



***THE NOVA SCOTIA COLLEGE
OF
RESPIRATORY THERAPISTS***

APPROVED BY-LAWS

Revised 2023

TABLE OF CONTENTS

1. DEFINITIONS	pg. 3
2. FISCAL YEAR	pg. 4
3. LICENSING REQUIREMENTS	pg. 4
(a) Annual Licensing Fees	
(b) Entry to Practice Exam	
4. BOARD OF THE COLLEGE	pg. 5
(a) Appointment of Board	
(b) Expenses of Board	
(c) Terms of Board	
(d) Powers of Board Members	
(e) Duties of President	
(f) Duties of President-Elect	
(g) Duties of Past-President	
(h) Duties of Treasurer	
(i) Duties of Secretary	
(j) Duties of Directors-at-Large and Public Member	
(k) Resignation of Board Members	
(l) Removal of Board Members	
5. MEETINGS OF THE BOARD	pg. 8
(a) Time and Place	
(b) Notice	
(c) Quorum	
(d) Chairperson	
(e) Voting	
(f) Virtual Meetings	
(g) Attendance	
6. MEETINGS OF THE MEMBERSHIP	pg. 9
(a) Annual General Meeting of the College	
(b) Special General Meetings of the College	
(c) Meeting Location	
(d) Notice	
(e) Quorum	
(f) Proxies	
(g) Chairing of Meetings	
(h) Business	
(i) Voting	
(j) Adjournment	
(k) Minutes	
7. ACCOUNTS	pg. 11
(a) Appointment of Auditor(s)	
(b) Audit of Account	
8. GENERAL BY-LAWS	

9. COMMITTEES	pg. 12
(a) Credentials (Registration) Committee	
(b) Professional Practice Committee	
(c) Nominations Committee	
(d) Registration Appeal Committee	
(e) Complaints Committee	
(f) Reinstatement Committee	
(g) Professional Conduct Committee	
(h) Governance Committee	
10. SEAL OF THE COLLEGE	pg. 20
11. FORMS	pg. 21
12. EDUCATION FUNDING	pg. 21
13. MEMBERSHIP IN ORGANIZATIONS	pg. 21

NSCRT APPROVED BY-LAWS June 2008; Amended 2013, 2018, 2021, and 2022

1. DEFINITIONS

"The Act" refers to the Respiratory Therapists Act, 2007, c. 13, s. 1.

"Annual meeting" means the annual meeting of the NSCRT required by Article 6 of The Act.

"Auditor" means the person or firm appointed under Section 7 (1) (d) of The Act.

"Board" means the Board of Directors of the College, and "Director" means a member of the Board.

"By-law" means these By-laws and other By-laws of the College as amended and which are, from time to time, in force and effect.

"Chair" means the person designated to preside over meetings of statutory or non-statutory committees.

"College" means the Nova Scotia College of Respiratory Therapists.

"Committee" means a statutory and/or non-statutory committee of the NSCRT.

"Executive" means the officers of NSCRT appointed by the Board.

"Ex-officio" means the ability to attend meetings by virtue of one's office or position, but the person is not entitled to make a motion or vote and is not counted when determining a quorum.

"NSCRT" means the Nova Scotia College of Respiratory Therapists.

"Meeting of members" includes an annual meeting of members or a special meeting of members.

"Member" means an individual registered with NSCRT holding a licence in the active-practising or active-practising with conditions or restrictions categories of licensure.

"Officer of NSCRT" includes the President, the President-Elect, the immediate Past-President, the Treasurer, and the Secretary.

"Ordinary resolution" means a resolution passed by at least 50% plus 1 of the votes cast on that resolution.

"Public Member" means a public representative appointed by the Governor in Council to the Board and is not a member of the College.

"Regulations" means the regulations made under The Act, as amended, restated or in effect from time to time.

"Robert's Rules of Order" means the current manual of parliamentary procedure (rules, ethics, and customs) used to govern meetings.

"Special meeting" means a general meeting requested by at least a quorum of the voting members as required by Article 6. (b).

"Special resolution" means a resolution passed by at least two-thirds (2/3) of the votes on that resolution.

"Voting Members" means a member who attends a Special General Meeting or the Annual General Meeting (AGM) of Members, either in person, by proxy, or electronically, within the timelines set out in Article 6. (e) ii.

2. FISCAL YEAR

The fiscal year of the NSCRT shall be the period from the 1st day of April in any year to the 31st day of March in the year next following.

