

CONSOLIDATION OF BY-LAW NO. 12

July 9, 2009

A By-law respecting the election and selection of Council members of the College of Medical Radiation Technologists of Ontario (the “College”)

BE IT ENACTED as a by-law of the College as follows:

1. In this By-law,

“educational institution” includes a health care institution whose training program is accredited by the College;

"faculty member" means a person who is a faculty member of an educational institution in Ontario that grants a diploma or degree in medical radiation technology;

“specialty” includes radiography, radiation therapy, nuclear medicine and magnetic resonance.

“Act” means the Medical Radiation Technology Act, 1991 as amended from time to time.

ELECTORAL DISTRICTS

2. (1) The following electoral districts are established for the purposes of the election of those members to the Council representing the specialty of radiography:

1. Electoral district 1, being the northern district, composed of the geographic area within the territorial boundaries of the Districts of Kenora, Rainy River, Thunder Bay, Algoma, Cochrane, Timiskaming, Manitoulin and Sudbury and the City of Greater Sudbury.

2. Electoral District 2, being the eastern district, composed of the geographic area within the territorial boundaries of the District Municipality of Muskoka, the Districts of Parry Sound and Nipissing, the United Counties of Prescott and Russell, Stormont, Dundas & Glengarry, and Leeds and Grenville, the Counties of Frontenac, Hastings, Lanark, Lennox & Addington, Prince Edward and Renfrew, and the City of Ottawa.

3. Electoral district 3, being the central district, composed of the geographic area within the territorial boundaries of the Regional Municipalities of Durham, Peel and York, the Counties of Haliburton, Northumberland, Peterborough and Simcoe, the City of Kawartha Lakes and the City of Toronto.

4. Electoral district 4, being the western district, composed of the geographic area within the territorial boundaries of the Regional Municipalities of Halton, Niagara, Waterloo, the

Counties of Brant, Dufferin, Wellington, Essex, Bruce, Grey, Huron, Perth, Lambton, Elgin, Middlesex, Haldimand and Norfolk, the Restructured County of Oxford, the City of Hamilton and the Municipality of Chatham-Kent.

- (2) Electoral district 5, which includes all of the Province of Ontario, is established for the purposes of the election of those members to the Council representing the specialty of radiation therapy.
- (3) Electoral district 6, which includes all of the Province of Ontario, is established for the purposes of the election of those members of the Council representing the specialty of nuclear medicine.
- (4) Electoral district 7, which includes all of the Province of Ontario, is established for the purposes of the election of those members of the Council representing faculty members.
- (5) Electoral district 8, which includes all of the Province of Ontario, is established for the purposes of the election of those members of the Council representing the specialty of magnetic resonance.
- (6) If any city, county, district or regional municipality referred to in subsection (1) is, from and after the date of enactment of this by-law, the subject of a municipal restructuring order or statute, such that it is amalgamated with other municipalities, dissolved, or otherwise ceases to exist in its current form, the electoral district referred to in subsection (1) which includes such city, county, district or regional municipality shall be deemed to include the municipality or municipalities which succeed or replace any such city, county, district or regional municipality.

NUMBERS OF MEMBERS ELECTED

3. One member shall be elected to the Council from each electoral district.

TERM OF OFFICE

4. Subject to section 4.1, the term of office of a member elected to the Council is three years commencing at the first regular meeting of the Council following the member's election to the Council, and the member of Council shall continue to serve until a successor takes office or the member of Council is disqualified in accordance with this by-law.
 - 4.1 Despite section 4, the term of office of a member elected to the Council in May 2007, May 2008 or May 2009 shall terminate at the first regular meeting of the Council following the election of members to the Council in April 2010, April 2011 or April 2012, respectively.
5. (1) Subject to sections 7, 8 and 9 and to subsection (2), a member of Council is eligible for re-election.
 - (2) No member shall serve on the Council for more than nine consecutive years.

- (3) The balance of an unexpired term served by a person who becomes a Council member under section 27 shall not be included in calculating the number of years served for the purposes of subsection (2).

ELECTION DATE

6. (1) Elections shall be held as follows:
1. An election of members to the Council representing districts 1, 4, 7 and 8 shall be held in the month of April 2010 and in April in every third year after that.
 2. An election of members to the Council representing districts 3 and 6 shall be held in the month of April 2011 and in April in every third year after that.
 3. An election of members to the Council representing districts 2 and 5 shall be held in the month of April 2012 and in April in every third year after that.
- (2) The Council shall set the date for each election of members to the Council.

