



The College of Naturopaths of Ontario

## **CONSULTATION OF REGISTRANTS AND STAKEHOLDERS PROPOSED CHANGES TO THE BY-LAWS**

(September 27, 2021) The College of Naturopaths of Ontario is undertaking a consultation of Registrants and stakeholders of the College about proposed changes to the by-laws of the College as they relate to the:

- a) Election of Council members; and
- b) Fees associated with a Payment Plan offered by the College.

The proposed changes are in draft form, and the Council has not made any decisions yet. The feedback received from this consultation will be presented to the Council for review and consideration, along with any final proposed changes.

We encourage everyone to read them carefully and provide feedback as these proposed changes impact the process for electing Council members and individual rights of Registrants to vote,

### **Intent of the proposed changes**

#### Changes to the Election Process

The intent of the proposed changes is to streamline and shorten the election process. This is possible because of new voting efficiencies derived from electronic voting procedures. It is desirable for those seeking election as they find the length of time it takes for the election process to unfold disconcerting.

Proposed changes include:

- Reducing the number of nominators from three to two.
- Enabling an electronic or on-line nomination process.

This is intended to streamline the election process by making it easier for candidates to be nominated.

Allowing nominators to be from another district other than the one for which a Registrant is seeking election was another change that was also considered but ultimately rejected. This is the most common error Registrants encounter as some Registrants live in one district but work in a neighbouring district. District assignment is based on the location of a Registrant's primary clinic location or, if they hold an Inactive certificate of registration, their residential address. This change was not made because it seems inherently unfair to have nominators from one district involved in the nomination of an individual in another district.

It should be noted that if nominations are received before the deadline for nominations, they are reviewed, and candidates are given an opportunity to find other nominators from within their district. Unfortunately, this becomes impossible if the nomination is received at the deadline.

## Changes to the Payment Plan

Because of the impact of COVID-19, the Council waived the application of certain requirements surrounding a Registrant enrolling in a payment plan. Specifically, the Council waived the application of an enrolment fee as well as the initial balloon payment of 35%. As a result of these changes, enrolment in the plan dramatically increased from approximately 50 under the rules in the by-laws to over 500 in the Council-relaxed rules.

Additionally, changes in the College's database management system have made the operation of a payment plan significantly easier as the database integrates well with the College's banking institution. The database also makes it easier to manage the plan and Registrants enrolled in the plan.

Given these, the College is proposing to amend the by-laws to make permanent the more relaxed rules of the removal of the enrolment fee as well as the initial balloon payment of 35% that the Council had earlier approved for one time only.

## **Background**

The election process as set out in the by-laws currently takes a minimum of 90 days (three months); however, in practice is it extended to 120 days (four months) or more to avoid the holiday season which is the time during which the Call for Nominations is scheduled to be released.

Further changes are intended to provide a clearer window of opportunity for any Registrant disqualified from voting (because they have been suspended).

In the most recent election in District 4, while 221 Registrants were eligible to vote, only 31 Registrants voted. This is a 14% voter turn out rate. This is consistent with past elections run by the College since proclamation in 2015.

Additionally, all ballots were cast within the first 14 days of the election, something that is again consistent with prior elections. This does not appear to change dramatically with one or more reminders being sent out by the College.

## Overview of the changes to the Election Process

Before providing the detailed proposed revisions, it may be helpful to be able to compare the current process set out in the by-laws with the proposed changes.

<b>Provision</b>	<b>Current by-laws</b>	<b>Proposed New By-laws</b>
Call for nominations	90 days before election day <sup>1</sup> .	75 days before election day.
Close of nominations	60 days before election day.	45 days before election day.
Notice of ineligibility	Within the 30-day balloting timeframe.	30 days before election day.

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<sup>1</sup> "election day" is a term used in the by-laws that reflects the final day that balloting is permitted.

Close of ineligibility appeal window	Within the 30-day timeframe, 15 days before close of balloting.	16 days before election day.
Balloting opens	30 days before election day.	15 days before election day.
Balloting closes	Election day, end of day.	Election day, end of day.
Election day	Set by CEO, to fall between January 1 and March 31.	Set by CEO, to fall between February 1 and April 30.
Deadline for recount request	8 days after election day.	3 days after election day.
Deadline for recount results	23 days after election day.	7 days after election day.
Election results announced	24 days after election day.	8 days after election day.

Under the current process, the election balloting closes on or about the first Thursday of March. This allows for the results to be announced and the College to launch Executive Committee elections in time for the first Council meeting following the elections. Under the new process, election balloting would occur on or about the first Thursday of April for the same reasons. Again, in the interest of being clear, the following timeline provides dates for the most recent election (2021) using both models.

