BY-LAW

College of Medical Laboratory Technologists of Ontario

COLLEGE OF MEDICAL LABORATORY TECHNOLOGISTS OF ONTARIO (CMLTO)

APPROVED BY BOARD OF DIRECTORS: December 1, 2022

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College of Medical Laboratory Technologists of Ontario

COLLEGE OF MEDICAL LABORATORY TECHNOLOGISTS OF ONTARIO (CMLTO) BY-LAW

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PREAMBLE

COLLEGE OF MEDICAL LABORATORY TECHNOLOGISTS OF ONTARIO/ RÈGLEMENTS ADMINISTRATIFS CONSOLIDÉS DE L'ORDRE DES TECHNOLOGISTES DE LABORATOIRE MÉDICAL DE L'ONTARIO,

Being a health regulatory College constituted by the *Regulated Health Professions Act, 1991, (RHPA)* (the "College"),

The College is established under the name College of Medical Laboratory Technologists of Ontario (CMLTO) in English and Ordre des technologistes de laboratoire médical de l'Ontario (OTLMO) in French pursuant to S. (6) of the *Medical Laboratory Technology Act, 1991*, hereinafter be referred to as "the College".

The College is the regulatory body of medical laboratory technologists (MLTs) in Ontario and has a duty to serve and protect the public interest. It receives its regulatory authority from the *Regulated Health Professions Act*, *1991* and the *Medical Laboratory Technology Act, 1991*.

Under that authority, the College is empowered to make by-laws relating to the administrative and internal affairs of the College.

BE IT ENACTED that the previous Consolidated By-Laws of the College be hereby revoked and it is hereby enacted as the By-Law of the College of Medical Laboratory Technologists of Ontario for regulating the administrative and internal affairs of the College as follows:

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ARTICLE 1 - DEFINITIONS AND INTERPRETATIONS

1.1 DEFINITIONS

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

"Academic Board Member"	means a Board Member who is appointed to the Board of Directors in accordance with this By-Law from among Registrants who are Faculty members of an educational institution in Ontario that is authorized to grant diplomas in medical laboratory science,
"Act"	means the *Medical Laboratory Technology Act, 1991*;
"Ad hoc committee"	means a special purpose committee of limited duration,
"Annual Fee"	means the fee payable for the issuance of and annual renewal of a certificate of registration of any class,
"Appointed officer"	means the Registrar and CEO and any other employee of the College appointed by the Board of Directors as an appointed officer,
"Board Committees"	are the non-statutory committees which are established by the Board of Directors to assist the Board in carrying out its responsibilities,
"Board of Directors"	means the Board (Council) of the College established under S. 7 (1) of the Act,
"Board Member"	means an individual elected or appointed to be a member of the Board of Directors of the College,
"By-election"	means a special election held to fill a position in an electoral district that has become vacant between the regular elections,
"By-Law"	means the By-Law of the College (including the schedules to this By-Law),
"Chair"	means the Chair of the Board of Directors of the College and the Executive Committee or Chair of a committee, depending on the context,

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"Closing date of nominations"	means the deadline for receipt of nomination forms for election to the Board by the College,
"Code"	means the Health Professions Procedural Code being Schedule 2 to the *Regulated Health Professions Act (RHPA), 1991* and shall be deemed to be part of the RHPA,
"Code of ethics"	means the guiding set of expected ethical obligations and principles that guide the professional and personal conduct of all medical laboratory technologists (MLTs),
"College"	means the College of Medical Laboratory Technologists of Ontario (CMLTO),
"Committee"	means any committee of the College, whether established by or under the Act, the Code, the regulations or the By-Law,
"Election"	means an election of members to the Board of Directors, which includes a regular election and a by-election, and election of the Board Officers, and "elected" has a corresponding meaning,
"Electoral district"	means the electoral district to which the Registrant has been assigned in the Register of the College,
"Health profession corporation"	means a corporation incorporated under the *Business Corporations Act, 1990* that holds a valid certificate of authorization issued under the RHPA or the Code,
"Non-Board committee member"	means a member of a committee of the College who is a Registrant of the College but not a member of the Board of Directors,
"Panel"	means a panel of a statutory committee of the College,
"Practise/practice"	in respect of medical laboratory technology includes performance of laboratory tests and procedures for diagnostic or therapeutic purposes, as well as medical laboratory administration, education, research or consultation,

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"Profession"	means the profession of medical laboratory technology,
"RHPA"	means the *Regulated Health Professions Act, 1991* and, where the context requires, includes the regulations made under it, as amended from time to time,
"Professional Association"	means an organization that promotes and advocates for the interests of the profession, but does not include a school whose sole purpose is to educate,
"Professional Board Member"	means a Registrant of the College elected to the Board of Directors in accordance with this By-Law,
"Public Board Member"	means a Board Member who has been appointed to serve on the Board of Directors through an Order-in-Council by the Government of Ontario and who is not a Registrant of the College,
"Registrar and CEO"	means the person appointed by the Board as Registrar and CEO or Acting Registrar and CEO of the College who shall have such duties as are conferred by the Act and as described in the Board Policies,
"Registrant"	means an individual who holds a certificate of registration of any class with the College,
"Registration Fee"	means the fee for the issuance of a certificate of registration of any class,
"Regulation"	means a Regulation passed pursuant to the Act or the RHPA, including any amendments made from time to time,
"Schedule"	means a Schedule of a By-Law of the College,
"Standing committee"	means a permanent committee intended to consider all matters pertaining to a designated subject,
"Statutory Committee"	means any of the committees that are required under S. 10 of the Code,
"Vice-Chair"	means a Vice-Chair of the Board of Directors of the College.

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Any term not defined in this By-Law shall have the meaning provided to it in the RHPA or the Act or such meaning as is apparent from the context.

1.2. LEGISLATIVE REFERENCES

In this By-Law, any reference to a statute, regulation, or By-Law, or a section or provision thereof, shall be deemed to extend and apply to any re-enactment or amendment of that statute, regulation, or by-law, or section or provision thereof, as the case may be.

Any Act referred to by name shall mean that Act in force at the relevant time as amended or replaced.

The By-Law shall be interpreted and applied in accordance with the laws of Ontario and in a manner consistent with the RHPA and the Act.

1.3. CONSISTENCY WITH THE RHPA AND THE ACT

The definitions contained in the RHPA and the Act are incorporated and adopted in the By-Law unless the context otherwise dictates.

1.4 SEVERABILITY AND PRECEDENCE

In the event of an inconsistency between this By-Law and the RHPA, the Act, or the regulations under those Acts, the latter shall prevail.

The inconsistent provision of the By-Law shall, where practical, be severed from this By-Law.

The invalidity or unenforceability of any provision of this By-Law shall not affect the validity or enforceability of the remaining provisions of this By-Law.

1.5 COMPUTATION OF TIME

Except as otherwise provided by the Act, regulations, or the By-Law, the following conventions shall apply in the computation of time:

- Where there is a reference to a number of days between two events, the number of days shall be counted by including the day on which the earlier event occurs and excluding the day on which the latter event occurs.

- All days, including Saturdays, Sundays, and holidays, shall be counted.

- Where the time for the doing of an act expires on a holiday or a weekend, the act may be done on the next day that is not a holiday or a weekend.

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1.6 EXTENDED MEANINGS

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

- the singular shall include the plural and the plural shall include the singular,
- the term "person" shall include corporation,
- the term "written" shall include any electronically generated text-based format, whether in purely electronic or paper form, and
- Words expressed in one gender shall include all genders.

1.7 SCHEDULE OF THE BY-LAW

A schedule in this By-Law of the College shall form part of the By-Law.

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ARTICLE 2 – GENERAL

2.1 NAME

The College is established under the name College of Medical Laboratory Technologists of Ontario (CMLTO) in English and Ordre des technologistes de laboratoire médical de l'Ontario (OTLMO) in French pursuant to S. 6 of the Act.

2.2 SEAL

The seal, the impression of which is depicted in the margin thereof, shall be the corporate seal of the College.

The seal of the College shall be affixed to any document that requires the College seal by a person authorized to sign the document on behalf of the College.

The Registrar and CEO, Board Officers and such other person, who is authorized by the Board of Directors to sign any document on behalf of the College, which requires the College seal, may affix the seal of the College to it.

No person shall sign or seal a document affecting the College unless authorized by the Act, regulations, By-Law or the Board Policies.

The Registrar and CEO shall oversee the corporate seal and its use.

2.3 HEAD OFFICE

The head office of the College is in the City of Toronto or at such other location as the Board of Directors may determine from time to time.

2.4 OFFICERS OF THE COLLEGE

The Officers of the College are,

- Chair of the Board of Directors,
- Vice-Chair, Professional,
- Vice-Chair, Public,
- Registrar and CEO, and
- Such other officers, as the Board may determine from time to time.

2.5 REGISTRAR AND CEO

2.5.1 APPOINTMENT OF REGISTRAR AND CEO

The Board of Directors shall, on such terms as it considers appropriate, appoint a person as the Registrar and CEO of the College in accordance with the relevant Board Policies.

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Notwithstanding the delegation of authority to the Executive Committee pursuant to S. 12 (1) of the Code, the Executive Committee shall not exercise the powers of the Board of Directors with respect to the appointment or removal of the Registrar and CEO other than an Acting Registrar and CEO in accordance with this By-Law.

2.5.2 APPOINTMENT OF ACTING REGISTRAR AND CEO

The Board or the Executive Committee may appoint an Acting Registrar and CEO if the Registrar and CEO is unable to act due to absence or unavailability or if the position of Registrar and CEO becomes vacant.

When so appointed, that person shall have all the powers and authorities of the Registrar and CEO.

The appointment of the Acting Registrar and CEO shall continue unless and until the Executive Committee or Board of Directors, by resolution, terminates the appointment of the Acting Registrar and CEO.

2.5.3 DUTIES OF REGISTRAR AND CEO

The Registrar and CEO shall perform those duties and responsibilities set out in the RHPA, the Act, the regulations thereunder and this By-Law as well as other duties and responsibilities assigned to the position by the Board of Directors, including but not limited to:

- Managing the day-to-day operations of the College in accordance with its statutory mandate to serve and protect the public interest,
- Keeping the Board of Directors informed with respect to the operations of the College,
- Supporting the Board of Directors and the Executive Committee in meeting their responsibilities, in accordance with the laws, this By-Law and Board policies,
- Translating Ends Policies of the College into Registrar and CEO Interpretations of Ends Policies including operating outcomes, targets, metrics, and rationale and ensuring that the set operating outcomes are achieved,
- Maintaining the register in the form required by the Code and this By-Law,
- Managing all College resources in accordance with generally accepted business and financial practices, this By-Law and the relevant Board Policies,

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- Providing leadership to the program areas and staff of the College,

- Supervising the nomination and election of the Board of Directors and appointment of Non-Board committee members pursuant to this By-Law,

- Representing the College to the stakeholders and acting as the spokesperson of the College,

- Providing leadership to the emerging issues in the medical laboratory technology practice and regulation of the profession in Ontario, and

- Performing such other duties as may be determined from time to time, defined by the Board Policies.

2.5.4 DELEGATION OF REGISTRAR AND CEO DUTIES

The Registrar and CEO may delegate any of their powers or duties to other officers or employees of the College.

2.6 EXECUTION OF CONTRACTS AND OTHER DOCUMENTS

2.6.1 GENERAL SIGNING AUTHORITY

Unless otherwise provided by law or the By-Law, the Signing Officers of the College are the,

- Chair of the Board of Directors,
- Vice-Chair, Professional,
- Vice-Chair, Public,
- Registrar and CEO, and
- Registrar and CEO's designate.

Documents requiring execution by the College may be signed by one of the signing officers in accordance with the relevant Board Policies.

Notwithstanding any section in this is By-Law, the Board for Directors may from time to time direct the manner in which and the person or persons by whom a particular document or type of document shall be executed.

A person who is authorized to sign a document may impress the seal of the College upon the document if the seal is required and if the document has been signed as required by the By-Law.

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2.6.2 SIGNING OF DOCUMENTS

2.6.2.1 DOCUMENTS, CONTRACTS AND OTHER INSTRUMENTS

Contracts, documents and any other instrument requiring the signature of the College shall be signed by:

- One of the Registrar and CEO, Registrar and CEO's Designate, or Board Chair where the total value of the contract, excluding taxes, is less than $50,000.

- Two of the Registrar and CEO, Registrar and CEO's Designate, or Board Chair, where the total value of the contract, excluding taxes is equal to or greater than $50,000.

- The Board Chair (or the Board Chair's designate) and the Registrar and CEO or (Registrar and CEO's Designate) where the total value of the contract, excluding taxes is equal to or greater $100,000.

A certificate of registration shall be signed by the Registrar and CEO and the Board Chair.

2.6.2.2 SUMMONSES

Except where otherwise required by law, the Registrar and CEO may sign summonses, notices, orders and other similar documents on behalf of the College or any committee of the College, including a tribunal within the meaning of the *Statutory Powers Procedure Act, R.S.O., 1990*.

2.6.3 SIGNATURE AUTHORITY

All contracts, documents or instruments in writing signed in accordance with this By-Law and relevant Board Policies shall be binding upon the College without any further authorization or formality.

2.7 MEDIA AND OFFICIAL COMMUNICATIONS

All official communications including the requests for speaking arrangements on behalf of the College shall be coordinated through the Registrar and CEO.

All external official communications by the College to the media and the public shall be consistent with the position of the College and the relevant Board Policies.

The Board Chair and the Registrar and CEO are the authorized spokespersons of the College.

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The Board Chair is the only person authorized to act as the spokesperson on behalf of the Board of Directors.

The Registrar and CEO is the only person authorized to act as the spokesperson on behalf of the College.

On any given issue, the Board Chair and the Registrar and CEO may:

- Consult with each other to determine who will speak on behalf of the College,
- Request a Board Member or a staff member to perform this function under the circumstances, and
- All requests for interviews and/or comments, or inquiries on issues related to the regulation of the profession and/or the operation of the College shall be referred to the Registrar and CEO.

2.8 FORMS

Certificates of registration and other documentation issued by the College shall be in such form as the Registrar and CEO shall provide from time to time.

2.9 AFFILIATIONS

The College may become a member of a provincial, national or international organizations which have similar functions or interests.

The Registrar and CEO, the Chair, and/or their designates may represent the College at the meetings of such organizations.

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ARTICLE 3 – BANKING AND FINANCE

3.1 BANKING

The Board shall appoint one or more banks chartered under the *Bank Act (Canada) S.C. 1991, c. 46* (the "bank") for the use of the College.

The College shall open the required bank accounts and deposit all money belonging to the College with the bank in the name of the College.

The Registrar and CEO or the Registrar and CEO's designate may endorse any negotiable instrument for collection on account of the College through the bank or for deposit to the credit of the College with the bank. The rubber stamp of the College may be used for such endorsement.

3.2 BUDGET

In accordance with the relevant Board Policies, the Board of Directors shall annually approve,

- An operating expense and revenue budget for the College for each fiscal year, and

- A capital budget for the College for each fiscal year.

3.3 INVESTMENT

The funds of the College, which are not immediately required, shall be invested in accordance with the relevant Board Policies.

All securities and other negotiable instruments in which the College's funds have been invested shall be issued in the name of the College.

3.4 RESERVE FUNDS

The Board of Directors, from time to time, may establish reserve funds as required in accordance with the relevant Board Policies.

3.5 BORROWING

The College may, by resolution, borrow money on the credit of the College in accordance with the relevant Board Policies.

Notwithstanding the delegation of authority to the Executive Committee pursuant to S. 12 (1) of the Code, the Executive Committee shall not exercise the powers of the Board of Directors with respect to borrowing money on the credit of the College.

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3.6 EXPENDITURES

All expenditures shall be authorized in accordance with the relevant Board Policies.

3.7 SHARES AND SECURITIES

3.7.1. OWNERSHIP OF SHARES, SECURITIES

All share certificates, bonds, debentures, notes or obligations belonging to the College shall be issued in the name of the College.

3.7.2 CUSTODY OF SHARES AND SECURITIES

All shares and securities owned by the College shall be lodged, in the name of the College, with a Canadian chartered bank or a Canadian trust company, or in a safety deposit box of such an institution; or held in accounts with such brokerage houses as may be authorized by the resolution of the Board of Directors.

3.8 FISCAL YEAR AND FINANCIAL AUDIT

3.8.1 FISCAL YEAR

Unless otherwise approved by the Board of Directors, the fiscal year of the College shall be the calendar year, 01 January to 31 December inclusive.

3.8.2 AUDITORS OF THE COLLEGE

3.8.2.1 APPOINTMENT OF AUDITOR

The Board shall annually appoint a chartered accountant or firm of chartered accountants duly licensed under the *Public Accounting Act, 2004* to audit the accounts of the College and to prepare financial statements for each fiscal year.

The auditor may be re-appointed at the discretion of the Board of Directors.

The Board shall evaluate the performance of the auditor annually and consider re-appointment of the auditor based on this evaluation.

In the event that the auditor is not able to continue serving as agreed or the Board is not satisfied with the performance of the auditor, the Board may remove the auditor from office before the expiration of term of office and appoint a new auditor.

3.8.2.2 AUDITOR'S TERM OF OFFICE

The auditor shall serve for a term of one (1) year, which commences on the date the appointment is made.

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If an appointment is not made, the auditor in office shall continue serving until a successor is appointed.

The auditor shall remain in office until removed by the Board of Directors.

3.8.2.3 NOTICE TO AUDITOR

The Registrar and CEO shall notify the auditor of the appointment or re-appointment in writing immediately after the appointment or re-appointment is made along with a copy of this By-Law and relevant Board Policies.

3.8.2.4 AUDITOR'S RIGHT OF ACCESS TO FILES

The auditor shall be given a right of access at all reasonable times to all records, documents, books, accounts and vouchers of the College and is entitled to require from the Board Members, officers and employees of the College such information as in their opinion, giving due weight to the principle of privacy of personal information, is necessary to enable them to report as required by law or under this By-law.

3.8.2.5 ATTENDANCE AT BOARD MEETINGS

The auditor shall be entitled to attend any meeting of the Board and to be heard at any such meeting in which they are in attendance, on any part of the business of the meeting that concerns the auditor or the financial statements of the College.

3.8.3 FINANCIAL AUDIT

3.8.3.1 AUDIT PROCESS

The auditor shall audit the financial accounts of the College pursuant to the By-Law and relevant Board Policies and shall prepare financial statements for each fiscal year.

The audited financial statements of the College, along with a signed and certified copy of the auditor's report, shall be presented annually to the Board of Directors for approval.

The audited financial statement shall be presented annually to the Ministry of Health, included in the annual report of the College pursuant to S. 6 (3) of the RHPA, and made available to the public.

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3.8.3.2 TIMING OF AUDIT

The auditor's report shall be prepared within hundred and twenty (120) days of the end of the fiscal year in order to be presented to the Board of Directors for approval unless a later date is approved by the Board.

3.8.3.3 AUDITED FINANCIAL STATEMENTS AND AUDITOR'S REPORT

The auditor shall report to the Executive Committee at its last meeting before the Board meeting at which the audited financial statements of the College will be presented to the Board for approval.