3. LICENSING REQUIREMENTS

(a) Annual Licensing Fees

- i. The NSCRT Board, by resolution, shall determine Annual Fees for all categories of License and Membership. NSCRT Members will be informed of the Annual Fee for the upcoming fiscal year at the Annual General Meeting. The Treasurer shall provide the financial reasons for any change in the amount of the Annual Fees.
- ii. All Annual Licensing Fees shall be due and payable (in full) to the College on the 15th day of March for the year then commencing. Fees paid after this date but before April 1st of the year commencing will be subject to a \$50 late fee.
- iii. Default in Payment of Annual Licensing Fees: A Member whose Annual Licensing Fees remain unpaid on the 1st day of April shall be removed from the Register of Membership in the College.
- iv. Reinstatement: If reinstatement is sought within the same fiscal year, a reinstatement fee of \$100 and Annual Licensing Fees are to be paid in full for the remainder of the fiscal term.

(b) Entry to Practice Exam

The Board approves as the “registration exam” required by the Regulations, the credentialing examination created by such third-party examination provider approved from time to time by resolution of the Board.

4. BOARD OF THE COLLEGE

The Board shall consist of a President, Past-President, President-Elect, Treasurer, three (3) Directors at Large, and a minimum of two (2) and not more than three (3) Public Members. The Board shall appoint one of the Directors-at-Large to serve as the Secretary to the Board.

(a) Appointment of Board Members

- i. The Board, except for the Public Members appointed by the Governor in Council, shall be appointed by the Board from amongst the NSCRT membership.
- ii. The Board will:
 - (1) Appoint a Nominations Committee according to By-law 9. (c) i.
 - (2) Determine upcoming Board member vacancies during the 1st Board meeting of the calendar year. Board member vacancies, including the President position, which occur prior to the scheduled end of a term, at the discretion of the Board, shall be:
 - a. Left vacant if a regular appointment is within the next six (6) months; or
 - b. Replaced by a regular member of the College, appointed by the Board to serve the remainder of the term; or
 - c. Filled by a call for a Special Appointment to replace the vacancy for the remainder of the term.
 - (3) Develop and approve:
 - a. A Board Composition Matrix of desired competencies, qualities, and skills.
 - b. A Board Composition Matrix Summary Table; and
 - c. A Board Member Self-assessment Tool.
 - (4) Ensure each Board member completes the Self-assessment Tool, which is used to complete the Board Composition Matrix Summary Table.
 - (5) Identify the candidates’ competencies, qualities, and other skills needed to fill identified vacancies based on the completed Composition Matrix Summary Table.
 - (6) Provide the Nominations Committee with a position description to be used in the Call for Nominations.
 - (7) Review the nominees referred by the Nominations Committee after the closing of the Call for Nominations.
 - (8) Appoint, through a majority vote of the Board conducted through a secret ballot, the candidate(s) that best meets the desired competencies, qualities and other skills established in the Board Composition Matrix.
- iii. Appointment to the Board will take place at the Annual General Meeting.
- iv. The Nominations Committee will:
 - (1) Seek candidates to fill member vacancies on the Board created by either the expiration of a term of a currently serving member or through a vacancy prior to the expiration of a serving member’s term.
 - (2) Ensure nominees have completed and signed a Nominations Form approved by the Board and have provided such other information as required by the Board to outline

how the candidate's experience and qualifications align with the position description.

- (3) From the nominees received, refer to the Board for consideration all candidates for each vacant position, ensuring there is a candidate for each available vacancy.
- v. Reoffering for a second Board term - Any incumbent who wishes to be nominated for a second term must submit their name and a Nominations Form to the Nominations Committee. The incumbent's name will be put forth with other nominees for the Board vacancy.

(b) Expenses of Board

- i. Board Members shall be reimbursed for expenses incurred related to attendance at Board meetings (i.e., travel, parking, mileage, babysitting, etc.) upon submission of appropriate expense form with receipt to the Registrar.
- ii. Upon the ratification of at least two-thirds (2/3) majority of the Voting Board Members present at a meeting called for that purpose, special expenses out of the funds of the College may be awarded to any of the Board Members or other duly appointed person, who performs any special mission on behalf of the College outside the work or service ordinarily required of the Board Member or person.

(c) Terms of Board

- i. The President shall serve a two (2) year term. At the end of this term, the President-Elect shall automatically assume the Presidency.
- ii. The President-Elect shall serve a two (2) year term prior to serving a two (2) year term as President. The President-Elect will automatically assume the position of President if that office is vacated prior to the expiration of the President's term.
- iii. The Past-President shall serve a two (2) year term immediately following the completion of their two (2) year term as President. If a vacancy occurs with respect to the Past-President, the Board, in the following order of preference, will appoint:
 - (1) A former Past-President
 - (2) A member who previously served on the Board
- iv. All other Board Members shall serve for a two-year (2) term. Board Members may serve two consecutive terms, in addition to any other term served as a result of a special election or appointment by the Board due to a vacancy.

