College of Massage Therapists of Ontario
By-Law No. 2

Election of Members to the Board

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

Definitions

5. 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) **"Academic Board Member"** means an elected Board member who meets the eligibility requirements outlined in section 14;
(C) **"Appointed Board Member"** means a person appointed to the Board by the Lieutenant Governor in Council;
(D) **"Board"** means the Council established under section 5 of the *Massage Therapy Act, 1991*;
(E) **"Board Meeting"** means a meeting of the Board;
(F) **"Board Member"** means an elected or appointed member of the Board;
(G) **"By-laws"** means all by-laws of the College;
(H) **"*Code*"** means the *Health Professions Procedural Code*, which is Schedule 2 of the *Regulated Health Professions Act, 1991*;
(I) **"College"** means the College of Massage Therapists of Ontario (CMTO);
(J) **"Committee"** means a committee established under section 10 of the *Code* or a committee established under these by-laws;
(K) **"Committee Meeting"** means a meeting of any committee but does not include a hearing or a meeting of a panel of a committee;
(L) **"Committee Member"** means a member of a committee;
(M) **"Elected Board Member"** means a registrant of the College elected to the Board in accordance with these by-laws, and includes an Academic Board Member;
(N) **"Electoral District of a Registrant"** or a "registrant's electoral district" means the electoral district to which the registrant has been assigned in the Register of the College, and is the district in which the registrant principally practices, or, if the registrant holds an inactive certificate of registration, is the district in which the registrant principally resides, or if the registrant is eligible to vote as an academic member, the academic district;
(O) **"Professional Association"** means an organized group of registrants or interested parties who promote and advocate for the interests of the profession, but does not include an educational institution whose sole purpose is to educate;
(P) **"Registrant"** means a person or health profession corporation registered with the College, as the case may be;
(Q) **"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 Acting Registrar by the Board;
(R) **"*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* or the *Massage Therapy Act, 1991*.

Electoral Districts

6. The Board shall consist of:

   (A) Six to nine elected Board members elected from any combination of the following electoral districts (with necessary modifications by the Registrar to ensure that the entire province is covered and that there is no overlap of districts):

      i. **District 1**, composed of the territorial districts of Kenora, Rainy River, Thunder Bay, Cochrane, Algoma, Manitoulin, Sudbury and Timiskaming;

      ii. **District 2**, composed of the territorial district of Nipissing, the counties of Renfrew, Hastings, Prince Edward, Frontenac and Lanark, the united counties of Lennox and Addington, Leeds and Grenville, Prescott and Russell, Stormont, Dundas and Glengarry and the regional municipality of Ottawa-Carleton, excluding the postal codes that are in District 3;

      iii. **District 3**, composed of the district municipality of Muskoka, the territorial district of Parry Sound, the counties of Haliburton, Peterborough, Northumberland, the City of Kawartha Lakes and the regional municipalities of Durham and York, and postal codes beginning with K0K, K0L, L0G, excluding the postal codes that are in District 5;

      iv. **District 4**, composed of City of Toronto west from Yonge Street excluding the postal codes that are in District 9;

      v. **District 5**, composed of the counties of Simcoe, Dufferin, Wellington, Halton and Peel, and postal codes beginning with L0K, N0B, excluding the postal codes that are in District 3;

      vi. **District 6**, composed of the counties of Grey, Bruce, Huron, Perth, Oxford, Elgin, Kent, Middlesex, Lambton and Essex, excluding the postal codes that are in District 5;

      vii. **District 7**, composed of academic members;

      viii. **District 8**, composed of the counties of Waterloo, Hamilton-Wentworth, Brant, Haldimand-Norfolk and Niagara, excluding the postal codes that are in District 5; and

      ix. **District 9**, composed of the City of Toronto east from Yonge Street and postal codes beginning with M2M, M2N, M2P, M4N, M4P, M4S, M4T, M4W, M4Y, M5B, M5C, M5E.

   (B) At least five and no more than eight Board members appointed by the Lieutenant Governor in Council.

Voting Eligibility

7. A registrant is eligible to vote in an election for the Board if, on the date of the election, the registrant:

   (A) i. Principally practises Massage Therapy in the electoral district; or

   ii. If the registrant is not engaged in the practice of Massage Therapy, principally resides in the electoral district; or

   iii. Meets the eligibility requirements for an academic member set out in section 14(A);

   (B) Is not in default of payment of any prescribed fees;

   (C) Is not in default of completing and returning any form required by the regulations or by-laws; and

   (D) Is the holder of a general, emergency or inactive certificate of registration.