The auditor shall report in writing to the Board of Directors at the meeting at which the financial statements of the College are to be presented.

The auditor, in the auditor's report, shall:

- State whether, in their opinion, the financial statements reflect the financial position of the College and the results of its operations for the period under review in accordance with Canadian accounting standards for not-for-profit organizations, and

- Report on any such specific matters a required by Board Policies and as mutually agreed to by the auditor and the Board.

3.9 INDEMNIFICATION

Every member of the Board, member of a committee, appointed officer of the College and employee of the College, including any inspector, who, in respect of the execution or intended execution of their duties on behalf of the College, and their heirs, executors and administrators, and estate and effects, shall from time-to-time and at all times be indemnified and saved harmless out of the funds of the College from and against:

- All costs, charges and expenses whatsoever that they sustain or incur in or about any action, suit or proceeding that is brought, commenced or prosecuted against them, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by them, in or about the execution of the duties of their office, and

- All other costs, charges and expenses that they sustain or incur in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by their own wilful neglect or default.

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3.10 ASSET PROTECTION

The Registrar and CEO shall be responsible for the management of the property and assets of the College.

The College shall obtain insurance coverage to protect the property and assets of the College in accordance with the relevant Board Policies.

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ARTICLE 4 - BOARD OF DIRECTORS

4.1 FORMATION OF BOARD OF DIRECTORS

Pursuant to S. (4) of the Code, the Council of the College shall be its Board of Directors and shall manage and administer its affairs.

4.2 BOARD OFFICERS

The Board Officers are members of the Board of Directors and shall consist of:

- Chair of the Board of Directors,
- Vice-Chair, Professional, and
- Vice-Chair, Public.

4.2.1 DUTIES AND RESPONSIBILITIES OF BOARD OFFICERS

The Chair of the Board of Directors provides leadership to the Board, ensures the integrity of the Board's processes and represents the Board to external parties.

The Board Officers perform all duties and responsibilities pertaining to their offices, which are,

- Required by law,
- Set by the relevant Board Policies, and
- Such other duties that the Board of Directors from time-to-time assigns.

The Vice-Chair will act and has all the powers and duties of the Chair as delegated by the Chair or in the absence of the Chair.

4.2.2 TERM OF OFFICE OF BOARD OFFICERS

Unless otherwise provided in this By-Law, the term of office of the Board Officers is one (1) year, which shall commence on January 1st of the year following the election and continue until the next election for the office of the Board Officers.

The Chair may serve a maximum of two consecutive one-year terms.

4.2.3 ELECTION OF BOARD OFFICERS

Any Board Member is eligible to stand for election to the office of Chair or Vice-Chair.

The Vice-Chair, Professional shall be elected from among the Professional and Academic Members of the Board. The Vice-Chair, Public shall be elected from among the Public Members of the Board.

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The Board Chair and Vice-Chairs shall be elected at the last regular Board meeting of the year in accordance with the Process for Election of Board Officers as set out in Schedule 1 of this By-Law.

4.3 BOARD MEMBERS

4.3.1 DUTIES AND RESPONSIBILITIES OF BOARD MEMBERS

The Board Members shall act in the best interests of the College and the public.

In the performance of their duties and responsibilities, the Board members shall comply with the provisions of the RHPA, the Act, By-Law of the College, Board Policies, and any rules adopted by the Board of Directors from time to time.

4.3.2 REGULAR TERM OF OFFICE OF BOARD MEMBERS

Pursuant to S. 5 (1) of the Code, except in the case of a vacancy, the term of office of a Registrant elected to the Board of Directors as a Professional Board Member is three (3) years.

The three-year (3) term commences on January 1st of the calendar year following the regular Board election and continues until:

- The Registrant's successor takes office in accordance with this By-Law, or
- The Registrant resigns from their position, or
- The Registrant is disqualified or removed from office under this By-Law, or
- Until such other time designated by the Board of Directors, whichever occurs first.

4.3.3 MAXIMUM TERM OF OFFICE OF BOARD MEMBERS

Pursuant to S. 5 (2) of the Code, a person may be a Board Member for more than one (1) term but no person who is elected may be a Board Member for more than nine (9) consecutive years.

4.3.4 COOLING-OFF PERIOD

A Board Member, who has served on the Board of Directors for nine (9) consecutive years is eligible to stand again for election to the Board after a twelve (12) month period has passed since that Member last served on the Board of Directors.

4.3.5 TERM OF OFFICE OF BOARD MEMBERS FILLING VACANCIES

The seat of a Professional Board Member shall be deemed to be vacant upon the death, resignation or disqualification of the Professional Board Member.

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The term of office of a Professional Member elected to the Board of Directors to fill a vacancy shall continue until the time the former Professional Member's term would have expired.

A candidate who is elected to fill a vacancy shall take office immediately thereafter and, subject to any section of the By-Law that provides for the disqualification of Board Members, shall remain in office until their successor takes office.

4.4 ELECTION OF BOARD MEMBERS

4.4.1 ELECTORAL DISTRICTS

The following eight (8) electoral districts are established for the purpose of the election of Registrants to the Board of Directors:

- **Electoral District 1:** South-West Region
- **Electoral District 2:** Central West Region
- **Electoral District 3:** Metropolitan Toronto Region
- **Electoral District 4:** Central East Region
- **Electoral District 5:** East Region
- **Electoral District 6:** North-East Region
- **Electoral District 7:** North-West Region
- **Electoral District 8:** Registrant-at-Large

The geographic territory of electoral districts listed in Schedule 2 of this By-Law shall be interpreted to ensure that all parts of Ontario fall into one of these electoral districts and that there is no overlap of districts.

The Board of Directors may redefine the geographic territory of each electoral district and the number of Board Members to be elected in each electoral district to ensure equitable representation of each district.

4.4.2 NUMBER OF REGISTRANTS TO BE ELECTED IN EACH ELECTORAL DISTRICT

The number of Registrants to be elected in each electoral district is as follows:

One Registrant for the following electoral districts:

- **Electoral District 1:** South-West Region
- **Electoral District 5:** East Region
- **Electoral District 6:** North-East Region
- **Electoral District 7:** North-West Region
- **Electoral District 8:** Registrant-at-Large

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Two Registrants for the following electoral districts:

- **Electoral District 2:** Central West Region
- **Electoral District 3:** Metropolitan Toronto Region
- **Electoral District 4:** Central East Region

The number of Board Members to be elected to the Board each year shall correspond to the sum of:

- The number of Board Members whose terms of office have expired or will expire at the end of the current year, and

- The number of Board Members whose seats have become vacant and not been filled.

4.4.3 TIMING OF ELECTIONS

A regular election of members to the Board of Directors shall be held simultaneously in in accordance with the following schedule,

- In September 2022, and in every third calendar year thereafter for:

  Electoral District 2: Central West Region
  Electoral District 3: Metropolitan Toronto Region
  Electoral District 4: Central East Region
  Electoral District 8: Registrant-at-Large

- In September 2023, and in every third calendar year thereafter for:

  Electoral District 2: Central West Region
  Electoral District 4: Central East Region

- In September 2024, and in every third calendar year thereafter for:

  Electoral District 1: South-West Region
  Electoral District 3: Metropolitan Toronto Region
  Electoral District 5: East Region
  Electoral District 6: North-East Region
  Electoral District 7: North-West Region

The nomination or election deadlines may be extended if the Registrar and CEO determines that there are exceptional circumstances to warrant an extension.

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4.4.4 REGISTRAR AND CEO'S ELECTORAL DUTIES

The Registrar and CEO shall supervise and administer the nomination of the Registrants and election of the Members to the Board of Directors.

Without limiting the generality of the foregoing, for the purpose of carrying out such duties the Registrar and CEO shall, subject to this By-Law and the guidelines established by the Board of Directors:

Dates and Deadlines

- Set the date and time for each regular Board election in each electoral district subject to the schedule outlined in the Timing of the Regular Elections Section of this By-Law and for appointment of the Academic Board Member subject to the schedule outlined in the Timing of Appointment Section of this By-Law,

- Set the deadline for receipt of the nomination forms at the College,

- Set the deadline for receipt of the ballots at the College, or in case of an online election, the closing date and time of the election period.

Procedures

- Appoint returning officers and scrutineers if necessary,

- Retain an independent organization to receive the ballots cast and to tabulate the results of each election,

- Establish procedures for the nomination of Registrants and the guidelines to prepare the CMLTO Board Election Package,

- Provide every Registrant, who is eligible to vote in a Board election, with a Voting Package which includes the ballot listing of all eligible candidates in the electoral district along with election biography and personal statement, a ballot, the means to cast a vote and voting instructions,

- Adopt a process to provide any Registrant who claims not to have received access to a Voting Package, with access to all of the eligible candidates and voting instructions to cast a ballot, provided the Registrar and CEO receives notice of that claim at least forty-eight (48) hours prior to the deadline to cast ballots,

- Establish procedures for the opening and counting the ballots (or equivalent if voting is done electronically),

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- Establish procedures for the validation of the ballots and confirmation of the election results in a manner that preserves the anonymity of the voters and the secrecy of their votes,

- Establish procedures for the destruction of ballots (or equivalent if voting is done electronically) following an election.

Election Results

- Notify all candidates, Board of Directors, the Registrants of the College, and the public of the results of the Board election and appointment of the Academic Board Member.

Emergency and Interruption of Services

- The Registrar and CEO may declare an emergency if they are of the opinion that circumstances have arisen that are likely to prevent the election being conducted in accordance with the By-Law.

- On declaring an emergency, the Registrar and CEO shall make such arrangements which are advisable for the conduct of the election.

- Such arrangements made by the Registrar and CEO in accordance with the By-Law prevail over the guidelines.

- The emergency continues until the Registrar and CEO declares that it has ended.

- Where there is an interruption of delivery service during an election, the Registrar and CEO shall extend the holding of the election for such period of time as they consider necessary to compensate for the interruption.

Other Electoral Duties

- The Registrar and CEO shall take other required actions they deem necessary and appropriate to ensure that the Board election is conducted in a fair manner.

4.4.5 ELECTION PROCESS

4.4.5.1 ELIGIBILITY TO STAND FOR ELECTION

A Registrant is eligible to stand for election to the Board of Directors as a Professional Board Member provided that the following criteria are met on the

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closing date of nominations and up to and including the date of the election or the end of the voting process for online elections:

- The Registrant has been nominated in accordance with the By-Law of the College,

- The Registrant has completed, signed and returned the CMLTO Board Election Package,

- The Registrant has successfully completed the CMLTO Board of Directors Candidate Training relating to the CMLTO governance approach and the duties, roles and responsibilities of the Board Members, including participating in an interview with the Registrar and CEO,

- The Registrant's mailing address registered with the College is in the electoral district for which they have been nominated in accordance with this By-Law,

- The Registrant is the holder of a Practising certificate of registration,

- The Registrant's certificate of registration is not subject to a term, condition or limitation other than one prescribed by regulation,

- The Registrant's certificate of registration has not been revoked or suspended at any time in the six (6) years immediately preceding the election for any reason other than non-payment of fees,

- The Registrant is not in default of payment of any fees, providing any form or information, or any obligation to the College under a regulation or the By-Law and has not failed to comply with any program of the College or direction of a Committee of the College,

- The Registrant has not been an officer, director or employee of one of the following in the previous twelve (12) months: professional association of medical laboratory technologists, a union representing medical laboratory technologists, or an association that represents employers of medical laboratory technologists,

- The Registrant is currently not the subject of incompetence, professional misconduct or incapacity proceedings,

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- The Registrant has not been found to be incompetent, incapacitated or to have engaged in professional misconduct,

- The Registrant is not and has not been an employee, consultant or vendor of the College in the previous twelve (12) months immediately before the date of the election,

- The Registrant has not been found guilty of an offence under the Criminal Code, RSC 1985,

- The Registrant is not a member of the Board or committee of any other Colleges regulated under the RHPA,

- The Registrant has not been disqualified from serving on the Board or removed from any of the committees of the College in the last five (5) years prior to the date of election to the Board,

- The Registrant does not have an existing or potential conflict of interest to serve on the Board or has agreed to remove any such conflict of interest before taking office. The Registrant shall be disqualified if any such conflict of interest is not removed before taking the office,

- The Registrant has not commenced, joined, or contributed to any legal proceedings, including before a tribunal, against the College, its Board and Board Members, its committees and committee members, or any of its staff members or representative in the last six (6) years immediately before the deadline for the receipt of nominations,

- The Registrant is not a candidate for the Academic Board Member position or a candidate for a Professional Board Member position in another electoral district at the same time, and

- The Registrant is not ineligible as a result of Cooling-off Period in the Cooling-Off Period Section of this By-Law.

A candidate for election to the Board of Directors shall advise the Registrar and CEO immediately in the event that they become ineligible to run for election.

4.4.5.2 NOMINATION PROCESS

The Registrar and CEO shall supervise and administer the nomination of candidates including determining the eligibility of a nominated candidate for election.

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4.4.5.2.A CALL FOR NOMINATIONS

At least hundred and twenty (120) days before the deadline for receipt of ballots, the Registrar and CEO shall, in the electoral districts where Board elections are to be held in that year, invite in writing any Registrant wishing to stand for election to the Board of Directors.

The call for nominations shall include the closing date and time of nominations, details of the nomination process, and the date and time of the election.

Where there is an interruption of delivery service during a period affecting publication of the call for nominations or the receipt of nominations by the College, the Registrar and CEO shall extend the deadline for the receipt of nominations and of ballots for such period as they consider necessary to compensate for the interruption.

4.4.5.2.B NOMINATION OF A CANDIDATE

The nomination of a candidate for election as a Professional Board Member shall be in writing and given to the Registrar and CEO at least ninety (90) days before the ballots are sent to the Registrants.

The candidate shall complete, sign and return the CMLTO Board Election Package to the Registrar and CEO by the closing date of the nominations.

The Registrant may be nominated for election for only one position and in only one electoral district in which they are eligible to vote.

4.4.5.2.C VERIFICATION OF NOMINATIONS

After the closing date of nominations, the Registrar and CEO shall review the nomination of each candidate and verify their eligibility to stand for election.

The Registrar and CEO shall inform all candidates, in writing, on the status of their nominations.

4.4.5.2.D DISPUTED CANDIDACY

Any dispute regarding a Registrant's eligibility to run for Board elections shall be determined by the Registrar and CEO.

Where an issue and/or concern arises with respect to the eligibility of a Registrant to be elected to the Board that is not governed by this By-Law, the Registrar and CEO shall determine the eligibility of the Registrant.

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4.4.5.2.E DISQUALIFICATION OF CANDIDATES

A candidate may be disqualified from participation in the Board election if they fail to comply with the Code of Conduct of the College as set out in the Code of Conduct Article of this By-Law at any point during the election process.

Where the Registrar and CEO, knowing all of the facts, would consider the presence of the candidate on the Board of Directors or any of the committees as impairing the public's trust in the College, or affecting the operations of the Board of Directors in serving the public interest, the Registrar and CEO may disqualify a candidate from participation in the Board election.

4.4.5.2.F WITHDRAWAL OF NOMINATIONS

A candidate may withdraw their nomination for election to the Board of Directors by notifying the Registrar and CEO in writing, no later than the closing date of nominations.

A candidate who has given notice of withdrawal is deemed not to be a candidate and cannot be elected.

Upon receiving the written notice of a candidate's withdrawal, the Registrar and CEO shall make reasonable efforts to remove the name of the candidate from the ballot (or equivalent if voting is done electronically).

If the Registrar and CEO is unable to remove the name of the candidate from the ballot in a sufficiently timely manner, they shall make reasonable efforts to notify the Registrants eligible to vote that the candidate has withdrawn from the election.

If a candidate, who was eligible for election on the closing date of nominations, ceases to be eligible for election to the Board on the date of the election, all votes cast for that candidate are void and shall be deemed to be rejected votes.

4.4.5.3 VOTING PROCESS

4.4.5.3.A ELIGIBILITY TO VOTE

A Registrant is eligible to vote in the Board elections if the following criteria are met thirty (30) days prior to the date of the election:

- The Registrant is a holder of current Practicing or Non-Practising certificate of registration,

- The Registrant practices or resides in Ontario,

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- The Registrant's mailing address registered with the College is in the electoral district for which an election is being held, and

- The Registrant is not in default of payment of any fees, providing any form or information, or any obligation to the College under a regulation or the By-Laws.

A Registrant, who is residing and practicing outside of Ontario at the time the Board election is held, is only eligible to vote for an election being held for District 8 - Registrant-at-Large.

Any dispute with respect to the eligibility of a Registrant of the College to vote in a regular election shall be determined by the Registrar and CEO.

4.4.5.3.B BALLOT SYSTEM

Voting for eligible candidates shall be by ballot cast in any system approved by the Board of Directors.

Any ballot system approved by Board of Directors must,

- Allow for the re-count and destruction of the ballots or the equivalent in case of online elections,

- Ensure that electronic communications and voting processes are reliable and secure in case of online elections,

- Ensure secrecy and confidentiality of the individual votes by secret ballot,

- Ensure that the ballots are accessible to the eligible voters,

- Ensure that the integrity of the process is maintained throughout the election, and

- Ensure that the results of the election reflect the votes cast.

4.4.5.3.C BOARD ELECTION VOTING PACKAGE

The Registrar and CEO shall provide every Registrant, who is eligible to vote in the electoral district in which an election is to be held, with a CMLTO Board Election – Voting Package, by electronic or other means.

The CMLTO Board Election – Voting Package shall include:

- A ballot listing of all eligible candidates in the electoral district,

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- Election biography and personal statement of each candidate in the form and manner and by the date determined by the Registrar and CEO,

- The means to cast a vote, a ballot or in the case of an online election system, access to online voting system,

- Closing date and time of the election period, and

- A voting guide with instructions.

A failure to provide the Registrants with access to a ballot listing of the eligible candidates and voting instructions in an election as scheduled does not, in and of itself, invalidate the results of an election.

4.4.5.3.D CASTING VOTE

The eligible Registrants can vote once, by single-use voting links in the case of an online election.

A Registrant may cast as many votes on a ballot as there are Board vacancies to be filled in the electoral district in which the Registrant is eligible to vote.

A Registrant shall not cast more than one (1) vote for any one eligible candidate.

The votes must be received on the date and at the time specified for the election in order to be counted.

A Registrant who is eligible to vote but, for any reason, has not received access to a Voting Package, may apply to the Registrar and CEO for a new access to a Voting Package, and the Registrar and CEO shall provide the Registrant with a replacement access, provided the notice of that claim has been received at least forty-eight (48) hours prior to the deadline to cast ballots.

4.4.5.3.E TABULATION OF VOTES

Only those ballots cast by the date and at the time specified for the election will be tabulated.

The votes shall be tabulated in accordance with the procedures established by the Registrar and CEO.

Tabulation of votes shall be conducted in a manner that no person knows for whom any Registrant voted.

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The Registrar and CEO shall certify the final vote tabulation after confirming that the results of the election reflect the votes cast.