(d) Powers of Board Members

The Board Members may appoint, from time to time, committees consisting of such persons as the Board Members decide. The Board Members may also engage other staff and/or external agencies to support day to day operations of the College.

(e) Duties of the President

- i. The President shall have general oversight of the activities of the Board and the Registrar.
- ii. The President shall attend, with the Registrar, the National Alliance of Respiratory Therapy Regulatory Bodies (NARTRB) meetings as deemed necessary by the Board. The President may designate another Board Member to attend in their absence.

(f) Duties of the President-Elect

- i. The President-Elect shall assist the President in all matters and in such manner as requested by the President.
- ii. The President-Elect may accompany the President to attend, as an observer, the NARTRB meetings as deemed necessary by the Board.
- iii. The President-Elect shall perform the President's duties during the President's absence, illness, incapacity, or during such period as the President may request.

(g) Duties of Past-President

The Past-President shall, at the request of the Board and subject to its directions, mentor the President and the President-Elect.

(h) Duties of Treasurer

- i. The Treasurer shall approve the receipts and disbursements of the College.
- ii. The Treasurer shall perform all such duties that may be assigned by the President or the Board.
- iii. The Treasurer shall present a quarterly financial statement to the Board and a yearly audited financial statement and budget to the Members at the Annual General Meeting.

(i) Duties of Secretary

- i. The Secretary shall record minutes of Meetings of the Board and Meetings of the Membership.
- ii. The Secretary shall develop meeting agendas with the President and the Registrar.
- iii. The Secretary shall distribute the prior meeting minutes, the agenda, and other related documents to the Members.

(j) Duties of Directors-at-Large and Public Members

The Directors-at-Large and Public Members shall serve as Members of the Board and accept direction and duties as assigned by the President or Board.

(k) Resignation of Board Members

If a Board Member resigns their office or ceases to be a Member, their position is deemed vacated, and the vacancy shall be filled according to By-law 4. (a) ii. (2).

(l) Removal of Board Members

The College may, by Special Resolution, remove a Board Member before the expiration of the period of office and appoint another person in their stead. The appointed person shall hold office during such time only as the Board Member in whose place they are appointed would have held office if they had not been removed.

5. MEETINGS OF BOARD

(a) Time and Place

Meetings of the Board shall be held as often as the business of the College may require and shall be called by the President.

(b) Notice

- i. A meeting of Board Members may be held at the close of every ordinary or Annual General Meeting of the College without notice.
- ii. Notice of all other meetings, specifying the time and place thereof, shall be given either orally, electronically or in writing to each Board Member within a reasonable time before the meeting is to take place, but non-receipt of such notice by any Board Member shall not invalidate the proceedings at any meeting of the Board.

(c) Quorum

No business shall be transacted at any Board meeting unless at least a majority of the Board Members are present at the commencement of such business. The quorum must include one of either the President, President-Elect, or Past-President.

(d) Chairperson

The President or, in their absence, the Past-President or, in the absence of both, the President-Elect shall preside as Chairperson at meetings of the Board.

(e) Voting

The Chairperson shall be entitled to vote as a Board Member, and, in the case of an equality of votes, they shall have a casting vote in addition to the vote to which they are entitled as a Board Member.

(f) Virtual Meetings

The Board may hold electronic Board Meetings (via conference call, via internet communication, etc.) to accommodate attendance by Board Members throughout the province.

(g) Attendance

Board Members are expected to attend all meetings (in person or by virtual means), and if a Board Member is absent for three (3) consecutive meetings, the Board Member can be removed from office by special resolution of the Board.

6. MEETINGS OF MEMBERSHIP

The College will hold an Annual General Meeting, which shall be held at such time as determined by the Board. All other meetings will be deemed Special General Meetings.

(a) Annual General Meeting of College

The Annual General Meeting of the College shall be held within nine (9) months after the end of each fiscal year.

(b) Special General Meetings of College

Special General Meetings of the College may be convened by order of the Board at any time on its own motion. The Board must call a Special General Meeting if it receives a request, in writing, from at least ten percent (10%) of the Members and specifying the business for which such meeting is required. Special meetings shall be held as soon after receipt of the notice as possible, as determined by the Board.

(c) Meeting Location

Annual General Meetings and Special General Meetings may be conducted in person, virtually, a combination of both, or through any other means as may be approved by the Board.

(d) Notice

- i. The notice of the Annual General Meeting shall be given at least thirty (30) days prior to the date set for the Annual General Meeting.
- ii. A printed, written, or electronic notice stating the day, hour, and place of the meeting and the general nature of the business to be transacted shall be served personally or by sending such notice to each Member through the post in a post-paid letter or electronically at such address as appears on the Register, or if no address is given therein, then to the last known address of such Member. A meeting may be held at any time at the Head Office of the College or elsewhere in the province without such notice if such notice is waived by all Voting Members in writing or electronic communication. Notice of any meeting or any irregularity in any meeting or the notice thereof may be waived by any Member.
- iii. The non-receipt of any notice of any Member or Members shall not invalidate any resolution passed or any proceeding taken at any meeting. With respect to every notice sent by post or electronic means, it shall be sufficient to prove that the envelope or wrapper containing the notice was properly addressed and put into the Post Office or an official Canada Post mailbox.