Dates of Elections

8. Elections to the Board shall take place as follows:

   (A) For districts 2, 5 and 7, one Board member each in 2023, and every third year thereafter.

   (B) For districts 3, 4 and 8, one Board member each in 2024, and every third year thereafter;

   (C) For districts 1, 6 and 9, one Board member each in 2025, and in every third year thereafter; and

Timing of Board Member Elections

9. Elections of members to the Board shall be held on a date to be set by the Registrar, which election date must be before the last Board meeting in the fiscal year. The date of the election shall be the deadline for the receipt of ballots.

10. The Board may redefine:

   (A) The geographic area of each electoral district; and

   (B) The number of elected Board members for each electoral district, to create balanced representation amongst the electoral districts.

Term of Office for Elected Board Members

11. The term of office of an elected Board member is three years, beginning on January 1 in the fiscal year after the member was elected until their successor takes office in accordance with these by-laws.

12. A Board member may serve more than one term. However, no person may be elected to the Board for more than nine consecutive years.

Eligibility for Election of Board Members (Non-Academic)

13. A registrant shall be eligible for election to the Board (other than as an Academic Board Member) if the registrant:

    (A) By the deadline for the receipt of the nomination:

        i. Principally practises Massage Therapy in the electoral district; or

        ii. If the registrant is not engaged in the practice of Massage Therapy, principally resides in the electoral district;

        iii. Does not qualify to run for election as an Academic Board Member; and

        iv. Is the holder of a general or inactive certificate of registration;

    (B) Was not within the last two years:

        i. An elected representative, director or officer or employee of, or a party to a contractual relationship to provide services to, the Registered Massage Therapists' Association of Ontario or similar professional association; or

        ii. An appointed committee Chairperson or member of a committee of the Registered Massage Therapists' Association of Ontario or similar professional association, such that it is reasonable to expect that a real or apparent conflict of interest may arise;

    (C) Has not been employed by the CMTO within the previous two years;

    (D) Is not in default of payment of any prescribed fees;

    (E) Is not in default of completing and returning any form required by the regulations or by-laws;

    (F) Is not in default of any obligation to the College under a regulation, including the Quality Assurance regulation, or by-law;

(G) Is not the subject of any disciplinary or incapacity proceedings;

(H) The registrant's certificate of registration has not been subject to a term, limitation or condition other than one prescribed by regulation;

(I) Has not been revoked pursuant to any order that may have been issued by the Discipline Committee;

(J) A period of at least six years has elapsed since:

i. The registrant complied with all aspects of any order that may have been issued by the Discipline Committee or Fitness to Practise Committee;

ii. The registrant's certificate of registration has been suspended pursuant to any order that may have been issued by the Discipline Committee;

(K) Has not been disqualified by the Board as a Board member or committee member in the preceding six years;

(L) Has successfully completed the College's training program relating to the duties, obligations and expectations of Board and Committee members prior to the date of nomination;

(M) Has not been found guilty of an offence that is relevant to their suitability to serve on the Board, unless the finding was reversed on appeal, or a pardon or record suspension has been granted in respect of the finding;

(N) Is not the subject of a current interim order made by the Inquiries, Complaints or Reports Committee;

(O) Does not have a notation on the register of an undertaking provided to the College in relation to a matter involving the registrant's conduct or capacity;

(P) Is not the subject of a charge under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada) that is outstanding; and

(Q) Does not have a conflict of interest to serve on the Board or has agreed to remove any such conflict of interest before taking office.

Eligibility for Election of Academic Board Members

14. A registrant is eligible for election to the Board as an Academic Board Member if, on the date of election, the registrant:

    (A) Has maintained at least 12 student contact hours per week, through classroom teaching, academic advising and/or curriculum development, in a Massage Therapy school or program, recognized in Ontario, during each of the previous three years;

    (B) Did not have a financial interest in the educational institution in the last 12 months;

    (C) Was not within the previous two years:

        i. An elected representative, director or officer or employee of, or a party to a contractual relationship to provide services to, the Registered Massage Therapists' Association of Ontario or similar professional association; or

        ii. An appointed committee Chairperson or member of a committee of the Registered Massage Therapists' Association of Ontario or similar professional association, such that it is reasonable to expect that a real or apparent conflict of interest may arise;

    (D) Has not been employed by the CMTO within the previous two years;

    (E) Is not in default of payment of any prescribed fees;

    (F) Is not in default of completing and returning any form required by the regulations or by-laws;

    (G) Is not in default of any obligation to the College under a regulation, including the Quality Assurance regulation, or by-law;

    (H) The registrant’s certificate of registration has not been subject to a term, limitation or condition other than one prescribed by regulation;