ELIGIBILITY FOR ELECTION

7. A member is eligible for election to the Council in an electoral district if, on the date of nomination,
- (a) the member is engaged in practice as a medical radiation technologist in the electoral district for which the member is nominated, or, if the member is not engaged in practice as a medical radiation technologist, is resident in the electoral district for which he or she is nominated;
 - (b) the member is not in default of payment of any fees required by by-law or any fine imposed by the *Medical Radiation Technology Act* or the *Regulated Health Professions Act, 1991*;
 - (c) the member is not the subject of any disciplinary, incompetency or incapacity proceeding;
 - (d) there has not been a finding of professional misconduct, incompetence or incapacity with respect to the member in the three years preceding the date of the election;
 - (e) the member's certificate of registration has not been revoked or suspended in the six years preceding the date of election;

- (f) the member holds a specialty certificate of registration in one or more specialties and the member's certificate of registration is not subject to a term, condition or limitation other than one prescribed by regulation; and
 - (g) the member is not,
 - (i) a member of the provincial governing board of a professional association of medical radiation technologists,
 - (ii) an executive officer of a bargaining unit of a union representing medical radiation technologists, or
 - (iii) an executive officer of an association of managers of medical radiation technologists.
8. (1) A member is eligible for election to the Council to represent electoral district 7 if, on the date of nomination, the member has satisfied,
- (a) the requirements of section 7; and
 - (b) the requirements set by the Council in accordance with Council policy to determine that such member is a faculty member.
- (2) If a member has satisfied the requirements under clause (1)(b), then such member shall be deemed to be engaged in practice as a medical radiation technologist.
- (3) A member who has been elected to the Council to represent electoral district 7 in accordance with this by-law shall be conclusively deemed to have been selected, in accordance with a by-law made under section 12.1 of the Act.
9. Even though a member practises in more than one electoral district, is registered in more than one specialty or is registered as a faculty member and in one or more specialties, no member is eligible for election to the Council,
- (a) to represent at the same time more than one electoral district;
 - (b) to represent more than one specialty; or
 - (c) to represent faculty members and one or more specialties.

REGISTRAR TO SUPERVISE NOMINATIONS

10. The Registrar shall supervise the nomination of candidates.

NOTICE OF ELECTION AND NOMINATIONS

11. (1) No later than 120 days before the date of an election or by-election, the Registrar shall notify every member who is eligible to vote in writing of,
- (a) the date, time and place of the election or by-election;
 - (b) the nomination procedure; and
 - (c) the deadline for submitting nominations to the College.
- (2) The Registrar shall provide each member eligible to vote with a nomination form.

NOMINATION PROCEDURES

12. (1) The nomination of a candidate for election as a member of the Council shall be in writing and shall be given to the Registrar at least ninety days before the date of election.
- (2) The nomination for members of Council representing radiography shall be signed by the candidate and by at least two members who,
- (a) are registered to practise radiography;
 - (b) support the nomination; and
 - (c) are eligible to vote in the electoral district in which the election is to be held.
- (3) The nomination for members of Council representing radiation therapy shall be signed by the candidate and by at least two members who,
- (a) are registered to practise radiation therapy;
 - (b) support the nomination; and
 - (c) are eligible to vote in the electoral district in which the election is to be held.
- (4) The nomination for members of Council representing nuclear medicine shall be signed by the candidate and by at least two members who,

- (a) are registered to practise nuclear medicine;
 - (b) support the nomination; and
 - (c) are eligible to vote in the electoral district in which the election is to be held.
- (5) The nomination for members of Council representing faculty members shall be signed by the candidate and by at least two members who,
- (a) are registered as faculty members;
 - (b) support the nomination; and
 - (c) are eligible to vote in the electoral district in which the election is to be held.
- (6) The nomination for members of Council representing magnetic resonance shall be signed by the candidate and by at least two members who,
- (a) are registered to practise magnetic resonance;
 - (b) support the nomination; and
 - (c) are eligible to vote in the electoral district in which the election is to be held.
- 12.1 (1) A candidate may request a list of members eligible to vote in the electoral district in which the election is to be held, for purposes of nomination and election.
- (2) Subject to subsection (3), the Registrar shall provide the candidate with a list that sets out the name, business address (including the name of the employer) and business telephone number for the primary place of practice of each member eligible to vote in the electoral district in which the election is to be held.
- (3) Prior to being provided with a list of members, the candidate shall enter into an agreement, in the form required by the College, with respect to the use of the list.
13. (1) On receipt of a valid nomination, the Registrar shall send each candidate a biographical summary form.
- (2) A candidate shall return a completed biographical summary form by the deadline set by the Election Committee so that the candidate's biography can be included with the ballot.