4.4.5.3.F TIE VOTE

Where in an election to the Board of Directors, all of the candidates in an electoral district receive an equal number of votes, the Registrar and CEO shall break the tie by lot and then declare that candidate elected.

4.4.5.3.G RECOUNTS

A candidate may request a recount of the ballots in the electoral district, in which the candidate was nominated, by giving a written request to the Registrar and CEO and depositing the recount fee ($ 500) within thirty (30) days from the date of the election.

The Registrar and CEO shall hold the recount no more than fifteen (15) days after receiving the written request and recount fee.

The recount shall be conducted in accordance with the procedures for the opening and counting the ballots established by the Registrar and CEO.

If the recount changes the result of the election, the full amount of the recount fee shall be returned to the candidate.

Under the circumstances where an issue arises with respect to the recount of the ballots that is not governed by this By-Law, the Registrar and CEO shall resolve the dispute in a fair and democratic manner.

4.4.5.3.H DESTRUCTION OF BALLOTS

The ballots should be destroyed,

- Within thirty (30) days following the announcement of the election results unless a candidate challenges the election or its results, and

- In accordance with the procedures for the destruction of the ballots established by the Registrar and CEO.

4.4.5.4 DECLARATION OF ELECTION RESULTS

Immediately after the tabulation of the votes in an election, the Registrar and CEO shall notify:

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- Each eligible candidate and the Board of Directors of the results of the election, and

- The Registrants of the College, and the public of the results of all elections by publication of those results on the website of the College or in in such other manner decided by the Registrar and CEO.

4.4.5.4.A SUCCESSFUL CANDIDATE

Unless there is a request for a recount, the successful candidate in a regular Board election is the eligible candidate who received the greatest number of votes or whose name was chosen by the Registrar and CEO by lot.

The candidates receiving the greatest number of votes in each electoral district shall be declared elected following the tabulation of the ballots.

4.4.5.4.B ACCLAMATION

If the number of candidates nominated for an electoral district is less than or equal to the number of Registrants to be elected in that electoral district, the Registrar and CEO shall declare the candidates to be elected by acclamation.

4.4.5.4.C NO NOMINATIONS

Where no eligible candidate is nominated in an electoral district in a regular Board election, the Board of Directors may,

- Appoint one or more Registrants, among those who would be eligible for election or appointment if an election or appointment process was held, for the term or terms required, or

- Direct the Registrar and CEO to hold a by-election in that electoral district in accordance with this By-Law.

4.4.5.5 ELECTION DISPUTES

If the Executive Committee or Registrar and CEO is of the opinion that there are reasonable grounds to doubt or dispute the validity of any election, they shall initiate an inquiry and, following the inquiry, shall provide the Board of Directors with a report and recommendation.

The Board of Directors, after considering the recommendation of the Executive Committee or Registrar and CEO, may,

- Declare the election result to be valid, or

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- Declare the election result to be invalid, in which case, the Board either,
    - Declares another candidate elected, or
    - Directs the Registrar and CEO to hold another election in the electoral district.

Where an issue arises with respect to a ballot that is not addressed by this By-Law, the Registrar and CEO shall resolve the dispute in a fair and democratic manner.

4.4.5.6 VALIDITY OF ELECTIONS

The Board of Directors shall not declare an election result to be invalid solely on the basis of a minor irregularity regarding the requirements of this By-Law or a procedure set out by the Registrar and CEO.

The failure by the Registrar or CEO or the College to comply with any of the timelines set out in this By-Law shall not be sufficient to change the results of any election or by-election for any electoral district unless the Executive Committee is satisfied that the failure likely resulted in a result which would not have occurred if the timelines had been followed.

4.5 APPOINTMENT OF ACADEMIC BOARD MEMBER

4.5.1 REGULAR TERM OF OFFICE

Except in the case of a vacancy, the term of office of the Academic Board Member appointed to the Board of Directors is three (3) years.

The three-year (3) term commences on January 1st of the calendar year following the appointment and continues until:

- Their successor takes office in accordance with this By-Law, or
- They resign from their position, or
- They are disqualified or removed from office under this By-Law, or
- Until such other time designated by the Board of Directors, whichever occurs first.

4.5.2 MAXIMUM TERM OF OFFICE

No person may serve as an Academic Board Member on the Board of Directors for more than nine (9) consecutive years.

4.5.3 COOLING-OFF PERIOD

An Academic Board Member, who has served on the Board of Directors for nine (9) consecutive years, is eligible for appointment to the Board after a twelve (12) month period has passed since that Member last served on the Board of Directors.

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4.5.4 TERM OF OFFICE FOR ACADEMIC BOARD MEMBERS FILLING VACANCIES

The term of office of an Academic Member appointed to the Board of Directors to fill a vacancy shall continue until the time the former Academic Member's term would have expired.

4.5.5 NUMBER OF ACADEMIC MEMBERS ON BOARD OF DIRECTORS

The Board of Directors shall have one Academic Board Member who is appointed pursuant to this By-Law.

4.5.6 TIMING OF APPOINTMENT

The regular appointment of an Academic Board Member to the Board of Directors shall be made in in accordance with the following schedule,

- In September 2023, and in every third (3rd) calendar year thereafter.

4.5.7 APPOINTMENT PROCESS

4.5.7.1 ELIGIBILITY FOR APPOINTMENT

A Registrant is eligible for appointment to the Board of Directors as an Academic Board Member provided that on the date of appointment,

- The Registrant meets the criteria for eligibility for election as a Professional Board Member (except for the nomination requirement),
- The Registrant has completed, signed and returned the CMLTO Academic Member Application Package pursuant to this By-Law, and
- The Registrant's primary employment is to teach a course of study in Medical Laboratory Technology accredited by Accreditation Canada's Equal Canada Program.

4.5.7.2 DISPUTED CANDIDACY

Where an issue and/or concern arises with respect to the eligibility of a Registrant to be appointed to the Board that is not governed by this By-Law, the Registrar and CEO shall determine the eligibility of the Registrant.

4.5.7.3 DISQUALIFICATION OF CANDIDATES

A candidate may be disqualified from participation in the appointment process should they fail to comply with the Code of Conduct of the College as set out in the Code of Conduct Article of this By-Law at any point during the appointment process.

Where the Registrar and CEO, knowing all of the facts, would consider the presence of the candidate on the Board of Directors or any of the Committees as impairing

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the public's trust in the College, or affecting the operations of the Board of Directors in serving the public interest, the Registrar and CEO may disqualify a candidate from participation in the appointment process.

4.5.7.4 CALL FOR EXPRESSIONS OF INTEREST

A call for expressions of interest in being appointed as the Academic Board Member shall be sent to all Registrants, no later than hundred twenty (120) days before the date the appointment takes effect.

Each Registrant shall be provided with information relating to the appointment procedure and the deadline to submit an application to be considered for appointment to the Board of Directors as an Academic Board Member.

Where there is an interruption of delivery service or any other extenuating circumstances during a period affecting publication of the call for the receipt of applications, the Registrar and CEO shall extend the deadline for the receipt of applications for such period as the Registrar and CEO considers necessary to compensate for the interruption.

4.5.7.5 APPLICATION PROCESS

The application of a candidate for appointment to the Board of Directors as an Academic Board Member shall be in writing and given to the Registrar and CEO.

The candidate shall complete, sign and return the CMLTO Academic Member Application Package to the Registrar and CEO.

4.5.7.6 APPOINTMENT OF THE ACADEMIC BOARD MEMBER BY BOARD OF DIRECTORS

The Executive Committee shall,

- Review the applications to become an Academic Board Member,
- Make such enquiries as it deems required,
- Consider other relevant factors, and
- Make a recommendation to the Board of Directors.

The Board of Directors, after considering the recommendation made by the Executive Committee, by a resolution, shall appoint the Academic Board Member in accordance with the By-Law before December 31st of the year prior to the commencement of the term of office.

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4.6 DISQUALIFICATION OF BOARD MEMBERS

4.6.1 GROUNDS FOR DISQUALIFICATION

The Board shall disqualify a Board Member from sitting on the Board if the Board Member,

- Is found to have committed an act of professional misconduct or to be incompetent or to be incapacitated,
- Subject to the discretion of the Board of Directors to excuse the absence, fails, without reasonable cause, to attend three (3) consecutive regular meetings of the Board of Directors or two (2) consecutive meetings of a committee to which the Board Member has been appointed,
- Fails, in the opinion of the Board, to discharge properly or honestly any office to which the Board Member has been elected or appointed,
- Becomes an officer, director or employee of one of the following: professional association of medical laboratory technologists, a union representing medical laboratory technologists, or an association that represents employers of medical laboratory technologists,
- Is found guilty of an offence under the Criminal Code, RSC 1985,
- Fails, without reasonable cause, to attend a hearing or a proceeding of a panel for which they have been selected,
- Becomes a member of the Board or committee of any other Colleges regulated under the RHPA,
- Fails to comply with the Board of Directors' Code of Conduct as set out in the Code of Conduct Article of this By-Law and sign the CMLTO Code of Conduct and Confidentiality Agreement, Conflict of Interest Declaration Form pursuant to this By-Law,
- Acts in a manner that, in the opinion of the Board of Directors, could reasonably be seen to harm the reputation of the Board of Directors or the College,
- Has not complied, within thirty (30) days, or as otherwise specified, of being given notice of the failure, the College's requirements to pay fees, or the College's requirements for the provision of information,

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- Has a term, limit or condition imposed by the Quality Assurance Committee, the Discipline Committee or the Fitness to Practise Committee on their certificate of registration,

- Is found to be mentally incompetent,

- Becomes bankrupt.

Additionally, in the case of a Professional Board Member, the member,

- Ceases to practise or reside in the electoral district where they were elected, unless the term of office is due to expire in the next twelve (12) months,

- The Board Member ceases to be the holder of a Practising certificate of registration.

Additionally, in the case of an Academic Board Member,

- The member's primary employment ceases to teach a course of study in Medical Laboratory Technology accredited by Accreditation Canada's Equal Canada Program.

Jurisdiction for disqualifying a Public Board Member falls to the Lieutenant Governor in Council. The Chair on behalf of the Board of Directors shall report to the Public Appointments Secretariat if a Public Board Member is found to have committed an act that meets the criteria for disqualification in this By-Law and the Chair shall request the Minister to remove the Public Board Member from the Board of Directors.

4.6.2 EFFECT OF DISQUALIFICATION

A Board Member, who is disqualified by the Board of Directors pursuant to the By-Law or the relevant Board Policies, ceases to hold office as a member of Board and any committee or sub-committee of the College of which they are a member.

4.6.3 TEMPORARY EXCLUSION

A Board Member, who becomes the subject of a complaint, report, disciplinary or incapacity proceeding, a Registrar's investigation or an interim order under the RHPA; or who makes a complaint to the College about another Registrant shall not serve on the Board of Directors or any committees until the proceeding is completed.

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4.6.4 REMOVAL OF A BOARD MEMBER FROM THE BOARD OF DIRECTORS

In the event that a Board Member contravenes the duties of a Board or Committee Member, Board of Directors shall determine, by a two-thirds (2/3) vote of the Board Members present at the meeting duly called for that purpose, whether the criteria for disqualification set out in the Grounds for Disqualification Section of this By-Law have been met, and if so, take the appropriate formal action they deem appropriate.

4.7 BOARD MEMBER RESIGNATIONS

A Board Member may resign by providing a written notice to the Chair, Vice-Chair(s) of the Board of Directors, or the Registrar and CEO.

The resignation of a Board Member is effective upon the date set out in the written notice or, where no date is specified, immediately upon receipt by the Chair, Vice-Chairs(s) of the Board of Directors, or the Registrar and CEO.

4.8 VACANCIES DURING TERM OF OFFICE

4.8.1 BOARD OFFICER VACANCIES

4.8.1.1 BOARD CHAIR

Where the Board Chair is absent from a Board meeting and no Chair has been designated, one of the Vice-Chairs shall preside at that meeting.

Where the Board Chair and both Vice-Chairs are absent from a Board meeting and no Chair has been designated, the Board Members in attendance shall elect one of the Board Members to preside at that meeting.

Where the office of the Board Chair becomes vacant before the expiry date of their term of office, the Board shall elect one of the Vice-Chairs as Board Chair for the remainder of the term and the office of the Vice-Chair thereby becomes vacant.

4.8.1.2 VICE-CHAIR(S)

Where the office of the Vice-Chair(s) becomes vacant before the expiry date of their term of office, the Board shall elect a new Vice-Chair from among its Board Members for the remainder of the term.

In the case of the absence or inability to act of any officer of the College, or for any other reason that the Board may deem sufficient, the Board may delegate all or any powers of such officer to any other officer or any member of the Board for the time being.

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4.8.2 BOARD MEMBER VACANCIES

The seat of a Board Member shall be deemed to be vacant upon the death, resignation or disqualification of the Board Member or due to any other reason the Board Member is unable to continue in office.

4.8.3 PROFESSIONAL BOARD MEMBER VACANCIES

If the seat of a Professional Board Member becomes vacant in an electoral district less than twelve (12) months before the next Board election in that electoral district, the Board of Directors may,

- Leave the seat vacant until the next regular Board election, or
- Appoint a successor from among the Registrants who would be eligible for election if an election was held.

If the seat of a Professional Board Member becomes vacant more than twelve (12) before the expiry of the Board Member's term of office, the Board for Directors may,

- Appoint a successor from among the Registrants who would be eligible for election if an election was held, or
- Direct the Registrar and CEO to hold a by-election in the electoral district.

4.8.4 PUBLIC BOARD MEMBER VACANCIES

If the seat of a Public Board Member becomes vacant before the expiry date of the Board Member's term of office, the Registrar and CEO shall request that a Public Board Member be appointed to the Board of Directors by the offices of the Public Appointments Secretariat (PAS) of the Government of Ontario.

4.8.5 ACADEMIC BOARD MEMBER VACANCIES

If the seat of an Academic Board Member becomes vacant less than twelve (12) months before the expiry of the Academic Board Member's term of office, the Board of Directors may,

- Leave the seat vacant until the end of the term of office, or
- Appoint a successor from among the Registrants who would be eligible for appointment if an appointment process was held for the Academic Member position on Board.

If the seat of an Academic Board Member becomes vacant more than twelve (12) months before the expiry of the Board Member's term of office, the Board shall

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appoint a successor, using an abbreviated process it deems reasonable in the circumstances, from among the Registrants who would be eligible for appointment if the usual appointment process was followed.

4.9 BY-ELECTION

4.9.1 MANNER OF HOLDING BY-ELECTION

A by-election in an electoral district shall be held in the same manner as a regular Board election would be held in that electoral district.

The provisions of this By-Law applicable to a regular Board election shall apply subject to necessary modifications, such as the term of office and timing of the by-election.

4.9.2 ABBREVIATED NOMINATION AND BY-ELECTION PROCEDURES

Where a vacancy in the seat of a Professional Board Member results or will result in the number of the Professional Board Members falling below the minimum number required by the Act and the position cannot be filled in accordance with the Election of Board Members Section of this By-Law, the Registrar and CEO shall conduct abbreviated nomination and by-election procedures in accordance with the provisions of this By-Law.

4.10 BOARD MEETINGS

4.10.1 LOCATION AND FREQUENCY OF BOARD MEETINGS

The Board shall hold,

- At least four (4) regular meetings during each calendar year, which shall be convened by the Board Chair, at regular intervals and at such frequency as necessary for the Board to conduct its business,

- Any special meeting which may be called by the Board Chair, or by the majority of the Board Members by submitting to the Registrar and CEO a written request for the meeting which contains the matter or matters for discussion and decision at the meeting.

The Board may hold additional meetings in addition to the regular meetings.

The Board meetings shall take place in Ontario at a place, date and time designated by the Chair of the Board of Directors.

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Pursuant to S. 12 (1) of the Code, between the regularly scheduled Board meetings, the Executive Committee may convene a special meeting of the Board, as necessary.

4.10.2 NOTICE OF BOARD MEETINGS

The Board Members shall be notified in writing of the location, date, time and general nature of the Board meeting by an effective method reasonable to provide notice to each Board Member at least,

- Seven (7) days before a regular Board meeting, and
- Three (3) days before a special Board meeting.

Notice of all meetings shall be given to all Registrants and the public in accordance with the provisions under the RHPA and Ontario Regulation 207/94.

Notice of a special meeting shall state the business for which the meeting is called and contain sufficient information about the matter or matters for decision contained in the written request given to the Registrar and CEO to permit the Board Members to form a reasoned judgment on the decision to be taken. No additional matters shall be considered at the special meeting unless specifically mentioned in the notice.

A special Board meeting may also be held without notice at any date, time and place provided that, all of the Board Members are present in person or in a manner that allows them to participate in discussion simultaneously and instantaneously (including audio or video conferencing).

No inadvertent or accidental error or omission in giving notice of a regular or special Board meeting shall invalidate such meeting or make void any resolutions passed or proceedings taken at such meeting.

A Board Member may, at any time, waive the requirement for notice of a meeting and may ratify, approve and confirm any or all proceedings taken at the meeting.

4.10.3 PUBLIC ACCESS TO BOARD MEETINGS

Pursuant to S. 7 (1) of the Code, the meetings of the Board of Directors shall be open to the public.

The public may be excluded from any meeting or part of a meeting by a motion pursuant to S. 7 (2) of the Code.

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4.10.4 BUSINESS AT REGULAR BOARD MEETINGS

A regular Board meeting may only consider or transact,

- Matters contained within the meeting agenda,
- Matters brought forward by the Executive Committee or the Board Chair,
- Reports from the Registrar and CEO and the Board Chair,
- Recommendations and reports from the statutory committees,
- Matters of which notice was given by a Board Member at the preceding Board meeting,
- Other matters which are not included in the agenda but determined to be urgent in nature and requiring the Board's immediate attention by a majority of Board Members in attendance,
- Routine and procedural matters in accordance with the rules of order, and
- Other matters in accordance with the relevant Board Policies.

At the first regular Board meeting of the year, based on the proposals put forward by the current sitting Executive Committee, in addition to other business that may be transacted, the members for each statutory committee shall be appointed by the Board of Directors.

At the last regular Board meeting of the year, in addition to other business that may be transacted, the Board Officers shall be elected in accordance with the Process for Election of Board Officers Section of this By-Law.

4.10.5 SECRETARY

The Registrar and CEO shall serve as the Secretary of the Board of Directors.

4.10.6 CHAIR

For the purposes of the conduct of its meetings, unless an alternate Chair has been appointed, the Chair of the Board of Directors shall preside at all Board meetings.

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4.10.7 MANNER OF MEETING

The Board meeting may be conducted in any manner approved by the Board that allows all the persons participating to communicate with each other simultaneously and instantaneously.

A Board meeting may be held in person, by electronic means, or both in person and by electronic means.

A Board Member is deemed to be present at a meeting held by electronic means or both in person and by electronic means if the Board Member is connected to the meeting through means by which the Board Members are permitted to participate in the meeting.

Meetings held in this manner are deemed to be held at the head office of the College, unless the Board determines otherwise.

4.10.8 AGENDA

The Chair of the Board of Directors shall establish the agenda for each Board meeting in accordance with the relevant Board Policies.