    (I) Is not the subject of any disciplinary or incapacity proceedings;

    (J) Has not been revoked pursuant to any order that was issued by the Discipline Committee;

    (K) A period of at least six years has elapsed since:

        i. The registrant complied with all aspects of any order that may have been issued by the Discipline Committee or Fitness to Practise Committee;

        ii. The registrant’s certificate of registration has been suspended pursuant to any order that may have been issued by the Discipline Committee;

    (L) Has not been disqualified by the Board from being a Board member or committee member in the preceding six years;

(M) Has successfully completed the College's training program relating to the duties, obligations and expectations of Board and Committee members prior to the date of nomination;

(N) Has not been found guilty of an offence that is relevant to their suitability to serve on the Board, unless the finding was reversed on appeal, or a pardon or record suspension has been granted in respect of the finding;

(O) Is not the subject of a current interim order made by the Inquiries, Complaints or Reports Committee;

(P) Does not have a notation on the register of an undertaking provided to the College in relation to a matter involving the registrant's conduct or capacity;

(Q) Is not the subject of a charge under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada) that is outstanding; and

(R) Does not have a conflict of interest to serve on the Board or has agreed to remove any such conflict of interest before taking office.

15. No registrant shall simultaneously be:

(A) A candidate for Academic Board Member and a candidate for Board Member in another electoral district; or

(B) An Academic Board Member and a candidate for Board Member in another electoral district, unless the Academic Board Member's term will end by the date that the other elected term begins.

16. No candidate for Board Member shall be a candidate in more than one electoral district during an election.

Conducting the Election

17. The Registrar shall supervise and administer the election of candidates and, in carrying out that duty may:

(A) Appoint returning officers and scrutineers;

(B) Establish a deadline for the receiving of ballots;

(C) Establish procedures for the processing and counting of ballots;

(D) Provide for the notification of all candidates and registrants of the results of the election; and

(E) Provide for the destruction of the ballots following an election and any recounts.

Election Procedure/Nominating

18. At least 60 days before the date of the election, every registrant who is eligible to vote, shall be notified of the date, time, and place of the election and the nomination procedure.

Nomination Procedure

19. A nomination of a candidate for election as a Board Member shall:

    (A) Be in writing;

    (B) Be given to the Registrar at least 40 days before the date of the election;

    (C) Be signed by the candidate and bear the names and signatures of at least 5 registrants, one of whom shall be the registrant nominating the candidate and who is eligible to vote in the electoral district in which the election is to be held and 4 of whom shall be eligible to vote in any electoral district;

    (D) For an Academic Board Member, be signed by the candidate and bear the names and signatures of at least two registrants eligible to vote in electoral district 7, one of whom shall be the registrant nominating the candidate; and

    (E) Include a one-page biographical note and a statement indicating how they meet the Board Member competencies and intend to fulfill their role and responsibilities.

20. A candidate may withdraw their nomination for election to the Board and shall advise the Registrar in writing not more than five days after the close of nominations.

Acclamation

21. If a position in an electoral district is not contested, the Registrar shall declare the candidate elected by acclamation.

Election Procedure

22. At least 30 days before the date of an election, the Registrar shall send to every registrant eligible to vote in an electoral district in which an election is to take place a list of the candidates in the electoral district, a ballot form and an explanation of the voting procedure (or equivalent if ballots are supplied electronically).

23. Voting for candidates for election to the Board shall be by secret ballot, using the ballot forms supplied by the Registrar (or equivalent if ballots are supplied electronically).

24. Each registrant shall be entitled to vote once for each Board position up for election in the electoral district in which, at least 30 days before the date of an election, the registrant principally practises or, if the registrant is not engaged in the practice of Massage Therapy, the registrant principally resides; unless the registrant meets the eligibility requirements for an Academic Board Member set out in section 7, at least 30 days before the date of the election, in which case the registrant is only entitled to vote once for each Board position up for election in electoral district 7.

25. Where there is a tie in an election of members to the Board, the Registrar shall break the tie by lot.

26. A candidate may require a recount of the ballots by giving a written request to the Registrar no more than 10 days after the date of an election and paying the fee prescribed by the Registrar.

27. The Registrar shall hold the recount no more than 10 days after receiving a candidate's request. The candidate requesting the recount and the candidate previously declared the winner (or a designate of each) shall be entitled to be present at the recount.

28. If the outcome of the recount changes the election results:
    (A) The candidate requesting the recount shall be refunded the recount fee paid; and

    (B) The candidate who has now received the most votes on the ballot shall be declared elected.