14. A candidate may withdraw from nomination for election to the Council by notice in writing delivered to the Registrar no later than 45 days prior to the election date.

ACCLAMATION

15. (1) If the number of candidates nominated for an electoral district is less than or equal to the number of members to be elected in such electoral district, the Election Committee as composed in the by-laws shall declare the candidates to be elected by acclamation.
- (2) If the number of candidates acclaimed for an electoral district under subsection (1) is less than the number of members to be elected to Council in the electoral district, the Council shall at the first regular meeting of the Council following a determination by the Election Committee of any remaining vacancies appoint members who are eligible for election in the electoral district to fill any such vacancies.
- (3) The term of a member appointed under subsection (2) shall continue until the time the Council member's term would have expired had the member been elected.

REGISTRAR'S ELECTORAL DUTIES

16. (1) The Registrar shall supervise and administer the election of candidates and, for the purpose of carrying out that duty, the Registrar shall,
- (a) appoint scrutineers and returning officers;
 - (b) establish procedures for the opening and counting of ballots;
 - (c) provide for the notification of all candidates and members of the results of the election;
 - (d) provide for the destruction of ballots following an election; and
 - (e) if appropriate, approve the engagement of an independent service to count the ballots.
- (2) If there is an interruption of mail service during nominations or an election, the Registrar may extend the date for submitting nominations and/or holding the election for such period of time as the Registrar considers necessary to compensate for the interruption.
- (3) No later than thirty days before the date of an election, the Registrar shall send to every member eligible to vote in an electoral district in which an election is to take place a list of the candidates in the electoral district, a ballot, an explanation of the voting procedure including the deadline for receipt of ballots, a return addressed envelope and the biographical information about the candidates which is submitted to the College.

ELIGIBILITY TO VOTE

17. (1) Every member who is registered to practise medical radiation technology in Ontario and who is not in default of payment of the annual fee is entitled to vote in an election of members of the Council.
- (2) If a member is engaged in the practice of medical radiation technology, the member is eligible to vote for a candidate who is nominated in the electoral district in which the member is engaged in the practice of medical radiation technology to represent the specialty in which the member is registered to practise.
- (3) If a member is not engaged in the practice of medical radiation technology, the member is eligible to vote for a candidate who is nominated in the electoral district in which the member resides to represent the specialty in which the member is registered to practise.
- (4) A member shall not vote in more than one electoral district or for more than one specialty, whether or not such member is engaged in the practice of medical radiation technology in more than one electoral district or is registered in more than one specialty or is registered as a faculty member and in one or more specialties.
- (5) If the member practises in more than one electoral district or is registered in more than one specialty or is registered as a faculty member and in one or more specialties, such member shall select one electoral district in which he or she shall be entitled to vote and determine whether he or she intends to vote as a member registered in a specialty or as a faculty member at the time the member pays his or her annual fee.
- (6) If the member intends to vote as a faculty member, such member must satisfy the requirements set by the Council in accordance with Council policy to determine that such member is a faculty member.
- (7) A member who holds an employment specific certificate – radiography is eligible to vote for a candidate to represent radiography if the candidate is nominated in the electoral district in which the member is engaged in the practice of medical radiation technology.
- (8) A member who holds a restricted certificate - in vitro or an employment specific certificate – nuclear medicine is eligible to vote for a candidate to represent nuclear medicine if the candidate is nominated in the electoral district in which the member is engaged in the practice of medical radiation technology.