4.10.9 RULES OF ORDER

The Board of Directors shall set or adopt such rules of order that it deems appropriate to govern and guide the conduct of its meetings.

Except where inconsistent with the RHPA, the Act or the By-Law, the rules of order set out in the relevant Board Policy shall govern the conduct of the Board meetings.

In the event of a conflict between the rules of order and the provisions of the RHPA, the Act or this By-Law, the provisions of the RHPA, the Act, or the By- shall prevail.

Other procedural matters relating to the conduct of the Board meetings, unless otherwise provided for in this By-Law, shall be in accordance with the relevant Board Policy.

4.10.10 QUORUM

- A majority of the members of the Board constitute a quorum for any meeting of the Board,

- In the event that there ceases to be a quorum of Board Members at a meeting, the names of those Board Members present at the meeting shall be recorded by the Registrar and CEO and informal discussions may be held,

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- Any decisions made at such an informal meeting are to be tabled at the immediately succeeding Board meeting for approval and may not be acted upon until such approval is given, and

- A quorum must be present throughout the meeting in order for the Board Members to proceed with the business of the meeting.

4.10.11 VOTING

- The decisions of the Board shall be made by motion and in accordance with the relevant Board Policy.

- Every question to be determined shall be determined by a majority of the votes cast at the meeting, excluding the Chair's, and if there is an equality of votes on a question, the Chair shall cast the deciding vote.

- Each Board Member is entitled to exercise one (1) vote on every motion at any meeting of the Board of Directors.

- An abstention shall not be considered a vote cast.

- Except where a secret ballot is required or at a meeting held by telecommunications, every vote at a Board meeting shall be by a show of hands but, if any two Board Members so require, a roll call vote shall be taken unless the Board determines that the vote shall be by secret ballot.

- A vote held during a meeting conducted through telecommunications shall be by way of roll call in which case the Registrar and CEO shall record the votes of each Board Member in the minutes of the meeting.

- Proxy voting shall not be permitted in any circumstances.

4.10.12 MINUTES

The proceedings of the Board meeting including all motions, recommendations and decisions, shall be recorded in written minutes in the form and manner in accordance with the relevant Board Policy.

Board meeting minutes when approved and signed at a subsequent Board meeting in accordance with the relevant Board Policy, subject to any corrections made at the subsequent meeting, in the absence of evidence to the contrary, is prima facie proof of the accuracy of the contents of every such record.

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4.10.13 WRITTEN RESOLUTION

A resolution in writing signed by all Board Members on that resolution at a Board meeting is as valid and effective as if passed at a meeting, except where the Act requires a meeting or a hearing in person.

4.10.14 ADJOURNMENT

The Chair may adjourn the Board meeting and reconvene it at any time and from time to time whether or not a quorum is present.

If a quorum is maintained at any reconvened meeting, any matter may be considered and transacted at the meeting which could have been transacted at the original meeting which was adjourned.

4.11 REMUNERATION OF BOARD MEMBERS

The Board members appointed by the Lieutenant Governor in Council shall be paid, by the Minister, the expenses and remuneration the Lieutenant Governor in Council determines pursuant to S. (8) of the Code.

The College shall reimburse the Professional and Academic Board Members for their reasonable expenses and pay them an honorarium for their time commitment for/at the meetings in accordance with the Ministry of Health Remuneration Framework for Public Appointees to the Health Professions Regulatory Bodies (Colleges) under the RHPA.

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ARTICLE 5 - COMMITTEES

5.1 STATUTORY COMMITTEES UNDER THE ACT

Pursuant to S. 10 (1) of the Code, the College shall have the following seven (7) statutory committees,

1. Executive Committee
2. Registration Committee
3. Inquiries, Complaints and Reports Committee (ICRC)
4. Discipline Committee
5. Fitness to Practise Committee
6. Quality Assurance Committee
7. Patient Relations Committee

5.2 BOARD COMMITTEES

5.2.1 STANDING COMMITTEES

In addition to the statutory committees, the Board may, from time to time:

- Establish standing committees,
- Set the mandate, duties and responsibilities of such committees,
- Determine the composition of each committee,
- Appoint the members of each committee, and
- Determine the Terms of Reference for each committee.

In appointing members to a non-statutory committee, the Board of Directors shall give due consideration to the recommendations, if any, of the Executive Committee.

There shall be the following standing committees related to the Voluntary Roster of Registered Medical Laboratory Technicians:

- Voluntary Roster Registration Committee
- Voluntary Roster Quality Assurance Committee
- Voluntary Roster Inquiries, Complaints and Reports Committee
- Voluntary Roster Discipline and Fitness to Practise Committee

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5.2.2 AD HOC COMMITTEES

In addition to the statutory committees or standing committees, the Board may, from time to time, create and maintain ad hoc committees as it deems appropriate and necessary for the attainment of the objects of the College and efficient operation of the College.

Every ad hoc committee shall have specified terms of reference, which must be approved by the Board of Directors, and a date upon which it shall dissolve.

The members and Chair of each ad hoc committee shall be appointed by the Board of Directors pursuant to this By-Law.

5.3 AUTHORITY OF THE COMMITTEES

5.3.1 STATUTORY COMMITTEES

The duties and responsibilities of each committee shall be those set out in the RHPA, the Act, the By-Law and any applicable Terms of Reference for that Committee, as approved by the Board, where applicable.

5.3.1.1 ADVISORY DUTIES OF THE EXECUTIVE COMMITTEE

The Executive Committee shall act in an advisory capacity to the Board of Directors on the affairs of the College and without limiting the generality of the foregoing shall,

- Meet with the auditors of the College to review the audited annual financial statements and draft audit findings before they are presented to the Board of Directors for approval,
- Make recommendations to the Board of Directors on any matter within its responsibility or which is referred to it by the Board of Directors,
- Act as Nominating Committee, and
- Perform other duties outlined in the relevant Board Policies.

5.3.2 BOARD COMMITTEES

Subject to the Act and the By-Law of the College, the Board may assign to any committee any duty and power except such matters as, by law, must be dealt with by the Board or a statutory committee or the Registrar and CEO.

All Board Committees shall report to the Board of Directors on their activities at the next available Board meeting and annually in the Annual Report.

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5.4 COMPOSITION OF THE STATUTORY COMMITTEES

The Board of Directors shall appoint Board Members and Registrants, who are not Board Members, to the statutory committees pursuant to S. 10 (3) of the Code.

Notwithstanding the committee compositions outlined in this By-Law, the Board may appoint additional members to any committee, with the exception of the Executive Committee.

5.4.1 EXECUTIVE COMMITTEE

The Executive Committee shall be composed of:

- The Chair of the Board of Directors,
- One Vice-Chair, Professional (who is a Professional Board Member),
- One Vice-Chair, Public (who is a Public Board Member),
- At least one (1) Professional Board Member, and
- At least one (1) Public Board Member.

5.4.2 REGISTRATION COMMITTEE

The Registration Committee shall be composed of:

- At least two (2) Professional Board Members,
- At least two (2) Public Board Members, and
- At least three (3) Registrants who are not Board Members.

5.4.3 INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE (ICRC)

The Inquiries, Complaints and Reports Committee shall be composed of,

- At least two (2) Professional Board Members who are not members of the Discipline Committee or Fitness to Practise Committee,
- At least two (2) Public Board Members who are not members of the Discipline Committee or Fitness to Practise Committee, and
- At least five (5) Registrants who are not Board Members, and who are not members of the Discipline Committee or Fitness to Practise Committee.

5.4.4 DISCIPLINE COMMITTEE

The Discipline Committee shall be composed of:

- At least two (2) Professional Board Members who are not members of the Inquiries, Complaints and Reports Committee,
- At least three (3) Public Board Members who are not members of the Inquiries, Reports and Complaints Committee, and
- At least five (5) Registrants who are not Board Members, and who are not members of the Inquiries, Complaints and Reports Committee.

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5.4.5 FITNESS TO PRACTISE COMMITTEE

The Fitness to Practise Committee shall be composed of:

- At least two (2) Professional Board Members who are not members of the Inquiries, Complaints and Reports Committee,
- At least two (2) Public Board Members who are not members of the Inquiries, Complaints and Reports Committee, and
- At least two (2) Registrants who are not Board Members and not members of the Inquiries, Complaints and Reports Committee.

5.4.6 QUALITY ASSURANCE COMMITTEE

The Quality Assurance Committee shall be composed of:

- At least two (2) Professional Board Members,
- At least two (2) Public Board Members, and
- At least three (3) Registrants who are not Board Members.

5.4.7 PATIENT RELATIONS COMMITTEE

The Patient Relations Committee shall be composed of:

- At least two (2) Professional Board Members,
- At least two (2) Public Board Members, and
- At least one (1) Registrant who is not a Board Member.

5.4 COMMITTEE APPOINTMENTS

The Board of Directors, after considering the committee compositions proposed by the Executive Committee, shall appoint the members of the committees at its first regular meeting of the year pursuant to this By-Law.

5.4.1 REGULAR TERM OF OFFICE

Except in circumstances determined to be exceptional by the Board of Directors, the term of office of a statutory or standing committee member is one (1) year commencing immediately after the appointment at the first regular Board meeting of the year and expiring when a new committee member's term of office begins in accordance with this By-Law.

If a committee member was appointed for the purpose of filling a vacancy in a committee, the committee member shall complete the original term of office.

The term of office of committee members shall continue, if for any reason, the Board of Directors fails to appoint a new committee at the time or times set out in this By-Law.

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5.4.2 MAXIMUM TERM OF OFFICE

Unless specifically provided otherwise, any eligible Registrant may be re-appointed to a committee.

A Non-Board committee member may serve on a statutory committee for nine (9) consecutive years.

5.4.3 TERM OF OFFICE OF COMMITTEE MEMBERS FILLING VACANCIES

The term of office of a committee member, who is appointed to a committee to fill a vacancy, shall continue until the time the former committee member's term would have expired.

5.4.4 COOLING-OFF PERIOD

A Non-Board committee member, who has served on a statutory committee for nine (9) consecutive years, is not eligible to be re-appointed to any statutory committee until at least twelve (12) month period has passed since that member last served on the statutory committee.

5.4.5 APPOINTMENT OF COMMITTEE CHAIRS

Unless specifically provided for otherwise under the Act, the Board shall appoint a Chair for each statutory committee, except for the Executive Committee, from among the members of the committee, to hold office until their successors are appointed or until removal by a resolution of the Board pursuant to this By-Law.

No person shall be eligible to serve as a chair of a statutory or non-statutory committee for more than two (2) consecutive one (1) year terms.

5.4.6 APPOINTMENT PROCESS

5.4.6.1 BOARD MEMBERS TO EXPRESS COMMITTEE PREFERENCES

Prior to the last Executive Committee meeting of the year, at which the proposed compositions of the statutory committees will be drafted, the Registrar and CEO shall invite each Board Member to express their statutory committee preferences for the upcoming year.

5.4.6.2 APPLICATION TO BECOME A NON-BOARD COMMITTEE MEMBER

Registrants, who are not Board Members, may apply to serve on a CMLTO statutory committee as a Non-Board committee member.

The Registrar and CEO shall:

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- Notify all Registrants of the opportunity to apply for appointment to a statutory committee,

- Establish an application process to become a Non-Board committee member, and

- Set a deadline for receipt of application forms from the Registrants.

5.4.6.3 ELIGIBILITY FOR APPOINTMENT

A Registrant is eligible for appointment to a statutory committee as a Non-Board committee member if, on the day of the appointment,

- The Registrant has expressed interest in serving on a statutory committee in accordance with the By-Law of the College, and

- The Registrant meets the criteria for eligibility for election as a Professional Board Member (except for the nomination requirement).

A candidate for appointment to a Committee shall advise the Registrar and CEO immediately in the event that they become ineligible for appointment.

5.4.6.4 DISPUTED CANDIDACY

Any dispute regarding a Registrant's eligibility to be appointed to a committee shall be determined by the Registrar and CEO.

Under the circumstances where an issue and/or concern arises with respect to the eligibility of a Registrant to be appointed to a committee that is not governed by this By-Law, the Registrar and CEO shall determine the eligibility of the Registrant.

5.4.6.5 DISQUALIFICATION OF CANDIDATES

A candidate may be disqualified from participation in the appointment process if they fail to comply with the Code of Conduct of the College as set out in Article 7 – Code of Conduct of this By-Law at any point during the appointment process.

Where the Registrar and CEO, knowing all of the facts, would consider the presence of the candidate on any of the Committees as impairing the public's trust in the College, and affecting the operations of the Committees negatively, the Registrar and CEO may disqualify a candidate from participation in the Board election.

5.4.6.6 EXECUTIVE COMMITTEE RECOMMENDATION TO THE BOARD OF DIRECTORS

The Executive Committee shall:

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- Review the committee preferences of the individual Board Members and the applications received from Registrants to become Non-Board committee members,

- Consider other relevant factors including continuity on the committees, past experience, terms of Board Members, any conflicts of interest, workload of the committees in order to complement the attributes of the other Committee members, and

- Prepare the proposed compositions of the statutory committees to be presented to the Board of Directors for consideration and approval at its first meeting following the regular Board elections, which includes,

    - Who should be appointed Chair of each committee, with the exception of the Executive Committee,
    - Which Board Members should be appointed to each committee, and
    - Which Registrants, who are not members of the Board, should be appointed to each committee, with the exception of the Executive Committee.

5.4.6.7 APPROVAL OF STATUTORY COMMITTEE APPOINTMENTS

Pursuant to S. 10 (2) of the Code, at its first regular meeting of the year, the Board of Directors, after considering the committee compositions proposed by the Executive Committee, shall appoint the members and Chairs of the committees in accordance with the By-Law, in the numbers prescribed in the Composition of the Statutory Committees Section of this By-Law.

Once approved, each person on the proposed composition of the committees shall be deemed to have been appointed to that committee by the Board of Directors and the Chair shall be deemed to be the Chair of that Committee.

The Board may act without a recommendation of the Executive Committee or contrary to the recommendation of the Executive Committee, and propose additional suggestions or alternative Committee assignments.

5.4.6.8 ADDING AND REMOVING COMMITTEE MEMBERS

The Board of Directors may add or remove members to a committee as required for the efficient operation of the committee. Where a committee member is being removed for cause, however, the procedures in this By-Law on disqualification apply.

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5.5 DUTIES AND RESPONSIBILITIES OF COMMITTEE MEMBERS

The committee members and Chairs shall act in the best interest of the College and the public of Ontario.

In the performance of their duties and responsibilities, the committee members shall comply with the provisions of the RHPA, the Act, the By-Law of the College, Board and Committee policies, and any rules adopted by the Board of Directors from time to time.

5.6 DISQUALIFICATION OF COMMITTEE MEMBERS

5.6.1 GROUNDS FOR DISQUALIFICATION

The Board shall disqualify a committee member from sitting on the committee if the committee member, meets one or more of the criteria for Disqualification of Board Members as set out in this By-Law.

The Board of Directors may remove a committee member from a committee at any time, at its discretion, to facilitate the effective and fair operation of the College if they fail, in the opinion of the Board, to discharge their duties to the College, including without limitation having acted in a conflict of interest or otherwise in breach of the RHPA, the Act, the By-Law, or the Board and Committee Policies.

The term of office of a committee member expires immediately in the event that the committee member is disqualified from sitting on the committee.

5.6.2 EFFECT OF DISQUALIFICATION

A committee member, who is a Board Member, ceases to be a member of all committees upon ceasing to be a Board Member.

A Non-Board committee member, who is disqualified pursuant to the By-Law or the relevant Board and Committee Policies, ceases to hold office as a member of that committee and any other committee of the College.

5.6.3 TEMPORARY EXCLUSION

A committee member, who becomes the subject of a complaint, report, disciplinary or incapacity proceeding, a Registrar's investigation or an interim order under the RHPA; or who makes a complaint to the College about another Registrant shall not serve on the Board of Directors or any committees until the proceeding is completed.

5.6.4 REMOVAL OF A COMMITTEE MEMBER FROM A COMMITTEE

If a Board Member or a committee member believes that a committee member meets one or more of the criteria for disqualification in the Grounds for

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Disqualification Section of this By-Law, they shall advise the Registrar and CEO in writing.

5.6.4.1 REMOVAL OF A COMMITTEE MEMBER WHO IS A BOARD MEMBER

A member of a committee, who is a Board Member, may be removed from that committee, with or without cause, by a two-thirds (2/3) majority vote of the Board Members present at the Board meeting duly called for that purpose, whereupon the Board shall appoint a new member from among the Board Members to hold office for the remainder of the term.

5.6.4.2 REMOVAL OF A NON-BOARD COMMITTEE MEMBER

Any member of a statutory committee, who is not a Board Member, and any member of a standing or ad hoc committee may be removed from that committee, with or without cause, by resolution of the Board, whereupon the Board shall appoint a new Registrant to the relevant committee for the remainder of the term.

5.7 COMMITTEE VACANCIES

Where one or more vacancies occur in the membership of a committee, the committee members remaining in office constitute the committee so long as quorum remains and the committee shall be considered properly constituted.

Subject to any requirements in the Code and this By-Law, the Executive Committee may, where vacancies arise during the year, and, if deems necessary to do so in order to ensure that the composition and quorum requirements for the committee can be met or that the committee can function properly, shall appoint members to fill any vacancies which occur in the membership of a committee and shall report such appointment(s) to the Board of Directors.

Where the position of Chair of any committee, other than the Executive Committee, becomes vacant for any reason, the Executive Committee shall appoint a new Chair of the committee and report the appointment to the Board of Directors.

Where the Chair of a committee is unable to act for a matter or serve for a period of time, the Chair of the Board of Directors shall designate an interim Chair from among the committee members to act as Committee Chair until the Executive Committee can appoint an acting Chair.

In the event that the Chair of a Committee is absent from or unable or preside at a committee meeting, the members of the committee shall elect one of the committee members present to be interim chair for that meeting.

If a vacancy occurs on the Executive Committee, the Executive Committee shall recommend a member to the Board of Directors for approval to serve as a

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replacement. The Board may approve the recommendation of the Executive Committee or make a different appointment.

The term of office of a person, who is appointed as a successor, ends when the term of office of the person being replaced would have expired.

5.8 COMMITTEE MEETINGS

The provisions in this section apply to all committees except for the purpose of conducting a hearing.

5.8.1 LOCATION AND FREQUENCY OF MEETINGS

Each committee shall meet,

- From time-to-time at such intervals and frequency as are necessary to conduct its business,
- At the direction of the Board of Directors or the Executive Committee or the call of the Chair,
- At a date and time set in advance, and
- At the head office of the College or such other location in Ontario designated by the Chair, except for the meetings to be held by other means.

5.8.2 NOTICE OF COMMITTEE MEETINGS

The committee members shall be notified in writing of the location, date, time and general nature of the committee meeting by an effective method reasonable to provide adequate notice to each committee member.

No inadvertent or accidental error or omission in giving notice of a regular or special committee meeting shall invalidate such meeting or make void any resolutions passed or proceedings taken at such meeting.

A committee member may, at any time, waive the requirement for notice of a meeting and may ratify, approve and confirm any or all proceedings taken at the meeting.