29. If the recount of the votes on the ballot results in a tie, the Registrar shall resolve the deadlock by lot.

30. Where an issue arises with respect to the recount that is not governed by these by-laws, the Registrar shall resolve the dispute in a fair and democratic manner.

31. The results of an election shall not be declared invalid solely on the basis of a minor irregularity.

32. The Registrar shall report the results of the election to the Board and the registrants.

Extraordinary Circumstance

33. If, for whatever reason, the election cannot be held in the time or manner intended, the Registrar may delay or extend the election so as to hold the election in a fair and democratic manner.

Grounds for Disqualifying or Sanctioning an Elected Board Member or Committee Member

34. The Board shall disqualify an elected Board Member or a committee member from sitting on the Board or a committee, as the case may be, if the Board Member or committee member:

    (A) No longer holds a certificate of registration;

    (B) Becomes an elected representative, director or officer or employee of, or a party to a contractual relationship to provide services to, the Registered Massage Therapists' Association of Ontario or similar professional association;

    (C) Becomes an appointed committee Chairperson or member of a committee of the Registered Massage Therapists' Association of Ontario or similar professional association, such that it is reasonable to expect that a real or apparent conflict of interest may arise;

    (D) Becomes employed by the CMTO;

    (E) Is found by a panel of the Discipline Committee to be incompetent or to have committed an act of professional misconduct; or

    (F) Is found by a panel of the Fitness to Practise Committee to be incapacitated.

35. The Board may disqualify an elected Board Member or committee member from sitting on the Board or a committee, as the case may be, if the Board Member or committee member:

    (A) Breaches section 36 of the *RHPA* or the by-laws of the College that require Board Members or committee members to preserve the confidentiality of information disclosed during the course of their duties as a Board Member or committee member;

    (B) Is in default of payment of any prescribed fees;

    (C) Is in default of completing and returning any form required by the regulations or the by-laws;

(D) Is in default of any obligation to the College under a regulation, including the Quality Assurance regulation, or by-law;

(E) Becomes the subject of any disciplinary or incapacity proceeding;

(F) Has a term, condition or limitation placed on their certificate of registration other than one prescribed by regulation;

(G) Becomes the subject of a current interim order made by the Inquiries, Complaints or Reports Committee;

(H) Has a notation on the register of an undertaking provided to the College in relation to a matter involving the registrant's conduct or capacity;

(I) Becomes the subject of a charge under the Criminal Code (Canada) or the Controlled Drugs and Substances Act (Canada) that is outstanding;

(J) Is found guilty of an offence that is relevant to their suitability to serve on the Board; or

(K) Subject to the discretion of the Board to excuse the conduct:

i. Fails to attend any two of three consecutive regular meetings of the Board;

ii. Fails to attend any two of three consecutive regular meetings of a committee of which they are a member;

iii. Fails to attend a hearing or proceeding, or part thereof, of a panel on which they sit;

iv. Fails, in the opinion of the Board, to discharge their duties to the College, including, but not limited to, by being in a conflict of interest or otherwise being in breach of a College by-law, regulation, the *RHPA* or the College's governance policies including the Board and Committee Member Code of Conduct; or

v. Acts or behaves in a manner that, in the opinion of the Board, could reasonably be seen to bring disrepute to the reputation of the Board or the College.

36. An elected Board Member who is disqualified from sitting on the Board ceases to be a member of the Board, and their seat becomes vacant upon their disqualification.

Grounds for Disqualifying or Sanctioning an Appointed Board Member

37. (A) The Board shall request the Public Appointments Secretariat to disqualify and remove an Appointed Board Member from the Board if the Appointed Board Member:

i. Becomes a registrant;

ii. Becomes an elected representative, board member, director, officer or employee of, or enters into a contractual relationship to provide services to the Registered Massage Therapists' Association of Ontario or a similar professional organization;

iii. Becomes an appointed committee Chairperson or member of a committee of the Registered Massage Therapists' Association of Ontario or similar professional association, such that it is reasonable to expect that a real or apparent conflict may arise; or

(B) The Board may request the Public Appointments Secretariat to disqualify and remove an Appointed Board Member from the Board if the Appointed Board Member:

i. Breaches section 36 of the *RHPA* or the by-laws of the College that require committee members to preserve the confidentiality of information obtained in the course of their duties as a Board Member or committee member;

ii. Subject to the discretion of the Board to excuse the conduct:

(a) Fails to attend any two of three consecutive regular meetings of the Board;

(b) Fails to attend any two of three consecutive regular meetings of a committee of which they are a member;

(c) Fails to attend a hearing or proceeding, or part thereof, of a panel on which they sit;

(d) Fails, in the opinion of the Board, to discharge their duties to the College, including, but not limited to, by being in a conflict of interest or otherwise being in breach of a College by-law, regulation, the *RHPA* or the College's governance policies including the Board and Committee Code of Conduct; or

(e) Acts or behaves in a manner that, in the opinion of the Board, could reasonably be seen to bring disrepute to the reputation of the Board or the College.

