

CONSOLIDATION OF BY-LAW NO. 9

July 9, 2009

A by-law respecting the appointment of non-Council members to committees of the College of Medical Radiation Technologists of Ontario (the “College”)

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

1. This By-law applies with respect to the appointment of members who are not members of the Council to a committee of the College.
2.
 - (1) The term of office of a committee member is one year.
 - (2) A committee member is eligible for reappointment.
 - (3) Despite subsection (1), the term of office of a committee member appointed at the first regular meeting of the Council following the election of members to the Council in May 2009 shall terminate at the first regular meeting of the Council following the election of members to the Council in April 2010.
3. A member is eligible for appointment to a committee by the Council if, on the date of the appointment,
 - (a) the member practises as a medical radiation technologist in Ontario, or, if the member does not practise as a medical radiation technologist, the member is resident in Ontario;
 - (b) the member is not in default of payment of any fees required by by-law or any fine imposed under the *Medical Radiation Technology Act* or the *Regulated Health Professions Act, 1991*;
 - (c) the member is not the subject of any disciplinary, incompetence 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 appointment;
 - (e) the member’s certificate of registration has not been revoked or suspended in the six years preceding the date of the appointment;
 - (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 a member of the provincial governing board of a professional association of medical radiation technologists, an executive officer of a bargaining

unit of a union representing medical radiation technologists or an executive officer of an association of managers of medical radiation technologists.

4. (1) The Council shall disqualify a member appointed to a committee from sitting on the committee, and the member shall cease to be a member of the committee if the member,
 - (a) is found by a panel of the Discipline Committee to have committed an act of professional misconduct or to be incompetent;
 - (b) is found to be an incapacitated member by a panel of the Fitness to Practise Committee;
 - (c) fails, without cause, to attend two consecutive meetings of the committee or of a subcommittee of which such member is a member;
 - (d) fails, without cause, to attend a hearing or review of a panel for which such member has been selected;
 - (e) ceases to practise in Ontario and commences to practise outside of Ontario; or
 - (f) ceases to be a member.
- (2) Despite clause (1) (b), a member who is found to be an incapacitated member by a panel of the Fitness to Practise Committee shall not be disqualified from sitting on a committee nor cease to be a member of the committee if the Council determines that the incapacity of the member would not interfere with the performance of the member's responsibilities as a committee member and that the member is entitled to continue to sit on the committee.
- (3) The Council shall disqualify a member appointed to a committee from sitting on the committee if the member becomes the subject of a proceeding with respect to professional misconduct, incompetence or incapacity.
- (4) Pending the outcome of the proceedings, a member disqualified from sitting on a committee under subsection (3) shall not be entitled to attend the meetings of the committee but shall not cease to be a member of the committee.
- (5) If the proceeding referred to in subsection (3) results in a finding of professional misconduct or incompetence, the member shall cease to be a member of the committee.
- (6) If the proceeding referred to in subsection (3) results in a finding of incapacity, the member shall cease to be a member of the committee unless the Council determines that the incapacity of the member would not interfere with the performance of the member's responsibilities as a committee member and that the member is entitled to sit on the committee.
- (7) If the proceeding referred to in subsection (3) does not result in a finding of professional misconduct, incompetence or incapacity, the member's right to attend meetings of the committee shall be reinstated.

- (8) The Council or Executive Committee may disqualify a member appointed to a committee from sitting on a committee or take other action that is appropriate in the circumstances if, in the opinion of Council or the Executive Committee to be determined by a majority of the votes cast at a meeting of Council or the Executive Committee, as the case may be, the conduct or actions of the member are detrimental to the College or contrary to any of its policies. The member shall cease to be a member of the committee if the member is disqualified from sitting on the committee under this subsection.
5. (1) The Council shall appoint a successor as soon as is feasible after a member has ceased to be a member of the committee under subsection 4 (1), (5), (6) or (8).
- (2) The term of office of a person who is appointed as a successor under subsection (1) expires when the term of the office of the person being replaced would have expired.
- (3) If a member is not entitled to attend the meetings of a committee under subsection 4 (4) or 4 (8), the Council may appoint a substitute member to attend and vote at meetings of the committee.
- (4) The term of office of a substitute member expires when,
- (a) a successor is appointed under subsection (1); or
- (b) the member's right to attend is reinstated under subsection 4 (7) or 4 (8).