5.8.3 CHAIR

The Chair or the Chair's appointee for the purpose shall preside at all meetings of the committee.

Except where the By-Law specifically provides otherwise, the Chair of each statutory committee shall be a Board Member.

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The Chair of the Board, if not already a voting member, and the Registrar and CEO shall be non-voting members of each ad hoc or standing committee.

5.8.4 MANNER OF MEETING

Committee meetings, shall be conducted in any manner approved by the Board that allows all the persons participating to communicate with each other simultaneously and instantaneously (including audio or video conferencing).

The committee members participating in a meeting by such means are deemed to be present at the meeting.

5.8.5 AGENDA

The Committee Chair shall establish the agenda for each committee meeting in accordance with the relevant Committee Policy.

5.8.6 RULES OF ORDER

The committees shall govern and guide the conduct of their meetings in accordance with the rules of order set out in the relevant Committee Policy.

Except where inconsistent with the RHPA, the Act or the By-Law, the rules of order set out in the relevant Committee Policy shall govern the conduct of the committee meetings.

In the event of a conflict between the rules of order and the provisions of the RHPA, the Act or this By-Law, the provisions of the RHPA, the Act, or the By-Law shall prevail.

Other procedural matters relating to the conduct of the Committee meetings, unless otherwise provided for in this By-law, shall be in accordance with the relevant Committee Policy.

5.8.7 QUORUM

A majority of the members of the committee, at least one of whom is a Public Board Member, constitute a quorum for any meeting of the committee subject to any requirements imposed by the RHPA or the Code.

In the event that there ceases to be a quorum of committee members at a meeting, the names of those committee members present at the meeting shall be recorded by the College staff and informal discussions may be held.

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Any decisions made at such an informal meeting are to be tabled at the next committee meeting for approval and may not be acted upon until such approval is given.

No business shall be transacted at any committee meeting unless a quorum is present.

If a quorum, having been lost during a meeting, is regained before the meeting is adjourned, the meeting shall continue as if the quorum had not been lost.

5.8.8 PANELS

A committee may meet in panels selected by the Chair of the committee. Such selection shall be documented in writing.

5.8.9 VOTING

The decisions of the committee shall be made by motion and in accordance with the relevant Committee Policy.

Every question to be determined shall be determined by a majority of the votes cast at the meeting.

Each committee member is entitled to exercise one (1) vote on every motion at any meeting of the committee.

An abstention shall not be considered a vote cast.

Except where a secret ballot is required or at a meeting held by telecommunications, every vote at a committee meeting shall be by a show of hands but, if any two committee members so require, a roll call vote shall be taken unless the committee determines that the vote shall be by secret ballot.

A vote held during a meeting conducted through telecommunications shall be by way of roll call in which case the College staff shall record the votes of each committee member in the minutes of the meeting.

Proxy voting shall not be permitted in any circumstances.

5.8.10 MINUTES

The proceedings of the committee meeting including all motions, recommendations and decisions, shall be recorded in written minutes in the form and manner in accordance with the relevant Committee Policy.

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Committee meeting minutes when approved and signed at a subsequent Committee meeting in accordance with the relevant Committee Policy, subject to any corrections made at the subsequent meeting, in the absence of evidence to the contrary, is prima facie proof of the accuracy of the contents of every such record.

5.8.11 WRITTEN RESOLUTION

A resolution in writing, signed by all committee members on that resolution at a committee meeting is as valid and effective as if passed at a meeting, except where the Act requires a meeting or a hearing in person.

5.8.12 ADJOURNMENT

The Chair may adjourn the committee meeting and reconvene it at any time and from time to time whether or not a quorum is present.

If a quorum is maintained at any reconvened meeting, any matter may be considered and transacted at the meeting which could have been transacted at the original meeting which was adjourned.

5.9 REMUNERATION OF NON-BOARD COMMITTEE MEMBERS

The College shall reimburse the Non-Board committee members for their reasonable expenses and pay them an honorarium for their time commitment for/at the meetings in accordance with the Ministry of Health Remuneration Framework for Public Appointees to the Health Professions Regulatory Bodies (Colleges) under the RHPA.

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ARTICLE 6 – CODE OF CONDUCT

6.1 DEFINITIONS AND INTERPRETATIONS

In this article;

"Board Member" includes all Board members, whether elected, appointed by the Board of Directors, or appointed by the Lieutenant Governor in Council, and

"Committee Member" includes all statutory and non-statutory committee members, including standing and ad hoc committee members.

6.2 PURPOSE OF CODE OF CONDUCT

The College has the statutory mandate to serve and protect the public interest pursuant to the RHPA and the Act.

The Code of Conduct supports the Board of Directors, which determines the strategic direction of the College to fulfil the mandate of regulating the profession in the public interest, by ensuring that the Board and Committee Members understand and meet their individual accountability, and perform their duties in a manner that promotes the highest standard of public trust and integrity.

6.3 OBLIGATIONS UNDER CODE OF CONDUCT

The Code of Conduct of the College applies to all Board and Committee Members.

All Board and Committee Members shall demonstrate their commitment to the public interest by complying with the Code of Conduct of the College and act in a manner that is consistent with the statutory mandate of the College to regulate the profession in the public interest.

UNCONFLICTED LOYALTY AND ACCOUNTABILITY

The Board and Committee Members shall demonstrate their loyalty and accountability to the public by:

- Recognizing and acknowledging:
  - Their fiduciary duty to act in the best interest of the public and the College consistent with its goals and objectives and its mandate to protect the public,
  - Their accountability to the public for their actions and decisions,
  - That their fiduciary duty and accountability to the public supersedes any conflicting loyalty to other advocacy or interest groups, membership on

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other Boards, the College staff or the personal interest of any Board Member.

- Promoting public interest in their contributions and discussions at the Board and Committee meetings and making all decisions in good faith and in the best interest of the public after considering all the information and evidence,

- Respecting the authority of the Registrar and CEO and holding them accountable for their performance, and

- Adhering to the governance model the College has adopted.

BOARD WHOLENESS

The Board Members shall recognize and acknowledge that the Board of Directors is a collective entity which, as a whole, is accountable for the College's outcomes. To that end, they shall support the wholeness of the Board by:

- Refraining from attempting to exercise individual authority over the College,

- Upholding and abiding by the decisions of the Board, regardless of the level of individual disagreement or personal position on the issue,

- Recognizing that the Board of Directors speaks with one voice,

- Refraining from speaking on behalf of the College, unless explicitly authorized to do so by the Board Chair or the Registrar and CEO,

- Referring all requests for comment by the media, public and others on the College business to its designated official spokespeople pursuant to the Media and Official Communications Section of this By-Law and the relevant Board Policies,

- Maintaining the expected decorum at the Board and Committee meetings and adhering to the meeting rules of order,

- Discharging all their duties in a way that protects the reputation of the College, and

- Raising concerns if an apparent wrongdoing by other Board or Committee members is observed.

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TRANSPARENCY AND INTEGRITY

The Board and Committee Members shall act with fairness, honesty and integrity and maintain the highest standards of professional and personal conduct by:

- Understanding and complying with their duties set out in the RHPA, the Act, their regulations, this By-Law, and the policies of the College,
- Complying with their conflict of interest obligations pursuant to the Conflict of Interest Article of this By-Law,
- Complying with their confidentiality obligations pursuant to the Confidentiality Article of this By-Law,
- Complying with their obligations related to use of social media pursuant to the relevant Board Policy, and
- Refraining from attempting to influence a statutory decision unless one is a member of the Committee or the panel of the Committee assigned to make a decision about the matter.

RESPECT AND COLLABORATION

The Board and Committee Members shall demonstrate collaboration by:

- Fostering respect and trust, and demonstrating confidence in colleagues,
- Respecting the roles and individuality of and maintaining appropriate boundaries between the Board of Directors, the Committees and the College staff,
- Recognizing that they have no authority to instruct staff members whose role is not to report to or work for individual Board or Committee Members, and
- Considering the views of other Board and Committee members expressed during the discussion of a matter and refrain from acting in a manner which demonstrates a closed mind on a matter that is before the Board or the Committee.

COMPETENCE AND DILIGENCE

The Board and Committee Members shall demonstrate competence in their roles by:

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- Being familiar and complying with the provisions of the RHPA the Act, and their regulations, this By-Law, the policies of the College and the rules of order so that they can make informed decisions,

- Participating at the required Board and Committee orientation and education sessions which will better equip them in carrying out their duties,

- Being prepared for and diligently attending the Board and/or Committee meetings regularly[1] and being punctual,

- Participating actively and constructively in discussions and decision-making at the Board and/or Committee meetings, and

- Making decisions solely on merit and in the public interest after considering all the information and evidence.

DIVERSITY, EQUITY AND INCLUSION

Board and Committee Members shall support diversity, equity and inclusion by:

- Treating everyone equally and with dignity, and participating in all Board and Committee discussions in a respectful, courteous and constructive manner,

- Supporting and respecting the value of diversity by welcoming and respecting alternative opinions, recognizing the diverse backgrounds, experience and skills of the Board and Committee Members,

- Refraining from engaging in any type of unprofessional behaviour which might reasonably be perceived as discriminatory or as verbal, physical or sexual abuse or harassment and intervening, if appropriate, when such behaviour is being observed, and

- Complying with the College's Diversity Statement/Policy.

6.4 DECLARATION FORM

All Board and Committee Members shall sign the CMLTO Code of Conduct and Confidentiality Agreement, Conflict of Interest Declaration Form upon election or appointment, prior to commencing service, and annually thereafter, indicating that they have read and will comply with the Code of Conduct of the College.

[1] Grounds for Disqualification: The Board shall disqualify a Board Member from sitting on the Board if the Board Member, subject to the discretion of the Board of Directors to excuse the absence, fails, without reasonable cause, to attend three (3) consecutive regular meetings of the Board of Directors or two (2) consecutive meetings of a Committee to which the Board Member has been appointed,

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Failure to do so may cause suspension from all duties of the Board and Committee Members until this requirement is met and may amount to grounds for disqualification from the Board and/or the Committees.

Each Board or Committee Member shall immediately notify the Registrar and CEO and complete an amended CMLTO Code of Conduct and Confidentiality Agreement, Conflict of Interest Declaration Form should the information which was previously included in the form change.

6.5 CODE OF CONDUCT RESOLUTION PROCESS

6.5.1 INFORMAL PROCESS

Informal resolution process, including but not limited to providing feedback, guidance, advice, counselling or reminders, may be pursued as the first means of remedying behaviour or activity which allegedly breaches the Code of Conduct of the College.

Any individual who identifies and/or witnesses an activity or behaviour by another Board or Committee Member, which they believe contravenes the Code of Conduct of the College may, if it is possible and appropriate to do so, pursue the informal resolution process and seek to address the behaviour and activity which appears to violate the Code of Conduct with the Board or Committee Member whose behaviour or activity appears to contravene the Code of Conduct.

6.5.2 FORMAL COMPLAINT PROCESS

Any individual who identifies and/or witnesses an activity or behaviour by a Board or Committee Member, which they believe contravenes the Code of Conduct of the College, may file a formal complaint against a Board or Committee Member, where it was not possible to reach an informal resolution or if an informal resolution was deemed not to be suitable.

The informal resolution process is not a precondition or a prerequisite to pursuing the formal complaint process.

6.5.2.1 FILING A COMPLAINT

Any person may make a complaint against a Board or Committee Member of the College who is believed to have contravened the Code of Conduct of the College or any other duties set out in this By-Law.

The concerns about a Board Member's compliance with the Code of Conduct of the College shall be brought to the attention of the Registrar and CEO and a formal complaint shall be filed.

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The concerns about a committee member's compliance with the Code of Conduct of the College shall be brought to the attention of the relevant committee Chair, who shall immediately report the concern to the Registrar and CEO.

The complainant shall file a written complaint with the Registrar and CEO, which includes the name(s) of the individual(s) concerned, and a detailed description of the alleged conduct that forms the basis of the complaint.

The Registrar and CEO shall report the complaint to the Board Chair. If the Board Chair is the subject of the complaint, the Registrar and CEO shall report the complaint to one of the Vice-Chairs.

The Board or Committee Member, whose conduct is the subject of concern, shall be informed about the complaint in writing.

6.5.2.2 PRELIMINARY DETERMINATION OF FACTS

The Board Chair (or Vice-Chair if the complaint is about the Board Chair), the Registrar and CEO, with the assistance of Legal Counsel where appropriate, shall conduct a preliminary investigation about the alleged violation of the Code of Conduct of the College by a Board or Committee Member.

The Board or Committee Member, whose conduct is the subject of the complaint, shall be given the opportunity to make written submissions.

Where the Board Chair (or Vice-Chair), the Registrar and CEO, the Legal Counsel, upon completion of the investigation, believe that the complaint does not warrant formal resolution by the Executive Committee, they shall provide a report to the Executive Committee about the investigation and conclusion, with reasons for the conclusion.

The Executive Committee may accept the report or conduct an additional investigation or other action.

6.5.2.3 REFERRAL TO THE EXECUTIVE COMMITTEE

Where the Board Chair (or Vice-Chair) and the Registrar and CEO upon completion of the investigation, believe that the complaint warrants formal resolution by the Executive Committee, they shall refer the complaint to the Executive Committee and provide a report to the Executive Committee about the investigation conducted.

The Executive Committee, after receiving the referral:

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- Shall determine whether there are any material facts in dispute, in which case it shall pursue a fair and reasonable process to assess those facts it deems necessary,

- May initiate additional investigation if it deems appropriate,

- May make an interim decision at any time to protect the integrity and reputation of the College, which may include but not limited to directing that the Board or Committee Member, who is the subject of the matter, be suspended from their duties until the matter is resolved, and

- Shall review the relevant facts and reach a decision as to whether they believe there was a breach of the Code of Conduct or not.

Where the Executive Committee determines that the complaint does not warrant formal resolution by the Board, it may take an action it deems appropriate, and shall provide a report to the Board about the investigation and conclusion, with reasons for the conclusion.

6.5.2.4 REFERRAL TO THE BOARD OF DIRECTORS

Where the Executive Committee determines that there has been a breach of Code of Conduct and that the complaint warrants formal resolution by the Board, it may either call a special Board meeting and schedule the complaint for formal determination before the Board or include the matter on the agenda of the next regular Board meeting for appropriate action by the Board.

The Board shall:

- Review the relevant facts and circumstances,

- Request the Legal Counsel of the College to present relevant evidence, if it deems necessary,

- Consider the implications or anticipated implications of the Board or Committee Member's actions on the College, and

- Determine whether the Board or the Committee Member, who is the subject of the complaint, breached the Code of Conduct of the College.

The Board or the Committee Member, who is the subject of the matter referred to the Board, shall be given the opportunity to make written and, at the Board's sole discretion, may be given the opportunity to make oral submissions explaining their actions to the Board.

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The Board or the Committee Member, who is the subject of the matter referred to the Board, and the complainant, if a Board Member, shall excuse themselves from the deliberations pertaining to the complaint and is not entitled to vote on the matter when Council makes a determination on the complaint.

Any deliberation or vote by the Board of Directors shall be with the public excluded, unless the Board Member, who is the subject of the matter under consideration, requests otherwise.

Where the Board determines that there has not been a breach of the Code of Conduct, it shall take no further action regarding the matter.

Where the Board determines that there has been a breach of Code of Conduct, it may take an action it deems appropriate, including but not limited to:

- Demanding an apology from the Board or Committee Member in a form acceptable to the Board, who may be suspended until such apology is received or another resolution acceptable to the Board is reached, or
- Requiring assurances from the Board or Committee Member that similar behaviour will not be repeated in the future, or
- Censuring the Board or Committee Member verbally or in writing, or
- Removing the Board or the Committee Member from the Committees they serve on, or
- Removing the Board or the Committee Member as Chair of any Committees they serve on, or
- Disqualifying the Board or Committee Member if the conduct constitutes grounds for disqualification, or
- Recommending to the Public Appointments Secretariat that the public Board Member be removed from the Board, or
- Any other sanction the Board deems appropriate to the circumstances.

The decision of the Board shall be final and not subject to appeal.

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Nothing herein shall prevent the Board, any member thereof, or any other person from referring the matter complained of to any outside authority at any stage of the process.

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ARTICLE 7 – CONFLICT OF INTEREST

The provisions in this Article in no way limit the full extent of the duties set out in the Code of Conduct Article of this By-Law.

7.1 DEFINITIONS AND INTERPRETATIONS

A conflict of interest exists where a reasonable person, who knows the relevant facts and circumstances, would conclude that a Board or Committee Member's personal, professional or financial interests or their responsibilities and duties to another organization, may compromise their actions, impartiality, exercise of judgment, decision-making with respect to the College matters and/or performing their duties as a Board or Committee Member.

It is not always possible to define the forms of conflicts of interest in advance because the facts and circumstances of each case are unique. Hence, for the purposes of this By-Law and all matters that the Board of Directors and Committees conduct:

- A conflict of interest is defined to include real or perceived, actual or potential, and direct or indirect conflicts, and

- The direct or indirect personal or financial interests of a close friend, business associate, relatives[2], or any affiliated entity[3] of a Board or Committee Member shall be interpreted to be the interests of the Board or Committee Member.

7.2 SCOPE OF RISKS

The Board and Committee Members must not carry out their duties when they are in a conflict of interest. They shall recognize that a conflict of interest or an appearance of conflict of interest may:

- Impact the image of the Board or Committee Member involved,

- Impact the reputation, public image and integrity of or bring discredit to the College,

- Cause a breach of the Board or Committee Member's fiduciary obligations to the College,

[2] For the purpose of this provision, the term "family" includes but not limited to parents, spouse, which includes common-law spouse, romantic partner and a same-sex partner of the person, children, siblings, in-laws.

[3] For the purpose of this provision, the term "affiliated entity" means an organization in which a Board or Committee Member has an employment or a contractual role or which they own in whole or in part.

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- Create liability for the Board or Committee Member involved, the College or both, and

- Undermine the confidence of the public in the Board or Committee decisions, Board or Committee Members' ability to make transparent, objective, impartial and fair decisions in the public interest, and hence, the ability of the College to fulfil its mandate to serve and protect the public interest.

7.3 DUTY TO AVOID CONFLICT OF INTEREST

The Board and Committee Members have the duty to act in the best interest of the public at all times. To that end, they shall:

- Refrain from engaging in any activities or decision-making about an issue about which they have or may have a direct or indirect personal, professional or financial interest,

- Refrain from engaging in any advocacy in any public forum against any official position that the Board of Directors adopted,

- Refrain from using the College property or information of any kind for personal gain or for the benefit of somebody else,

- Refrain from including or referencing the titles or positions held at the College to advance their personal, professional or financial interests or to secure special privileges or exemptions for themselves or others,

- Refrain from conducting any self-dealing or private business or personal services with the College except as procedurally controlled to assure openness, competitive opportunity, and equal access to "inside" information,

- Refrain from using their Board or Committee positions to obtain employment in the College for themselves, family members, or close associates, and

- Disclose all affiliations and involvements with other organizations, associations and vendors which might reasonably be seen as a conflict of interest.