Process for Disqualifying or Sanctioning a Board Member and Committee Member

38. The following process shall be used to disqualify or sanction an elected Board member, committee member or appointed Board member (the "Subject Member").

    (A) Where a Board member or the Registrar believes that the College should consider the disqualification or sanction of the Subject Member, the Board Member or Registrar shall advise the Executive Committee in writing;

    (B) The Executive Committee shall provide the Subject Member with:

        i. Notice of the concerns in writing; and

        ii. Thirty days to respond in writing to the Executive Committee.

    (C) The Executive Committee shall, based on a majority vote, make a preliminary determination on the facts and report those facts and the determination to the Subject Member, the Registrar, and to the Board;

    (D) If the Executive Committee determines that no further action is warranted, the matter will be reported to the Board for information. If the Executive Committee is of the view that further action may be required of the Board, the issue will be placed on the agenda for the next Board meeting for discussion and a determination. The Subject Member will be advised of the date of the Board meeting, and will be provided with the opportunity to make written and/or oral submissions to the Board, should they wish to do so;

    (E) The Board shall determine, by a 2/3 majority vote, the relevant facts and, if appropriate, disqualify, request the disqualification of or sanction the Subject Member;

    (F) Sanctions may include:

        i. Censure of the Subject Member;

        ii. Removal of the Subject Member from any committee on which they sit; and

        iii. Any other sanction that the Board deems appropriate, including disqualification or removal from the Board.

    (G) In determining the appropriate sanction the Board should be guided by the principle that the primary purpose of sanctions is to protect the College and to change behaviour that could be potentially harmful to the College;

    (H) A resolution shall be required to disqualify or sanction the Subject Member;

(I) If the issue of the Subject Member's disqualification or sanction is put on the agenda for a Board meeting in accordance with paragraph (D) above, the Subject Member shall be temporarily suspended as a Board Member or committee member until a final decision by the Board has been rendered, or the Public Appointments Secretariat has removed the appointed Board member, as the case may be;

(J) Before any debate is had or vote is taken by the Board, the Board shall consider whether the public should be excluded from all or part of the meeting in accordance with the *Code*;

(K) If the Subject Member is disqualified or removed as a Board Member or committee member, the College shall act as if a vacancy had been created as a result of a resignation; and

(L) A Subject Member who has been disqualified ceases to be a Board Member and a member of all committees. In the case of an Appointed Board Member who has been disqualified as a committee member, the Board shall request the Public Appointments Secretariat to disqualify and remove the Appointed Board Member.

Temporary Suspension of a Board Member or Committee Member

39. A Board Member or committee member who becomes the subject of a disciplinary or incapacity proceeding (including, in the case of an elected Board Member, one which originates at any time after the deadline for receipt of nominations), shall not serve on the Board or on any committee until a final decision in the disciplinary or incapacity proceeding (including any appeal) has been rendered.

40. An elected Board Member and/or a committee member who, after having been provided with an opportunity to rectify a failure in their obligations to the College:

    (A) Remains in default of any fee, charge or order for costs owing to the College;

    (B) Fails to submit to the College all required forms and documents; or

    (C) Remains in default of any obligation to the College under a regulation, including the Quality Assurance regulation, or by-law;

    shall not serve on the Board or any committee until the failure is remedied or the elected Board member and/or committee member is disqualified.

Filling Vacancies

41. If an elected Board Member's seat becomes vacant during the first two years of a Board Member's term:

    (A) The Board shall appoint the candidate who received the most votes during the previous election to fill the vacant position in that district provided that:

        i. The candidate agrees to fill the vacant position; and

        ii. The candidate is eligible to be a Board member; or

    (B) If the above requirements cannot be satisfied, the Registrar shall hold a by-election to fill the vacancy.

42. If the seat of an elected Board Member becomes vacant in the third year of a Board Member's term, the Board is not required to fill the vacancy.

43. The term of the replacement Board Member shall continue until the term of the previous elected Board Member's term would have expired.

Administration

44. This By-Law shall be administered by the Registrar.

Effective Date

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

Enacted November 19, 1999
Amended July 2000, November 2008, May 2009, June 2010, August 2010, May 2015, February 2019, September 2019, September 2020, September 2021, February 7, 2023, September 18, 2023, May 28, 2024, December 2025, September 29, 2026