<b>Provision</b>	<b>Current By-laws</b>	<b>Proposed New By-laws</b>
Call for nominations	November 9, 2020 <sup>2</sup>	January 15, 2021
Close of nominations	December 11, 2020	February 15, 2021
Notice of ineligibility	February 3, 2021	March 2, 2021
Close of ineligibility appeal window	February 17, 2021	March 16, 2021
Balloting opens	February 3, 2021	March 17, 2021
Balloting closes	March 5, 2021	April 1, 2021
Election day	March 5, 2021	April 1, 2021
Deadline for recount request	March 13, 2021	April 4, 2021
Deadline for recount results	March 28, 2021	April 8, 2021
Election results announced	March 29, 2021	April 9, 2021

The proposed changes realized the following benefits and adherence to certain democratic principles:

- The Call for Nominations would be released early in the new year, much closer to the actual election itself achieving the streamlining benefit anticipated.
- The nominations period remains 30-days in duration to allow for Registrants to obtain the needed nominators and file nomination papers.
- Separating out the notice period for ineligible Registrants ensures that it is distinct from the actual balloting process garnering it more attention. It should be noted no individual

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<sup>2</sup> This timing was earlier than required in order to complete the nomination process before the holiday season.

who has been deemed ineligible (due to their certificate of registration being suspended) has ever filed an appeal with the College.

- Based on the election results, no Registrants would have been disenfranchised by the 15-day voting period as all votes were cast within that timeframe. Most ballots were cast within the first few days. This is consistent with findings around surveys that are conducted. Longer periods do not result in higher participation rates.
- Candidates in the election would have been engaged in the election process for less than 90 days under the new process whereas under the old process, there were engaged for 130 days.

### Overview of Changes to the Payment Plan

As noted above, the intent of the changes is to make the payment plan more accessible to Registrants by removing financial barriers to participation.

<b>Provision</b>	<b>Current By-laws</b>	<b>Proposed New By-laws</b>
Upfront payment of fees	35%	None
Subsequent payments	Series of 10 equal payments	Series of 10 equal payments
Default of payment results in:	<ul style="list-style-type: none"> <li>• No longer in good standing</li> <li>• Issuing Intent to Suspend letter</li> <li>• Application of late renewal fee (\$285 + HST)</li> <li>• All fees due with 30 days</li> <li>• Inability to enrol in program in future</li> </ul>	<ul style="list-style-type: none"> <li>• No longer in good standing</li> <li>• Issuing Intent to Suspend letter</li> <li>• Application of late NSF fee (\$35 + HST)</li> <li>• All fees due with 30 days</li> <li>• No lingering penalty</li> </ul>
Enrolment fee	\$153	\$0

### **Proposed changes to the by-law provisions**

The following are the proposed changes to the actual by-laws themselves. This is provided for clarity and to allow an opportunity for feedback to be provided. All changes are contained within section 10 of the by-laws.

<b>Section</b>	<b>Current</b>	<b>Proposed</b>
10.03	<b>Election Date</b>	
	Election of Registrants to Council shall be held on a date determined by the CEO between January and March, inclusive, of each year, according to the following schedule:	Election of Registrants to Council shall be held on a date determined by the CEO between <b>January February</b> and <b>March April</b> , inclusive, of each year, according to the following schedule:

		(no changes to subsections (i) through (iii))
10.08	<b>Notice of Election and Nominations</b>	
	At least ninety days before the date of an election, the CEO shall notify every Registrant of the date of the election and of the nomination procedure, including the deadline for submitting nominations to the College.	At least <del>ninety</del> <b>seventy-five</b> days before the date of an election, the CEO shall notify every Registrant of the date of the election and of the nomination procedure, including the deadline for submitting nominations to the College.
10.09	<b>Nomination Deadline</b>	
	The nomination of a Registrant for election to Council shall be on a form prescribed by the CEO and shall be received by the CEO at least sixty days before the date of the election.	The nomination of a Registrant for election to Council shall be on a form prescribed by the CEO and shall be received by the CEO at least <del>sixty</del> <b>forty-five</b> days before the date of the election. <b>The form prescribed by the CEO may be an electronic form at the discretion of the CEO.</b>
10.10	<b>Signed Nominations</b>	
	The nomination form shall be signed by at least three Registrants eligible to vote in the electoral district in which the Registrant intends to run and shall also be signed by the Registrant being nominated as a signal of their consent to the nomination.	The nomination form shall be signed by at least <del>three</del> <b>two</b> Registrants eligible to vote in the electoral district in which the Registrant intends to run and shall also be signed by the Registrant being nominated as a signal of their consent to the nomination. <b>If the CEO uses an electronic form, the signatures required may be in the form of a digital signature or attestations at the discretion of the CEO provided the form clearly signals the intent of Registrants to support the nomination and the intent of the Registrant being nominated to consent to the nomination.</b>
10.17.1	(does not exist)	<b>Ineligibility Process</b>
		<b>No later than thirty days before the date of an election, the CEO shall inform Registrants who are ineligible to vote in the election that they are ineligible and the reason for their</b>