7.4 EXAMPLES OF CONFLICT OF INTEREST

Without limiting the general meaning of conflict of interest or appearance of conflict of interest, the following activities or circumstances would constitute a conflict of interest or an appearance of conflict of interest for a Board or a Committee Member:

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- Participating in the decision-making process about a matter where the decision could confer any personal, professional or financial benefit to themselves,

- Giving or receiving, or agreeing to receive, directly or indirectly, any compensation, gifts, reward or gratuity from a source except the College, for a matter connected with or related to the Board or Committee Member's service to the College,

- Accepting, directly or indirectly, any compensation, gratuity, or reward from any other person who is or who becomes beneficially interested in a financial agreement with the College,

- Voting in the authorization, approval, or ratification of a contract in which they are beneficially interested.

- Applying for employment with the College without resigning from their Board or Committee positions pursuant to Cooling Off Period Sections of this By-Law,

- Disclosing confidential information gained through the Board Member's position except in compliance with a lawfully issued subpoena or court order,

- Taking action or counseling another person to take action or initiate, join or materially contribute to a legal proceeding against the College, Board or Committee Members, a representative of the College or its staff,

- Assisting or advising anyone about a College matter which is not within their responsibilities instead of directing them to the appropriate College staff member,

- Holding a responsible position such as an officer, director or employee of a professional association of medical laboratory technologists, a union representing medical laboratory technologists, or an association that represents employers of medical laboratory technologists,

- Holding a responsible position such as officer, director, Board Member, or being an employee of another organization where their duties may be seen as influencing their judgment in the matter to be considered by the Board or a Committee,

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- Communicating with the government officials, politicians, the media and the public on any matter related to the College when not being the official spokesperson for the College unless approved by the Board of Directors,

- Delivering a presentation on a matter related to the College's duties and activities without prior College approval,

- Being the subject of an investigation by the College or another authority that, in the opinion of the Executive Committee, impairs the ability of the Board or Committee Member to participate in a decision or to continue to serve in their position,

- Engaging in any business or professional activity or employment which would require the Board or Committee Member to disclose any confidential College information acquired due to their position at the College.

The examples in this section in no way limit the full extent of actions and/or circumstances which may constitute a conflict of interest or an appearance of conflict of interest for a Board or a Committee Member.

7.5 PURPOSE OF DECLARATION OF CONFLICT OF INTEREST

All Board and Committee Members have the duty to carry out their responsibilities in a manner which serves and protects the public interest.

The purpose of declaration of conflict of interest is to

- Enhance transparency and promote accountability,

- Maintain integrity of the Board and Committees' professional judgment, and

- Promote and sustain the confidence of the public in the professional judgement and decisions of the Board and Committees, which determine the strategic direction of the College to serve the public interest.

7.6 DECLARATION OF CONFLICT OF INTEREST

7.6.1 DECLARATION OF CONFLICT OF INTEREST TO BE ELIGIBLE FOR BOARD ELECTIONS

The candidates for election to the Board of Directors shall complete and sign the CMLTO Code of Conduct and Confidentiality Agreement, Conflict of Interest Declaration Form included the CMLTO Board Election Package, expressing understanding of the public protection mandate of the College and a commitment

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to comply with the Code of Conduct of the College, to be eligible to stand for election.

7.6.2 ANNUAL DECLARATION OF CONFLICT OF INTEREST

All Board and Committee Members shall sign the CMLTO Code of Conduct and Confidentiality Agreement, Conflict of Interest Declaration Form upon election or appointment, and annually thereafter, indicating that they have read and will comply with the Code of Conduct of the College.

7.6.3 AMENDED DECLARATION OF CONFLICT OF INTEREST

Each Board or Committee Member shall immediately notify the Registrar and CEO and complete an amended CMLTO Code of Conduct, Confidentiality and Conflict of Interest Declaration Form should the information which was previously included in the form change.

7.6.4 GENERAL DECLARATION OF CONFLICT OF INTEREST

7.6.4.1 CONFLICT OF INTEREST RELATED TO OVERALL ROLE

Where a Board Member believes they may have a conflict of interest, including an appearance of a conflict of interest, which relates to the overall role of the Board Member, they shall consult with the Board Chair or the Registrar and CEO as soon as possible.

Where the Board Chair believes they may have a conflict of interest, including an appearance of a conflict of interest, which relates to the overall role of the Board Chair, they shall consult with the Registrar and CEO, who may consult with Legal Counsel, as soon as possible.

Where a Non-Board Committee Member believes they may have a conflict of interest, including an appearance of a conflict of interest, which relates to the overall role of the Committee Member, they shall consult with the Committee Chair or the Registrar and CEO as soon as possible.

Where a Committee Chair believes they may have a conflict of interest, including an appearance of a conflict of interest, which relates to the overall role of the Committee Chair, they shall consult with the Registrar and CEO as soon as possible.

Where the Board determines that;

- A Professional Board Member (including an Academic Board Member) is in a conflict of interest with respect to their overall role, the Board shall remove the Board Member from the Board and any Committees that they serve on,

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- A Public Board Member is in a conflict of interest with respect to their overall role, the Board requests the Public Appointments Secretariat to remove the Board Member from the Board,

- A Non-Board Committee Member is in a conflict of interest with respect to their overall role, the Board shall remove the Member from the Committee they serve on.

7.6.4.2 CONFLICT OF INTEREST RELATED TO A BOARD OR COMMITTEE MATTER

Where a Board or Committee Member believes they may have a conflict of interest, including an appearance of a conflict of interest, in any matter of a specific item on the Board or Committee agenda that is the subject of deliberation or action by the Board or the Committee, they shall:

- Notify the Board or Committee Chair or the Registrar and CEO at the meeting(s) at which the item which constitutes a conflict of interest will be discussed,

- Declare any appearance of or actual conflict of interest before the Board or the Committee which considers the matter,

- Excuse themselves from the portion of any meeting relating to any issue where there is a conflict of interest, even where the meeting is open to the public in the case of a Board meeting,

- Excuse themselves from discussing or voting on any issue where there is a conflict of interest, and

- Refrain from attempting, in any way, to influence the voting or the decision of the Board or the Committee on the issue where there is a conflict of interest.

Where a Board Member has a doubt about whether they may have or be perceived to have a conflict of interest, they shall:

- Consult with the Board Chair and the Registrar and CEO privately, where time and circumstances permit, and

- Declare a potential conflict of interest to the Board before the Board considers the matter and get the direction of the Board as to whether a conflict of interest exists and any steps the Board requires for the resolution of the conflict.

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Where the Board Chair has a conflict of interest in connection with a Board business, one of the Vice-Chairs serves as Chair in the portion of the meeting which is related to the issue where the Board Chair has a conflict of interest and from which they excluded themselves due to a conflict of interest.

Where a Committee Member has a doubt about whether they may or be perceived to have a conflict of interest, they shall:

- Consult with the Committee Chair and the Committee liaison as soon as possible, and

- Declare a potential conflict of interest to the Committee before the Committee considers the matter and get the direction of the Chair as to whether a conflict of interest exists and any steps the Committee requires for the resolution of the conflict.

If the Committee Chair has a conflict of interest in connection with a Committee business, the members of the Committee shall elect one of the members present to be acting Chair for the portion of the meeting which is related to the issue where the Committee Chair has a conflict of interest and from which they exclude themselves due to conflict of interest.

Appearance of a conflict of interest shall be addressed in the same manner as an actual conflict of interest.

7.7 RECORD OF DECLARATION OF CONFLICT OF INTEREST AT MEETINGS

Declarations of conflicts of interest at a Board or Committee meeting shall be recorded in the minutes of the meeting at which the conflict was declared.

7.8 UNDECLARED CONFLICT OF INTEREST

Where a Board or Committee Member believes that another Board or Committee Member has a conflict of interest which they have not declared, they shall, if possible and appropriate, discuss the matter with the Board or Committee Member in question.

If the conflict of interest has not been declared despite any informal communications, they shall notify the Registrar and CEO, the Board or Committee Chair or the Committee liaison about the conflict of interest as soon as possible.

The Board Chair or the Registrar and CEO shall take such action as they deem appropriate, including but not limited to bringing the matter before the full Board or Committee.

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Where a Board or Committee Member knows that another Board or Committee Member has acted in a conflict of interest or is in an ongoing conflict of interest, they should notify, in writing, the appropriate person such the Board Chair, Registrar and CEO, the Chair of the Committee that the Board or Committee Member serves on, or independent legal counsel in the case of hearing matters.

The Board or the Committee Member in question is entitled to make submissions before any decision is made regarding the issue.

Where the Board or the Committee decides that one of its members has an undeclared conflict of interest, it can, after considering the Board or Committee Member's submissions regarding the matter, direct that the Board or the Committee Member excuse themselves from the portion of the meeting where the matter will be discussed and not participate at any deliberations or voting on the matter.

7.9 COOLING-OFF PERIOD

A Board or Committee Member may not hold another position[4], contract or appointment with the College while serving as a Board and Committee Member.

They may apply for a position with the College after a twelve (12) month period has passed since they last served on the Board or Committee.

[4] This includes, but is not limited to, positions as a staff or consultant, peer assessor, investigator, inspector or examiner etc.

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ARTICLE 8 – CONFIDENTIALITY

The provisions in this Article in no way limit the full extent of the duties set out in Code of Conduct Article of this By-Law.

8.1 CONFIDENTIALITY UNDER THE RHPA

The Board and Committee Members, College staff and persons retained or appointed by the College are required to preserve confidentiality of all information[5] that comes to their knowledge in the course of their duties pursuant to S. 36 (1) of the RHPA, unless disclosure has been authorized by the Board or otherwise exempted under S. 36 (1) of the RHPA.

8.2 EXCEPTIONS TO CONFIDENTIALITY UNDER THE RHPA

The confidential information, disclosure of which is permitted in specific circumstances under S. 36 (1) of the RHPA, can only be made by the Board of Directors, a Committee which is authorized to disclose that information in the Code, or the Registrar and CEO.

8.3 DUTY OF CONFIDENTIALITY

The Board and Committee Members shall:

- Regularly review the relevant provisions of the RHPA (especially S. 36) and the Code (especially S. 83) and maintain their familiarity with their legislative obligations related to confidentiality,

- Be aware of and understand the exceptions to the confidentiality obligations in S. 36 (1) of the RHPA and seek advice from the Registrar and CEO if they are in doubt whether an exception applies,

- Treat all internal communications within the College as confidential,

- Refrain from engaging in any conversation or discussion about the Board and/or Committee matters outside the formal Board or Committee decision-making process or meeting setting,

- Treat all communications within a Board or Committee meeting or panel of a Committee as confidential and not share with Board or Committee Members

[5] Information in this article includes but is not limited to; materials and information pertaining to appointment and employment relationships, performance assessment of the Registrar and CEO and the College staff, and relevant records; organizational and performance related outcomes; quality and risk management; strategic plans which have not yet been finalized and made public; any financial information which has not been publicly shared in the Annual Report; and information pertaining to adverse incident reports, threatened and pending litigation, legal advice, litigation strategies, and defenses, and settlement plans.

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who are not participants of that meeting or panel, which could be perceived as an attempt to influence a statutory decision or breach of confidentiality,

- Treat all College business as confidential:
  - If discussed in-camera until disclosed in the public section of the Board meeting,
  - Unless it is discussed at the public portion of a meeting or it becomes publicly available,
  - Unless determined not to be confidential by the Board Chair or the Committee Chair upon consultation with the Board Chair and the Registrar and CEO.

- Take all measures to safeguard the College information, including:
  - Ensuring safe management of paper documents,
  - Ensuring safe management of electronic documents by:
    - Ensuring that all electronic devices, such as computers and mobile phones, used to access College information are password protected,
    - Avoiding the use of unsecure public networks, electronic forms of communication or the use of social media for such communication.
  - Avoiding discussing or displaying any confidential College information in a public setting where it can easily be heard and/or seen by others,
  - Ensuring confidentiality of meetings by safeguarding the access details to virtual meetings and refraining from using speakerphone in a public setting.

- Refrain from disclosing any confidential information on their own social media accounts pursuant to the relevant Board Policy,

- Refrain from sharing or posting any information on any social media account which compromises the College and its public image, and

- Inform the Registrar and CEO immediately, in writing, if they believe that there has been a breach of confidentiality by a Board or Committee Member, whether intentionally or unintentionally. The Registrar and CEO shall notify the Board Chair immediately of any breach of confidentiality by a Board or Committee Member.

Audio visual recording or electronic transmission of an in-camera section of any meeting is prohibited unless approved in advance by the Board Chair.

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ARTICLE 9 – THE REGISTER

9.1 MAINTAINING THE REGISTER

The Registrar and CEO shall maintain a register pursuant to S. 23 (1) of the Code and this By-Law.

9.2 REGISTER INFORMATION REQUIRED BY THE CODE AND RHPA REGULATIONS

The register shall contain the information required by S. 23 (2) of the Code and the Ontario Regulation 261/18 made pursuant to S. 43 (1) of the RHPA subject to any exceptions or restrictions contained therein (which are, for ease of reference, attached as Schedule 3 to this By-Law), and must be available to the public for the purposes of S. 23 (5) of the Code.

9.2.1 NAME IN THE REGISTER

Subject to the Exception for Name Change Section of this By-Law, a Registrant's name in the register shall be the Registrant's full name indicated on the documentary evidence used to support the Registrant's initial registration with the College.

If the Registrant has practised medical laboratory technology under their previous name, the previous name will also be included in the register.

9.2.2 EXCEPTION FOR NAME CHANGE

The Registrar and CEO may also enter in the register a name other than the name referred to in the Name in Register Section of this By-Law, if they:

- Received a written request from the Registrant for a name change in the register;
- Are satisfied that the Registrant has legally changed their name; and
- Are satisfied that the name change is not for any improper purpose.

9.2.3 EXCEPTION FOR ALTERNATE NAME

The Registrar and CEO may also enter in the register an alternative name (such as nicknames or abbreviations) that the Registrant uses in any place of practice.

9.2.4 PRIMARY BUSINESS ADDRESS

A Registrant's primary business address in the register shall be:

- The address of each location in Ontario where the Registrant is employed as a medical laboratory technologist; and

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- In the event that the Registrant is not employed in Ontario, or does not have a business address, the location designated by the Registrant or any other location for the Registrant known by the College.

A Registrant's business address shall include the name of the Registrant's employer or, if the Registrant is not practising, the register shall include a notation to that effect.

9.2.5 PRIMARY BUSINESS TELEPHONE NUMBER

A Registrant's primary business telephone number in the register shall be the telephone number(s) associated with the Registrant's business address referred to in the Primary Business Address Section of this By-Law or such other telephone number(s) approved by the Registrar and CEO.

In the event that the Registrant is not employed as a medical laboratory technologist in Ontario, the register shall not contain a business telephone number for that Registrant.

9.3 REGISTER INFORMATION REQUIRED BY THE COLLEGE

In addition to the information required by S. 23 (2) of the Code and the RHPA regulations, and in accordance with the authorization provided by S. 23 (2) 20 of the Code, the register shall also contain the following information with respect to each Registrant:

PERSONAL INFORMATION

- The Registrant's date of birth,
- The Registrant's gender (if identified),
- Any changes in the Registrant's name that have been made since they obtained a degree in medical laboratory technology, if known to the College,
- The Registrant's home address, being the address of the principal Ontario residence; primary residence, if the Registrant does not reside in Ontario; and the mailing address of the Registrant for the purpose of Board elections, and the telephone number associated with such address,
- Information establishing the Registrant's electoral district, for the purposes of elections to the Board of Directors,
- A distinct personal e-mail address for the Registrant which is unique to the Registrant and checked by the Registrant regularly,

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- The Registrant's preferred language of communication with the College (English or French),

- A list of the languages in which the Registrant is able to communicate and practise,

- If the Registrant ceased to be a Registrant, a notation specifying the reason for the termination of membership and the date upon which the Registrant ceased to be a Registrant, and

- Where a person ceased to be a Registrant as result of death, a notation to that effect and the date upon which the person ceased to be a Registrant if that date is known to the College.

REGISTRATION INFORMATION

- The date of initial registration of the Registrant with the College,

- The classes of certificates of registration held by the Registrant, the date on which each certificate was issued and, if applicable, the termination or expiration date of each certificate,

- A description of the work or other experience referred to in the Registrant's application for registration,

- The name, business address and business telephone number of every current and past practice with which the Registrant is or was affiliated, and

- Proof of professional liability insurance coverage pursuant to Professional Liability Insurance Article of this By-Law.

CERTIFICATION AND COURSES

- Information pertaining to the Registrant's education related to the practice of the profession, including:

    - The name and type of the professional certification including details of specialty(ies) or area(s) of practice,
    - The name of the institution issuing the degree or diploma, and
    - The year of graduation or successful completion of such program.

- Information pertaining to the Registrant's education not related to the practice of the profession, including:

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  - The name and type of the professional certification including details of specialty(ies) or area(s) of practice,
  - The name of the institution issuing the degree or diploma, and
  - The year of graduation or successful completion of such program.

- Information pertaining to the examination(s) related to the practice of the profession, which are required by the College, that the Registrant completed, including the name of the institution, and the year of completion.

- A description of the required practice, the number of hours practised in the twelve (12) months preceding the last renewal, details of any refresher courses and quality assurance program requirements completed by the Registrant; and

- The specialties in medical laboratory science, if any, that the Registrant is authorized to practise.

EMPLOYMENT

Information pertaining to the Registrant's employment, including:

- Name, address and telephone number of each employer,

- Type of facility,

- Employment category,

- Employment status (full time/part time),

- Title or description of the Registrant's position with each employer,

- Area(s) of responsibility and area(s) of practice, and

- Period of employment and practice hours and hours of practice.

COMPLAINTS AND INVESTIGATIONS

Where, for a pending complaint or other type of investigation, the Registrar and CEO confirms that the College is investigating a Registrant, because there is a compelling public interest in disclosing this information pursuant to S. 36 (1) (g) of the Code, the fact that the Registrant is under investigation.

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FORMER REGISTRANTS[6]:

Where the Registrant has resigned, retired, is deceased or has had their registration revoked or otherwise terminated, the register shall be maintained for a period of at least ten (10) years, except for any information related to discipline proceedings in Ontario, in which case it shall be entered on the register for a period of fifty (50) years after the termination of registration.

OTHER INFORMATION

- Information required by the Minister for the purpose of health human resource planning or for the purpose of compiling statistical data,
- Information required to verify the Registrant's compliance with their mandatory reporting and self-declaration, and
- Any information jointly agreed to be placed on the register by the College and the Registrant.

9.4 HEALTH PROFESSION CORPORATIONS

In addition to the information required under S. 23 (2) of the Code, the register shall also contain the following information with respect to each health profession corporation to which a certificate of authorization has been issued by the College:

- The certificate of authorization number of the health profession corporation and the date upon which that certificate was first issued,
- The business name of the corporation as registered with the Ministry of Government and Consumer Services,
- The head office address, telephone number, facsimile number and email address of the corporation,
- The address and telephone number of the major location or locations at which the professional services offered by the corporation are provided,
- A brief description of the professional activities carried out by the corporation, and
- The name of each of the shareholders, officers and directors of the health profession corporation, and the title or office held by each.

