sitting Council member; and
  - v. Council shall select one of the ad hoc committee members, who is also a Council member, to be Chair.
- (C) The composition of statutory committees is set out in Schedule A, which shall be deemed to be part of this By-Law.

### **Appointment of Members of Committees**

3. (A) The Executive Committee, with the assistance of the Registrar, shall meet to appoint Council members and non-Council members to sit on committees and take into consideration:
  - i. The Council members' preferences;
  - ii. Other relevant factors including past experience, conflicts of interest, workload and the fair representation of each district on committees; and
  - iii. The Executive Committee shall present the appointments to Council to be ratified by resolution.

- (B) If the Executive Committee is unable to meet the composition requirements set out in these by-laws of any committee, Council may temporarily adjust the composition until those requirements can be met.
- (C) Council may appoint a Council member to a statutory or standing committee at any Council meeting, in addition to the regular procedure for the appointment of committee members set out in this By-Law.

#### **Process for Appointing Committee Chairs**

- 4. (A) The President is the Chair of the Executive Committee.
- (B) The Discipline Committee shall elect two Co-Chairs from among its members, taking into account past experience, conflicts of interest, workload and understanding of the purpose and procedures of the committee.
- (C) Every other committee shall elect its own Chair and Vice-Chair from among its members, taking into account past experience, conflicts of interest, workload and understanding of the purpose and procedures of the committee.
- (D) A person may be a Chair for more than one term but no person may be Chair for more than three consecutive years.

#### **Non-Council Members**

- 5. (A) Council may appoint a registrant of the College or a member of the public to a committee to serve as a non-Council member at any Council meeting.
- (B) Council's decision to appoint a registrant of the College or a member of the public to serve as a non-Council member shall be based on a consideration of relevant factors such as the needs of the College/Committee and the skills and competencies of the person.

#### **Terms of Council Members Appointed to Committees**

- 6. A Council member appointed to a committee shall serve a term on the committee of approximately one year that begins at the moment of appointment and continues until:
  - (A) The first regular Council meeting in a calendar year that takes place after the scheduled date for the election of Council members, and the appointment of the successor member of the committee; or
  - (B) The Council member resigns from the committee, or is removed from the committee by Council, or ceases to be a member of Council.

### **Committee Vacancies**

7. If a vacancy on a committee occurs, the Executive Committee may appoint a replacement committee member. At the next Council meeting, the Executive Committee shall present the replacement(s) to Council for information.

### **Reappointment to a Committee**

8. With the exception of the Discipline and Fitness to Practise Committees, a Council member or non-Council Committee member may be re-appointed to a committee for three consecutive years on the committee and upon re-appointment her/his membership on the committee shall be deemed to be continuous.

### **Duties and Operations of Committees**

9. (A) All committees of the College shall fulfill any duties required by the *Massage Therapy Act, 1991* the *RHPA, 1991* the by-laws, and any applicable Terms of Reference or other direction from Council.
  - (B) The Chair of a committee shall preside at all meetings of the committee, and if a Chair is absent from a committee meeting, the members of the committee shall elect one of the members present to be acting Chair at the meeting, unless otherwise prescribed in the committee protocol.
  - (C) All committees of the Council shall operate in accordance with the committee protocol, that shall be in the standard form for committee protocol prescribed by the Council, or a variation of the standard form.
  - (D) The committee protocol shall contain provisions relating to the operation of the committee, and shall provide for matters such as:
    - i. The powers and duties of the Chair between meetings of the committee;
    - ii. Procedures for the conduct of meetings of the committee; and
    - iii. Procedures and rules governing the commitment of committee funds, designating committee members who shall have authority to commit committee funds.
  - (E) In the absence of a quorum specified in the committee protocol, the quorum for the committee shall be 50% plus one.
  - (F) No committee protocol shall provide for practices that are in conflict with the standard practices of the College, with respect to the power of a committee to incur expenditures and commit funds within its Council-approved budget.

- (G) A meeting of a committee or of a panel of a committee that is held for any purpose other than for the conducting of a hearing may be held, at the discretion of the Chair, in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously.

### **Committee Reports**

- 10. (A) The Chair of a committee shall be responsible for providing regular written reports to the Council on the activities of the committee, as required by Council.
- (B) Each committee shall annually submit a report summarizing the committee's activities to the Council, for inclusion in the Annual Report of the College.

### **Administration**

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

### **Effective Date**

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

Enacted November 19, 1999

Amended May 2009, September 2012, February 2014, September 2021, February 7, 2023