		ineligibility. Ineligible Registrants will be afforded 14 days to cure the reason for their ineligibility or to file an appeal of their ineligibility with the Governance Committee.
10.17.2	Voting Process	<b>Balloting Process</b>
	No later than thirty days before the date of an election, the CEO shall inform Registrants eligible to vote in the election the names of eligible candidates, the biography and personal statement accepted by the Governance Committee of every eligible candidate who has submitted one by the deadline established by the CEO, and a ballot (or equivalent if voting is done electronically) and an explanation of the voting process.	No later than <del>thirty</del> <b>thirty fifteen</b> days before the date of an election, the CEO shall inform Registrants eligible to vote in the election the names of eligible candidates, the biography and personal statement accepted by the Governance Committee of every eligible candidate who has submitted one by the deadline established by the CEO, and a ballot (or equivalent if voting is done electronically) and an explanation of the voting process.
10.23	<b>Manner of Recount</b>	
	The CEO shall hold a recount no more than fifteen days after receiving a written request and the recount shall be conducted in as transparent a manner as the voting system reasonably permits.	The CEO shall hold a recount no more than <del>fifteen</del> <b>four</b> days after <del>receiving a written request and</del> <b>the deadline for receipt of a written request for a recount.</b> The recount shall be conducted in as transparent a manner as the voting system <b>and protection of the privacy rights of Registrants in relation to for whom they may have voted,</b> reasonably permits.
<b>18.08 Payment Schedules</b>		
	The CEO may establish and Registrants may participate in a payment schedule for the annual registration fee of Registrants, subject to the following:	The CEO may establish and Registrants may participate in a payment schedule for the annual registration fee of Registrants, subject to the following:
(i)	a portion of the annual fee that is no less than 35% of the annual fee, as determined by the CEO, must be paid by the 20 <sup>th</sup> day of March of each year in order for a Registrant to qualify for the payment schedule;	<del>a portion of the annual fee that is no less than 35% of the annual fee, as determined by the CEO, must be paid by the 20<sup>th</sup> day of March of each year in order for a Registrant to qualify for the payment schedule;</del>

(ii)	any subsequent payment(s) by the Registrant shall be in the designated quantum and shall be delivered to the CEO by the designated date(s) as set out in the payment schedule;	<del>any subsequent</del> payment(s) by the Registrant shall be in the designated quantum and shall be delivered to the CEO by the designated date(s) as set out in the payment schedule;
(iii)	failure to pay the designated quantum and/or make any payment(s) by the designated date(s) may result in: <ul style="list-style-type: none"> <li>(a) the Registrant being in default and no longer in good standing with the College;</li> <li>(b) commencement of proceedings under section 24 of the Code to suspend the Registrant for non-payment of fees;</li> <li>(c) the application of the Late Renewal Fee as set out in Schedule 3 of these by-laws and a demand for all outstanding registration fees for the registration year by the CEO in order to avoid suspension under section 24 of the Code; and/or</li> <li>(d) the inability of the Registrant to participate in payment schedules in the future, at the discretion of the CEO; and</li> </ul>	failure to pay the designated quantum and/or make any payment(s) by the designated date(s) may result in: <ul style="list-style-type: none"> <li>(a) the Registrant being in default and no longer in good standing with the College;</li> <li>(b) commencement of proceedings under section 24 of the Code to suspend the Registrant for non-payment of fees;</li> <li>(c) the application of the <del>Late Renewal Fee</del> <b>NSF Fee</b> as set out in Schedule 3 of these by-laws and a demand for all outstanding registration fees for the registration year by the CEO in order to avoid suspension under section 24 of the Code; and/or</li> <li><del>(d) the inability of the Registrant to participate in payment schedules in the future, at the discretion of the CEO; and</del></li> </ul>
(iv)	an annual enrolment fee, as set out in Schedule 3, being charged to Registrants who participate in the program.	<del>an annual enrolment fee, as set out in Schedule 3, being charged to Registrants who participate in the program.</del>

**Schedule 3 Changes**

**Fees Relating to Registration**

	<b>Current</b>	<b>Proposed</b>
Annual Registration Fee – Clinical/General Class	\$1,579	\$1,579
Annual Registration Fee – Inactive Class	\$792	\$792
Late Renewal Fee – All Classes	\$280	\$280
Reinstatement Fee – All Classes	\$242	\$242
<del>Payment Plan Annual Enrolment Fee – All Classes</del>	<del>\$153</del>	<del>\$153</del>

## **Consultation Feedback**

Registrants and stakeholders are invited to provide feedback on the proposed by-law changes. Feedback should be sent by e-mail to [general@collegeofnaturopaths.on.ca](mailto:general@collegeofnaturopaths.on.ca) and must be received no later than 5:00 pm on November 22, 2021.

All feedback received will be posted to the College's website upon receipt and shall remain publicly available until the Council has deliberated and made a final decision on the proposed by-law changes. The names of individuals who provide feedback will be redacted—however names of organizations will be made publicly available.

## **Decision Date and Questions**

It is anticipated that this matter will be brought before the Council of the College of Naturopaths of Ontario at its regularly scheduled meeting set for November 2021.

Anyone who has questions about the content of this consultation document is invited to contact the College by e-mail at [general@collegeofnaturopaths.on.ca](mailto:general@collegeofnaturopaths.on.ca).

College of Naturopaths of Ontario

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