[6] The term "Former Registrant" means those individuals whose registration with the College has been revoked, suspended or rescinded by the College or is otherwise resigned or terminated.

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Where the certificate of authorization has been revoked, a notation of that fact, the date when the revocation occurred and a brief summary of the reasons for the revocation.

Where the certificate of authorization was revised or a new certificate of authorization was issued to the health profession corporation, a notation of that fact and the date when the new certificate was issued.

9.5 PUBLIC INFORMATION

In addition to the information set out in S. 23 (2) of the Code and Ontario Regulation 261/18, the following additional information with respect to each Registrant is designated as public for the purpose of S. 23 (5) of the Code:

- The Registrant's registration number,
- The date of initial registration of the Registrant with the College,
- The Registrant's registration status,
- Where a decision of a panel of the Discipline Committee has been published by the College with the Registrant's name or former Registrant's name included:
  - A notation of that fact,
  - Identification of the specific publication of the College that contains the information pertaining to such decision, and
  - The date on which the panel of the Discipline Committee made its decision.
- The address and telephone number of:
  - The Registrant's principal place of practice in Ontario, and
  - Location(s) where the Registrant practises.
- All changes in status of a certificate of registration or certificate of authorization and the effective date of the change,
- If a Registrant ceased to be a Registrant, a notation specifying the reason for the termination of registration and the date upon which the Registrant was suspended or ceased to be a Registrant,
- If a Registrant has resigned, a notation to that effect and the date upon which the resignation took effect,

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- Where a member resigned while under investigation by the College or a health inquiry or fitness to practise proceeding was outstanding, a notation of that fact, and

- Where, for a pending complaint or other type of investigation, the Registrar and CEO confirms that the College is investigating a Registrant, because there is a compelling public interest in disclosing this information pursuant to S. 36 (1) (g) of the Code, the fact that the Registrant is under investigation.

9.6 FEES FOR PROVIDING INFORMATION TO THE PUBLIC

The Registrar and CEO shall give any information contained in the register, which is designated as public, to any person in printed, oral or electronic form unless the information shall not be disclosed by virtue of S. 23 of the Code.

The Registrar and CEO may set and charge a fee for providing such information described in the Providing Information to the Public Section of this By-Law.

The Registrar and CEO may waive the requirement for the payment of the fee where they believe it is appropriate to do so.

9.7 PROVIDING INFORMATION TO THE COLLEGE

A Registrant shall provide to the College annually and upon request by the College, the information required to be contained in the Register, in the form and manner determined by the College.

The information shall be provided within the deadline set out in the request, or if there is no deadline set out, no later than 15 days after the request.

9.8 NOTIFICATION OF CHANGES OF INFORMATION

In addition to notifying the College as required by sections 85.6.1 through 85.6.4 of the Code (which are, for ease of reference, attached as Schedule 4 to this By-Law), the Registrant shall notify the College, in a form acceptable to the Registrar and CEO, of any changes to the following information within thirty (30) days of the effective date of the change:

- The Registrant 's name with proof of the name change,

- The Registrant 's residential address and telephone number,

- If the Registrant does not reside in Ontario, the address and telephone number of the Registrant’s primary residence,

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- The Registrant's personal email address,

- Information regarding the Registrant's employment, including:
  - The Registrant's title and position,
  - A description of the Registrant's role, duties and responsibilities,
  - The Registrant's employment category and status, and
  - The business address and business telephone number of all premises where the Registrant practises.

- Information regarding the Registrant's registration with any other body that governs a profession, whether inside or outside of Ontario, including the name of the governing body, the Registrant's registration or licence number and the date the Registrant first became registered and

- If the Registrant is not practising, the Registrant's designated business address and telephone number.

Every Registrant shall immediately notify the College in writing or electronically of any currently existing conditions of release (not including any information subject to a publication ban) following a charge for a federal or provincial offence or subsequent to a finding of guilt and pending appeal and any variations to those conditions.

Every Registrant shall, for every professional corporation of which the Registrant is a shareholder, advise the College, in writing, of any changes to the information required under the Health Profession Corporations Section of this By-Law fifteen (15) days of the change.

9.9 REMOVAL OF INFORMATION FROM THE REGISTER

- Subject to the authority of the Code, all information required by the Code will remain on the Register.

- Subject to the authority of the Code and the By-Law, all information required by the By-law will remain on the Register.

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ARTICLE 10 – FEES

10.1 REGISTRATION YEAR

The registration year for the College shall be from January 1st to December 31st.

10.2 REGISTRATION NOTICE

On or before October 31st of each year, the Registrar and CEO shall send to each Registrant, who holds a Practising or Non-Practising certificate of registration:

- A notice:
  - Stating that the annual fees are due,
  - Setting the date on which the annual fees are due,
  - Setting out the amount of the annual fees for each category of registration, and

- A request for information required under the Act, the regulations and the By-Law of the College.

A Registrant's obligation to remit the annual renewal form and pay the annual fee continues regardless of,

- The Registrar and CEO failing to provide a notice with respect to a fee or penalty, or

- The Registrant failing to receive a notice of a fee or penalty.

10.3 RENEWAL OF CERTIFICATE OF REGISTRATION

The payment of annual registration fees are payable on or before December 31st of the year which precedes the year for which the fee is due.

Every Registrant shall complete the College's annual registration process on or before December 31st of the year which precedes the year for which a renewal application is being made.

10.4 INITIAL REGISTRATION APPLICATION FEE

A person who submits an application for registration to the College shall pay a non-refundable application fee of $150.

10.5 ANNUAL FEE

Every Registrant shall pay an annual fee for each certificate of registration in each registration year.

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A Registrant who holds a certificate of registration shall pay the following non-refundable annual fee:

- For a Practising certificate of registration: $340.
- For a Non-Practising certificate of registration: $170.

The annual fee payable for the first year in which a Registrant is issued a Practising certificate shall be payable upon registration.

10.6 PRO-RATED FEE

The annual fee payable for the first year in which a Registrant is issued a Practising certificate shall be prorated according to the portion of the year between the date the certificate is issued and December 31st of that calendar year.

10.7 CHANGE OF CLASS FEE

On changing their certificate from Non-Practising to Practising the Registrant shall pay the difference between the annual fee for a Practising certificate and the annual fee for a Non-Practising certificate.

10.8 REINSTATEMENT FEE

A person whose certificate of registration has been suspended or revoked and who applies to the Registrar and CEO for reinstatement shall pay a non-refundable reinstatement fee of $100, in addition to any and all outstanding fees and penalties.

10.9 REGISTRATION REPLACEMENT FEE

The certificate of registration replacement fee is $25.00.

10.10 ADMINISTRATIVE FEES

A Registrant, after the first notice, shall pay an administrative fee of $50 for each subsequent notice sent by the Registrar and CEO to a Registrant for a failure of the Registrant to provide information or a form the College or a Committee of the College, within thirty (30) days following the request.

The administrative fee is due within thirty (30) days following the subsequent notice being sent.

10.11 OTHER FEES

The Registrar and CEO may charge a fee for anything they are required or authorized to do by statute or by regulation, and except where fees for those things are prescribed, the fees charged shall be set by the Registrar and CEO.

The Registrar and CEO shall maintain a schedule of the fees charged for services provided by the Registrar and CEO, and the Committees of the College.

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10.12 PENALTY

A Registrant who fails to pay their annual fee on or before December 31st, shall pay the following penalty in addition to the annual fee:

- If the fee is paid after 11:59 pm EST, December 31st but before 12:00 am EST February 1st, a penalty of 20 % of the annual fee.

- If the fee is paid on or after 12:00 am EST, February 1st, a penalty of 40 % of the annual fee.

10.13 FAILURE TO PAY A FEE OR PENALTY

If a Registrant fails to pay a fee or penalty or a part of thereof set out in the By-Law their certificate of registration will be suspended, in accordance with S. 24 of the Code.

10.14 OUTSTANDING AMOUNTS

Any outstanding balance, including costs, owed to the College as a result of a decision made by a Committee of the College, and any fees payable under this By-Law will be added to the annual fees.

10.15 REFUNDS

Except otherwise provided in the By-Law, all fees and amounts paid to the College are non-refundable.

10.16 WAIVER OF A FEE

The Registrar and CEO may waive all or a portion of any fee or penalty in exceptional circumstance if a request to do so is made in writing and the Registrar and CEO deems it appropriate to do so. Exceptional circumstances include such things as prolonged illness, death in the family, loss of employment, etc. The Registrar may request additional information or documentation to support such a request.

10.17 TAXES

The fees set out in this By-Law are exclusive of any applicable taxes.

10.18 VOLUNTARY ROSTER FEES

10.18.1 ASSESSMENT APPLICATION FEE

A person who submits an assessment application for inclusion on the voluntary roster shall pay a non-refundable assessment application fee of $100.

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10.18.2 ANNUAL FEE

There shall be an annual non-refundable voluntary roster fee payable by anyone accepted to the voluntary roster.

The annual voluntary roster fee shall be $50 per year which shall be payable on or before April 1st of each year.

10.18.3 RENEWAL DATE

On or before March 31st of each year, the Registrar and CEO shall notify every person on the voluntary roster of the amount of the annual voluntary roster fee and the date on which it is due.

10.18.4 FAILURE TO RENEW

A person who fails to pay their annual voluntary roster fee shall pay the following penalty in addition to the annual voluntary roster fee:

- if the fee is paid after April 1st but before June 1st, a penalty of 20 % of the annual voluntary roster fee.

If a person fails to pay their annual voluntary roster fee by June 1st, that person will be removed from the voluntary roster and must undertake a new application assessment and pay the associated fee for same if they wish to be reinstated.

10.19 HEALTH PROFESSION CORPORATION FEES

10.19.1 CERTIFICATE OF AUTHORIZATION FEE

The fee for the issuance of a certificate of authorization for a health profession corporation, including on any reinstatement of a certificate of authorization, is the same as the application fee for a general certificate of registration.

10.19.2 ANNUAL RENEWAL FEE

The fee for the annual renewal of a certificate of authorization is the same as the fee for the annual renewal of a general certificate of registration.

10.19.3 ADMINISTRATIVE FEE

A health profession corporation or a Registrant listed in the College's records as a shareholder of a health profession corporation shall pay an administrative fee of $50 for each notice sent by the Registrar and CEO to the corporation or Registrant for failure of the corporation to renew its certificate of authorization on time.

The fee is due within thirty (30) days of the notice being sent.

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10.19.4 ADDITIONAL CERTIFICATE FEE

The fee for the issuing of a document or certificate for a health profession corporation, other than the first certificate of authorization or one annual renewal of a certificate of authorization, is $100.

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ARTICLE 11 – PROFESSIONAL LIABILITY INSURANCE

11.1 REQUIREMENT TO HOLD INSURANCE

Every Registrant, who holds a Practising certificate of registration, must hold or otherwise be covered by professional liability insurance which provides coverage to the full scope of the practice of the medical laboratory technology profession.

The professional liability insurance policy shall have the following characteristics:

- The Registrant is specifically named as an insured and for all settings in which the Registrant practices,
- The College is notified by the insurer if the policy is cancelled or the terms are amended before the expiration date,
- A minimum liability limit of no less than $1,000,000 per occurrence,
- If coverage is through a "claims made" policy, professional liability run-off coverage for at least two (2) years after the termination of the insurance,
- Any exclusionary conditions and terms must be consistent with standard industry practice with respect to insurance of this type, and
- Insurance is provided by an insurer licensed with the Financial Services Commission of Ontario or the office of the Superintendent of Financial Institutions Canada or a body outside of Ontario that the Registrar considers substantially equivalent to the Financial Services Commission of Ontario.

11.2 DECLARATION OF ELIGIBILITY FOR INSURANCE

An applicant must provide a declaration in writing that they are eligible for professional liability insurance coverage and that they will submit proof of professional liability insurance coverage in the form of a Certificate of Insurance issued by the insurer in a form acceptable to the Registrar and CEO no less than thirty (30) days after their registration is approved.

11.3 PROOF OF INSURANCE

A Registrant who holds a certificate of insurance must include the following information:

- Policy number,
- Policy period,

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- Coverage details,
- Name of the insured that matches the name of the Registrant,
- Address of the insurer, and
- Retroactive date (i.e., the date from which similar coverage was in place before the current policy period started).

The Registrar and CEO shall not issue the certificate of registration until the original proof of coverage is received by the College.

Within thirty (30) days of any request by the College, a Registrant must provide proof of insurance which complies with the requirements of this By-Law.

11.4 INDIRECT INSURANCE COVERAGE

The professional liability insurance may be held indirectly (e.g., employing agency, professional association, union or other organization acceptable to the Registrar and CEO) as long as the insurance coverage complies with the requirements of this By-Law.

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ARTICLE 12 – FUNDING FOR THERAPY AND COUNSELLING FOR SEXUAL ABUSE

12.1 SEXUAL ABUSE FUNDING PROGRAM

The College shall establish funding for therapy and counselling for persons, while patients of a Registrant of the College, who allege sexual abuse by the Registrant (the "Sexual Abuse Funding Program").

The definitions of "sexual abuse" and “patient” are set out in S. 1 (3) and S. 1 (6) of the Code, respectively.

12.2 ADMINISTRATION OF THE PROGRAM

The Patient Relations Committee shall administer the program pursuant to S. 85.7 of the Code.

12.3 APPLICATION PROCESS

To obtain funding, the individual must apply in writing to the College.

As part of the application, the Patient Relations Committee may require therapists and counsellors who are providing therapy or counselling that is funded through the program and persons who are receiving such therapy or counselling to provide a written statement, signed in each case by the therapist or counsellor and by the person, which shall contain:

- Details of the therapist or counsellor’s training and experience attesting to their competency in providing sexual abuse therapy and counselling,
- Confirmation that the therapy or counselling is being provided to the client,
- Confirmation that the funds received will be devoted only to therapy or counselling that is related in whole or in part to the sexual abuse by the Registrant, and
- Any other information that the Patient Relations Committee determines demonstrates that the person satisfies the eligibility requirements.

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ARTICLE 13 – DECLARED EMERGENCIES

In this article,

"emergency" has a meaning ascribed to by the *Emergency Management and Civil Protection Act, R.S.O., 1990, c. E.9*.

In the event of the declaration of a state of emergency by the Government of Canada or the Government of Ontario, the Board may,

- Waive or extend any deadlines under this By-Law,
- Curtail any services of the College for the duration of the state of emergency, and
- Approve time-limited emergency policies related to any matter in the By-Law.

Any such emergency policy shall be communicated to the Registrants and the Minister of Health.

The Registrants have a duty to provide patient care within their professional competence in expertise in emergency situations, including pandemics and other public health emergencies.

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ARTICLE 14 – CODE OF ETHICS

There shall be a code of ethics for the Registrants adopted by the Board of Directors from time to time.

Schedule 5 of this By-Law sets out the Code of Ethics for the medical laboratory technology profession.

The Registrants of the College shall adhere to the Code of Ethics, its content and underlying spirit and precepts.

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ARTICLE 15 - BY-LAW

15.1 MAKING, AMENDING, AND REVOKING THE BY-LAW

The By-Law of the College or any part thereof may be enacted, amended or revoked pursuant to S. 94 (1) and (2) of the Code by a vote of at least two-thirds (2/3) of the Board Members present at a Board meeting duly called for that purpose.

The By-Law shall be signed by the Registrar and CEO, and one of the Board Officers, and certified by the College seal.

15.2 NOTICE OF A MOTION

The written notice of a motion to enact, amend, or revoke the articles or the provisions of the By-Law shall be given to the Board of Directors at least ten (10) business days prior to the meeting

The By-Law signed by all Board Members is as valid and effective as if passed at a Board meeting called, constituted and held for the purpose.

15.3 EFFECTIVE DATE

This By-Law shall become effective as soon as it has been approved by the Board of Directors.

Unless otherwise provided in the By-Law, an amendment to or the revocation of the By-Law or any part thereof come into force on the day on which the motion making, amending or revoking the By-Law or any part thereof is carried at a meeting of the Board of Directors.

15.4 EFFECT OF AN AMENDMENT

The revocation or amendment of the By-Law,

- Shall not affect the previous operation of the By-Law article or provision amended or revoked,

- Shall not affect the validity of any act done or right, privilege, obligation or liability acquired or incurred thereunder or the validity of any contract or agreement made pursuant to the By-Law prior to such amendment or revocation, and

- Shall not alter the composition of the Board or any Committees of the College which were constituted under the previous version of the By-Law until their current term is over and new composition is determined in compliance with the amendments.

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15.5 AUTHORITY TO MAKE EDITORIAL CHANGES

The Registrar and CEO is authorized to make non-substantive corrections (e.g. spelling and grammar errors, incorrect numbering) to the official version of this By-Law, which do not alter the context and legal effect of any article or provision of the By-Law.

15.6 MAINTENANCE OF THE BY-LAW

Every amendment and revocation of a By-Law article or provision shall be maintained in the College's records.

15.7 ACCESS TO THE BY-LAW

The College shall make the By-Law and By-Law amendments available to the Minister of Health and each Registrant and make them available to the public as set out in S. 94 (1) and (2) of the Code.

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SCHEDULES TO THE BY-LAW

Attached hereto are the schedules to the By-Law which form part of this By-Law.

SCHEDULE 1 – PROCESS FOR ELECTION OF BOARD OFFICERS

A Board Member may be nominated for the office of Chair or Vice-Chair by submitting their CMLTO Board Officers Nomination Form, which shall be signed by two Board Members supporting their nomination, to the Registrar and CEO not less than fifteen (15) days prior to the last regular Board meeting of the year.

The Registrar and CEO shall circulate information about such nominations to the Board of Directors in advance of the relevant Board meeting.

At the Board meeting at which the election of the Board Officers will take place, the names of the candidates who have indicated their interest for the positions of the Board Chair and Vice-Chairs, shall be presented to the Board.

Each candidate for election shall be offered the opportunity to briefly address the Board.

Where there is only one (1) nominee for a position of a Board Officer, they shall be declared elected by acclamation.

Where there is more than one (1) nominee for a position of a Board Officer, voting should be conducted by secret ballot using generally accepted democratic procedures.

If there are more than two (2) nominees in an election, the nominee who receives the lowest number of votes on each ballot shall be deleted from the next ballot unless each nominee receives the same number of votes on the ballot.

The procedure shall be followed until one candidate receives a majority of the votes cast and the candidate shall be declared elected.

In the case of a tie for three (3) consecutive elections, the nominee shall be chosen by lot.

If such an election of Board Officers is not held, the Chair and two Vice-Chairs shall continue in office until their successors are elected.

◄ BACK TO ELECTION OF BOARD OFFICERS

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SCHEDULE 2 – ELECTORAL DISTRICTS

The following electoral districts are established for the purpose of the election of the Board Members:

Electoral District 1: South-West Region
Composed of the Cities of London, St. Thomas, Stratford & Windsor; Bruce, Elgin, Essex, Grey, Huron, Lambton, Middlesex, Oxford & Perth Counties; Municipality of Chatham-Kent; Town of St. Mary's; and the Township of Pelee.