VOTING

18. (1) A member who is registered to practise radiography may cast as many votes on a ballot in an election of members to the Council as there are members representing radiography to be elected to the Council from the electoral district in which the member is eligible to vote.
 - (2) A member who is registered to practise radiation therapy may cast as many votes on a ballot in an election of members to the Council as there are members representing radiation therapy to be elected to the Council from the electoral district in which the member is eligible to vote.
 - (3) A member who is registered to practise nuclear medicine may cast as many votes on a ballot in an election of members to the Council as there are members representing nuclear medicine to be elected to the Council from the electoral district in which the member is eligible to vote.
 - (4) A member who is registered as a faculty member may cast as many votes on a ballot in an election of members to the Council as there are members representing faculty members to be elected to the Council from the electoral district in which the member is eligible to vote.
 - (5) A member who is registered to practise magnetic resonance may cast as many votes on a ballot in an election of members to the Council as there are members representing magnetic resonance to be elected to the Council from the electoral district in which the member is eligible to vote.
 - (6) A member shall not cast more than one vote for any one candidate.
 - (7) A member who holds an employment specific certificate - radiography may cast as many votes on a ballot in an election of members to the Council as there are members representing radiography to be elected to the Council from the electoral district in which the member is eligible to vote.
 - (8) A member who holds a restricted certificate - in vitro or an employment specific certificate - nuclear medicine may cast as many votes on a ballot in an election of members to the Council as there are members representing nuclear medicine to be elected to the Council from the electoral district in which the member is eligible to vote.
19. Voting for candidates for election to Council shall be by secret ballot using the ballot forms supplied by the Registrar.
 20. The vote shall be secret and so conducted that no person shall know for whom any member has voted.
 21. (1) Ballots shall be opened and counted at a site or sites selected by the Registrar.
(2) Scrutineers and returning officers shall be appointed by the Registrar.
(3) The scrutineers shall undertake that each ballot will be tabulated twice.

22. If a candidate withdraws from nomination for election prior to the election date, all votes cast for that candidate, if any, shall not be counted in determining the results of that election.

TIE VOTES

23. If there is a tie in an election of members to the Council, the Election Committee shall break the tie by lot.

RECOUNTS

24. (1) A candidate may by written request, together with a fee equal to the annual fee received by the Registrar no more than fifteen days after the date of an election, require a recount.
- (2) The Registrar shall hold the recount no more than fifteen days after receiving the request.
- (3) The recount shall be conducted substantially in the same manner as the original counting of the ballots except that the candidates or representatives named by all the candidates and a representative of the College named by the Election Committee may be present at the recount.
- (4) The fee required under subsection (1) shall be returned in full to the candidate who requested a recount if the recount changes the result and such candidate is elected.

DISQUALIFICATION OF ELECTED MEMBERS

25. (1) The Council shall disqualify an elected member from sitting on the Council if the elected member,
- (a) is found by a panel of the Discipline Committee to have committed an act of professional misconduct or is found to be incompetent;
 - (b) is found to be an incapacitated member by a panel of the Fitness to Practise Committee unless in the opinion of Council such member should continue to sit on Council;
 - (c) fails, without cause, to attend two consecutive meetings of Council;
 - (d) fails, without cause, to attend two consecutive meetings of a committee of which such member is a member;
 - (e) ceases to practise in Ontario and commences to practise outside of Ontario;
 - (f) fails, without cause, to attend a hearing or proceeding of a panel for which such member has been selected;

- (g) becomes the subject of a proceeding with respect to professional misconduct, incompetency or incapacity; or
 - (h) ceases to be a member.
- (2) Subject to the provisions of clause (1)(b) and subsection (3), an elected member who is disqualified from sitting on the Council ceases to be a member of the Council.
 - (3) If an elected member is disqualified from sitting on the Council pursuant to clause (1)(g), the member shall not be entitled to attend Council meetings but shall not cease to be a member of Council.
 - (4) If there is a finding of professional misconduct, incompetency or incapacity, subject to the provisions of clause (1)(b), the member referred to in subsection (3) shall cease to be a member of Council.
 - (5) If there is no finding of professional misconduct, incompetency or incapacity, entitlement of the member referred to in subsection (3) to attend and vote shall be reinstated.
26. No member of Council is eligible to serve on a committee as a non-Council member.

FILLING OF VACANCIES

27. (1) If the seat of an elected Council member becomes vacant in an electoral district not more than eighteen months before the expiry of the member's term of office, the Council may,
 - (a) leave the seat vacant;
 - (b) appoint as an elected member, the candidate, if any, who was the runner-up in the last election of Council members for that electoral district; or
 - (c) direct the Registrar to hold an election for that electoral district in accordance with the by-laws.
- (2) If the seat of an elected Council member becomes vacant in an electoral district more than eighteen months and less than thirty months before the expiry of the member's term of office, the Council shall direct the Registrar to hold an election for that electoral district.
- (3) If the seat of an elected Council member becomes vacant in an electoral district within six months of the original election, the Council shall appoint the runner-up and, if there is no eligible runner-up, the Council shall direct the Registrar to hold an election for that electoral district.

- (4) The term of a member appointed or elected under subsection (1), (2) or (3) shall continue until the time the former Council member's term would have expired.