Electoral District 2: Central West Region
Composed of the Cities of Brantford, Guelph & Hamilton; Brant, Dufferin, Haldimand, Norfolk & Wellington Counties; and the Regional Municipalities of Halton, Niagara & Waterloo.

Electoral District 3: Metropolitan Toronto Region
Composed of the City of Toronto.

Electoral District 4: Central-East Region
Composed of the Cities of Barrie, Kawartha Lakes, Orillia & Peterborough; Haliburton, Northumberland, Peterborough & Simcoe Counties; and the Regional Municipalities of Durham, Peel & York.

Electoral District 5: East Region
Composed of the Cities of Belleville, Brockville, Cornwall, Kingston, Ottawa, Pembroke, Prince Edward County & Quinte West; Frontenac, Hastings, Lanark, Lennox and Addington & Renfrew Counties; Towns of Gananoque, Prescott, & Smith Falls; and the United Counties of Leeds and Grenville, Prescott and Russell & Stormont, Dundas and Glengarry.

Electoral District 6: North-East Region
Composed of the City of Greater Sudbury; the Districts of Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury & Timiskaming; and the District Municipality of Muskoka.

Electoral District 7: North-West Region
Composed of the Districts of Kenora, Rainy River & Thunder Bay.

Electoral District 8: Registrant-at-Large
Composed of the whole province and Registrants residing outside Ontario, for the purpose of electing a Registrant-at-Large.

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Note: Districts named in Electoral District 6: North-East Region, and Electoral District 7: North-West Region include all single-tier municipalities contained within them. A complete list of single-tiered municipalities contained in each district is provided by the Ontario Ministry of Municipal Affairs and Housing.

◄ BACK TO ELECTORAL DISTRICTS

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SCHEDULE 3 – REGISTER INFORMATION REQUIRED BY THE CODE AND RHPA REGULATIONS

CONTENTS OF REGISTER

(S. 23 (2) OF THE CODE)

(2) The register shall contain the following:

1. Each member's name, business address and business telephone number, and, if applicable, the name of every health profession corporation of which the member is a shareholder.

2. Where a member is deceased, the name of the deceased member and the date upon which the member died, if known to the Registrar.

3. The name, business address and business telephone number of every health profession corporation.

4. The names of the shareholders of each health profession corporation who are members of the College.

5. Each member's class of registration and specialist status.

6. The terms, conditions and limitations that are in effect on each certificate of registration.

7. A notation of every caution that a member has received from a panel of the Inquiries, Complaints and Reports Committee under paragraph 3 of subsection 26 (1), and any specified continuing education or remedial programs required by a panel of the Inquiries, Complaints and Reports Committee using its powers under paragraph 4 of subsection 26 (1).

8. A notation of every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and that has not been finally resolved, including the date of the referral and the status of the hearing before a panel of the Discipline Committee, until the matter has been resolved.

9. A copy of the specified allegations against a member for every matter that has been referred by the Inquiries, Complaints and Reports Committee to the Discipline Committee under section 26 and that has not been finally resolved.

10. Every result of a disciplinary or incapacity proceeding.

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11. A notation and synopsis of any acknowledgements and undertakings in relation to matters involving allegations of professional misconduct or incompetence before the Inquiries, Complaints and Reports Committee or the Discipline Committee that a member has entered into with the College and that are in effect.

12. A notation of every finding of professional negligence or malpractice, which may or may not relate to the member's suitability to practise, made against the member, unless the finding is reversed on appeal.

13. A notation of every revocation or suspension of a certificate of registration.

14. A notation of every revocation or suspension of a certificate of authorization.

15. Information that a panel of the Registration Committee, Discipline Committee or Fitness to Practise Committee specifies shall be included.

16. Where findings of the Discipline Committee are appealed, a notation that they are under appeal, until the appeal is finally disposed of.

17. Where, during or as a result of a proceeding under section 25, a member has resigned and agreed never to practise again in Ontario, a notation of the resignation and agreement.

18. Where the College has an inspection program established under clause 95 (1) (h) or (h.1), the outcomes of inspections conducted by the college.

19. Information that is required to be kept in the register in accordance with regulations made pursuant to clause 43 (1) (t) of the *Regulated Health Professions Act, 1991*.

20. Information that is required to be kept in the register in accordance with the by-laws. 2017, c. 11, Sched. 5, s. 11 (1).

◄ BACK TO REGISTER INFORMATION REQUIRED BY THE CODE AND RHPA REGULATIONS

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PRESCRIBED INFORMATION

(ONTARIO REGULATION 261/18)

1. (1) The following information, if known to the College, is prescribed information to be contained in a College's register for the purposes of paragraph 19 of subsection 23 (2) of the Code and is designated as information subject to subsection 23 (13.1) of the Health Professions Procedural Code in Schedule 2 to the Act:

1. If there has been a finding of guilt against a member under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) and if none of the conditions in subsection (2) have been satisfied,
    i. a brief summary of the finding,
    ii. a brief summary of the sentence, and
    iii. if the finding is under appeal, a notation that it is under appeal until the appeal is finally disposed of.
2. With respect to a member, any currently existing conditions of release following a charge for an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) or subsequent to a finding of guilt and pending appeal or any variations to those conditions.
3. If a member has been charged with an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) and the charge is outstanding,
    i. the fact and content of the charge, and
    ii. the date and place of the charge.
4. If a member has been the subject of a disciplinary finding or a finding of professional misconduct or incompetence by another regulatory or licensing authority in any jurisdiction,
    i. the fact of the finding,
    ii. the date of the finding,
    iii. the jurisdiction in which the finding was made, and
    iv. the existence and status of any appeal.
5. If a member is currently licenced or registered to practice another profession in Ontario or a profession in another jurisdiction, the fact of that licensure or registration.

(2) The conditions referred to in paragraph 1 of subsection (1) are the following:

1. The Parole Board of Canada has ordered a record suspension in respect of the conviction.
2. A pardon in respect of the conviction has been obtained.
3. The conviction has been overturned on appeal.

(3) Nothing in this Regulation shall be interpreted as authorizing the disclosure of identifying information about an individual other than a member.

(4) In this section,

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"identifying information" means information that identifies an individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify an individual.

2. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

◄ BACK TO REGISTER INFORMATION REQUIRED BY THE CODE AND RHPA REGULATIONS

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SCHEDULE 4 – SECTIONS 85.6.1 - 85.6.4 OF THE CODE

REPORTING BY MEMBERS RE: OFFENCES

85.6.1 (1) A member shall file a report in writing with the Registrar if the member has been found guilty of an offence. 2007, c. 10, Sched. M, s. 63; 2009, c. 26, s. 24 (15).

Timing of report

(2) The report must be filed as soon as reasonably practicable after the member receives notice of the finding of guilt. 2007, c. 10, Sched. M, s. 63.

Contents of report

(3) The report must contain,
(a) the name of the member filing the report;
(b) the nature of, and a description of the offence;
(c) the date the member was found guilty of the offence;
(d) the name and location of the court that found the member guilty of the offence; and
(e) the status of any appeal initiated respecting the finding of guilt. 2007, c. 10, Sched. M, s. 63.

Publication ban

(4) The report shall not contain any information that violates a publication ban. 2007, c. 10, Sched. M, s. 63.

Same

(5) No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban. 2007, c. 10, Sched. M, s. 63.

Additional reports

(6) A member who files a report under subsection (1) shall file an additional report if there is a change in status of the finding of guilt as the result of an appeal. 2007, c. 10, Sched. M, s. 63.

Section Amendments with date in force (d/m/y)

Reporting by members re: professional negligence and malpractice

85.6.2 (1) A member shall file a report in writing with the Registrar if there has been a finding of professional negligence or malpractice made against the member. 2007, c. 10, Sched. M, s. 63; 2009, c. 26, s. 24 (16).

Timing of report

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(2) The report must be filed as soon as reasonably practicable after the member receives notice of the finding made against the member. 2007, c. 10, Sched. M, s. 63.

Contents of report

(3) The report must contain,

(a) the name of the member filing the report;
(b) the nature of, and a description of the finding;
(c) the date that the finding was made against the member;
(d) the name and location of the court that made the finding against the member; and
(e) the status of any appeal initiated respecting the finding made against the member. 2007, c. 10, Sched. M, s. 63.

Publication ban

(4) The report shall not contain any information that violates a publication ban. 2007, c. 10, Sched. M, s. 63.

Same

(5) No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban. 2007, c. 10, Sched. M, s. 63.

Additional reports

(6) A member who files a report under subsection (1) shall file an additional report if there is a change in status of the finding made against the member as the result of an appeal. 2007, c. 10, Sched. M, s. 63.

Section Amendments with date in force (d/m/y)

Reporting by members re: other professional memberships and findings

85.6.3 (1) A member shall advise the Registrar in writing if the member is a member of another body that governs a profession inside or outside of Ontario. 2017, c. 11, Sched. 5, s. 26.

Findings of misconduct or incompetence

(2) A member shall file a report in writing with the Registrar if there has been a finding of professional misconduct or incompetence made against the member by another body that governs a profession inside or outside of Ontario. 2017, c. 11, Sched. 5, s. 26.

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Timing of report

(3) The report must be filed as soon as reasonably practicable after the member receives notice of the finding made against the member. 2017, c. 11, Sched. 5, s. 26.

Contents of report

(4) The report must contain,

(a) the name of the member filing the report;
(b) the nature of, and a description of, the finding;
(c) the date that the finding was made against the member;
(d) the name and location of the body that made the finding against the member; and
(e) the status of any appeal initiated respecting the finding made against the member. 2017, c. 11, Sched. 5, s. 26.

Publication ban

(5) The report shall not contain any information that violates a publication ban. 2017, c. 11, Sched. 5, s. 26.

Same

(6) No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban. 2017, c. 11, Sched. 5, s. 26.

Additional reports

(7) A member who files a report under subsection (1) shall file an additional report if there is a change in status of the finding made against the member as the result of an appeal. 2017, c. 11, Sched. 5, s. 26.

Section Amendments with date in force (d/m/y)

Reporting by members re: charges and bail conditions, etc.

85.6.4 (1) A member shall file a report in writing with the Registrar if the member has been charged with an offence, and the report shall include information about every bail condition or other restriction imposed on, or agreed to, by the member in connection with the charge. 2017, c. 11, Sched. 5, s. 27.

Timing of report

(2) The report must be filed as soon as reasonably practicable after the member receives notice of the charge, bail condition or restriction. 2017, c. 11, Sched. 5, s. 27.

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Contents of report

(3) The report must contain,

(a) the name of the member filing the report;
(b) the nature of, and a description of, the charge;
(c) the date the charge was laid against the member;
(d) the name and location of the court in which the charge was laid or in which the bail condition or restriction was imposed on or agreed to by the member;
(e) every bail condition imposed on the member as a result of the charge;
(f) any other restriction imposed on or agreed to by the member relating to the charge; and
(g) the status of any proceedings with respect to the charge. 2017, c. 11, Sched. 5, s. 27.

Publication ban

(4) The report shall not contain any information that violates a publication ban. 2017, c. 11, Sched. 5, s. 27.

Same

(5) No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban. 2017, c. 11, Sched. 5, s. 27.

Additional reports

(6) A member who files a report under subsection (1) shall file an additional report if there is a change in the status of the charge or bail conditions. 2017, c. 11, Sched. 5, s. 27.

◄ BACK TO NOTIFICATION OF CHANGES OF INFORMATION

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SCHEDULE 5 – CMLTO CODE OF ETHICS

Prepared: September 2017

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Introduction

The Code of Ethics describes the expected ethical obligations and principles that patients, the profession and the public believe will guide the professional and personal conduct of all medical laboratory technologists (MLTs). These principles can be thought of more as exhibited behaviours than the knowledge and skills listed in a Standards of Practice document.

The Code of Ethics, along with the Standards of Practice, defines professionalism in the practice of medical laboratory technology. MLTs adhere not only to the Code of Ethics and guidelines, but also to the underlying spirit and precepts.

A medical laboratory technologist's fundamental responsibility is to manage the relevant medical laboratory services in the best interests of patients. MLTs have professional obligations to work collaboratively with colleagues and other healthcare providers to deliver professional services.

Patient safety and protection is paramount at all times.

The Code of Ethics will:

- Promote an MLT's recognition of the professional and personal conduct expectations for medical laboratory technology practice.

- Represent the minimum standards of professional behaviour and ethical conduct expected of all MLTs.

- Apply to MLTs at all times in all dimensions of professional and personal conduct, including technical and nontechnical fields such as education, administration, quality assurance, and research.

The ethical obligations and principles are not listed in order of importance. They should be balanced against each other and considered in relation to all of the obligations and principles described by the Code of Ethics. Over time, the Code of Ethics will evolve in response to regulatory, legal, and ethical expectations and will be adopted only after stakeholder consultation. Legislation, regulations, bylaws,

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Code of Ethics, Standards of Practice and practice guidelines collectively establish a framework for the practice of ethical and safe medical laboratory technology.

Ethical Obligations

Medical laboratory technologists demonstrate an application of their ethical obligations through their professional and personal conduct.

Obligations to Patients:

Medical laboratory technologists put their patient(s)' interest(s) above their personal interest(s). MLTs carry out their professional duties competently and with integrity. They respect their patients' individual needs and overall welfare at all times, including the patients' right to freedom of choice in health care provider, free and informed consent, and an expectation of confidentiality of all patient information, in accordance with existing legislation.

Obligations to the Public:

Medical laboratory technologists are dedicated to serving the public's health care needs through respectful, accessible, and cooperative interactions with the public and patients, other healthcare providers, and students. MLTs facilitate awareness and understanding of the medical laboratory technology profession.

Obligations to the Profession:

Medical laboratory technologists contribute to the profession's development through collaboration, mentorship, self-development, and support of its institutions. MLTs strive for excellence in their professional practice, and professional and personal conduct through life-long learning. Medical laboratory technologists recognize, disclose, and resolve conflicts of interest to safeguard patient care.

Obligations to the Regulatory Body:

Medical laboratory technologists understand, respect and comply with provincial statutes and regulations, and the Code of Ethics, Standards of Practice, bylaws and practice guidelines approved by their regulatory body. Medical laboratory technologists cooperate and maintain harmonious relations with, and promptly reply to all correspondence from the regulatory body at all times.

Obligations to Oneself:

Medical laboratory technologists are accountable and responsible for their professional and personal conduct. MLTs practice within their scope of professional

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competence and recognize their professional and personal limitations. Medical laboratory technologists maintain and improve their knowledge, skills, judgement and behaviours to ensure the best possible patient care.

Ethical Principles

Medical laboratory technologists demonstrate the following ethical principles through the medical laboratory technology services delivered, either alone or in collaboration with a multidisciplinary team, and any services rendered under the MLTs' direction and supervision.

Confidentiality / Privacy / Conflict of Interest

Medical laboratory technologists shall:

• Respect and protect patient confidentiality and privacy by understanding and complying with applicable privacy legislation and policies regarding the collection, use, and disclosure of confidential information.

• Recognize, disclose, and act appropriately to resolve conflicts of interest that arise in the course of professional activities. They will maintain the integrity of personal health information, maintain transparency, and deliver unbiased patient-centered care. MLTs only use confidential information in the best interests of the patient.

Diversity / Respect / Dignity / Consent

Medical laboratory technologists shall:

• Value, respect and protect the rights, welfare, and dignity of all patients by at all times providing patient care and service with respect for human rights, regardless of, but not limited to race, ethnicity, religion, language, sexual orientation, gender identity, age, socio-economic status, and mental or physical abilities.

• Obtain free and informed consent from patients before undertaking any action, in accordance with relevant legislation and policies, recognizing that consent can be withdrawn at any time.

• Maintain appropriate professional boundaries with patients, colleagues, and other healthcare providers while delivering patient-centered care.

Safety

Medical laboratory technologists shall:

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• Practice according to established protocols, safety guidelines, relevant current provincial and federal legislation, institutional policies and procedures, and environmental considerations. They do so to protect patients, colleagues, healthcare providers, society, the environment, and themselves from any potential harm while acting in the best interest of the patient.

• Promote a culture of safety with colleagues, and other healthcare team members.

Accountability / Responsibility

Medical laboratory technologists shall:

• Exercise independent judgment, accept responsibility for their actions and the foreseeable consequences of their actions, and recognize their accountability for the services they provide.

• Practice within the scope of their professional competence, recognize the competence of others and seek their assistance as required.

• Take appropriate action in responding to situations which may jeopardize patient care or harm the profession, including reporting impaired, incompetent, and/or unethical colleagues.

Professionalism / Behaviours / Attitudes / Professional Development

Medical laboratory technologists shall:

• Strive for excellence in their professional practice, and in their professional and personal conduct in order to uphold the integrity of the profession and the public trust.

• Communicate effectively with patients, the public, colleagues and other healthcare providers, contributing to a healthy and positive work environment

• Maintain and enhance professional practice and augment their knowledge, skills, judgement, and behaviour through self-reflection and self-directed professional development and by demonstrating continued competence

• Demonstrate collegiality, mentorship, and sharing of new and emerging professional knowledge.

Collaboration

Medical laboratory technologists shall:

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• Display integrity and respect in all interactions and collaboration with healthcare providers and others involved in patient care.

• Contribute to ongoing quality improvement in the provision of healthcare services.

• Promote learning by facilitating the sharing of knowledge, skills and judgment processes with colleagues, students, other healthcare professionals, and the public.

Summary

While the ethical obligations and principles are presented as discrete sections, medical laboratory technologists recognize that in practice all ethical principles are implemented as part of daily processes and do not stand alone. MLTs use a combination of their knowledge, skills, judgment and ethical behaviour to adjust to changing circumstances and evolving environments.

References

College of Medical Laboratory Technologists of Alberta (CMLTA). (2012). *Code of Ethics.* Edmonton, Alberta. Author.

College of Medical Laboratory Technologists of Manitoba. (2014). *Medical Laboratory Technologists Code of Ethics.* Winnipeg, Manitoba. Author.

College of Medical Laboratory Technologists of Ontario. (2007). *Code of Ethics for Medical Laboratory Technologists.* Toronto, Ontario. Author.

New Brunswick Society of Medical Laboratory Technologists. (2012). *Standards of Practice for MLT.* Memramcook, New Brunswick. Author.

Newfoundland and Labrador College for Medical Laboratory Science. (2013). *Code of Ethics.* St. John's, Newfoundland. Author.

Ordre Professionnel des Technologistes Médicaux du Québec. (2015). *Normes de pratique du technologiste médical.* Montréal, Québec. Author.

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College of Medical Laboratory Technologists of Ontario

EFECTIVE DATE OF THE BY-LAW

Certified to be the By-Law of the College of Medical Laboratory Technologists of Ontario (CMLTO) effective on the 1st day of December 2022 as enacted by the Board of Directors on the 1st day of December 2022 and confirmed by the Members of the Board of Directors as of the 1st day of December 2022.

Enacted on December 1, 2022

Tammy Earle,
BSc, MLT
Chair of Board of Directors

John Tzountzouris,
MA, BSc, BHA, MLT, GSP
Registrar and CEO

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