(e) Quorum

- i. Ten percent (10%) of the Members present at meetings in person, by proxy or electronically, if the Board has approved electronic attendance, shall constitute a quorum for meetings of the College.
- ii. Once the meeting has commenced, further Members shall be admitted to the meeting but will not have voting rights.
- iii. No business shall be transacted at any meeting of the College unless a quorum of Members is present at the commencement of such business.
- iv. If within 5 minutes from the appointed time for the meeting, a quorum of Members is not present, the meeting, if convened upon the requisition of the Members, shall be dissolved. In any other case, it shall stand adjourned to such time and place as the Board determines, and if at such adjourned meeting a quorum of Members is not present, it shall be adjourned.

(f) Proxies

- i. Every Member entitled to vote at meetings may, by an instrument in writing, appoint a proxy to attend in person or electronically, where electronic attendance is authorized by the Board, a meeting and act at the meeting in the same manner, to the same extent, and with the same power as if the Member were present at the meeting.
- ii. The instrument appointing a proxy shall be in writing and cease to be valid after the meeting for which the proxy is issued.
- iii. At the discretion of the Board, the notice calling any meeting may state that no proxy shall be entitled to vote at such meetings unless the instrument appointing them shall have been deposited with the Registrar before the time at which such meeting commences.

(g) Chairing of Meetings

The President shall preside as Chairperson at every meeting of the College.

(h) Business

- i. At each Annual General Meeting of the College, the following items of business shall be deemed to be ordinary business:
 - (1) Minutes of the preceding General Meeting.
 - (2) Consideration of the Annual Report of the Board.
 - (3) Consideration of the financial statements, including the balance sheet and operating statement and the report of the Auditors of the College thereof.
 - (4) Appointment of Auditors of the College.
 - (5) Election of Board Members for the ensuing year.
 - (6) Reporting on Annual Membership Fees and other fees for the College for the upcoming fiscal year.
- ii. All other business transacted at the Annual General Meeting shall be deemed to be special business, and all business shall be deemed special that is transacted at a Special General Meeting of the College.

(i) Voting

- i. Where a vote is required, each Voting Member of the College shall be entitled to one vote on each question.
- ii. The Chairperson shall have no vote except in the case of an equality of votes. In the case of an equality of votes, they shall have a casting vote.
- iii. If a poll is requested by three or more Voting Members, it shall then be taken in such manner as the Chairperson of the meeting shall direct. Names of the Voting Members requesting the poll shall be entered in the Minutes of the meeting.
- iv. Unless a poll is requested, a declaration by the Chairperson of the meeting that a resolution has been carried or lost and an entry in the Minute Book to that effect shall be deemed to be conclusive evidence of the fact. The Chairperson of the meeting shall be the sole and absolute judge of the validity of any vote or votes cast at any meeting and, as such, may direct that any votes which they deem to be invalid not to be counted for any purpose.

(j) Adjournment

The Chairperson may, with the consent of the meeting, adjourn any meeting from the time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place unless notice of such new business is given to the Members.

(k) Minutes

The draft minutes from any Meeting of the Membership shall be available within sixty (60) days of the meeting. Approved final minutes of Meetings of the Membership shall be available upon request to Members either personally, through the post, or by electronic means at such address as appears on the Register, or if no address is given therein then to the last known address of such Members.

7. ACCOUNTS

(a) Appointment of Auditor(s)

The Auditor(s) shall be appointed annually by the NSCRT Board Members at the Annual General Meeting.

(b) Audit of Account

- i. The College shall make a written report to the Members as to the financial position of the College, and the report shall contain a balance sheet and operating account.
- ii. The Auditor(s) shall make a written report to the Members upon the balance sheet and operating amount and, in every such report, they shall state whether, in their opinion, the balance sheet is a full and fair balance sheet containing particulars required by the

College and properly drawn up so as to exhibit a true and correct view of the College's financial affairs, and such report shall be read at the General Meeting.

8. GENERAL BY-LAWS

- (a) The Board has the authority to make, repeal or amend any By-law.
- (b) The Registrar shall send a copy of any proposed By-law change to each member either by mail or electronically to their last known address and publish notice of a proposed By-law change on the College's website for a minimum of 30 days, with a request for feedback.
- (c) The Board shall consider any feedback received before approving a By-law change.
- (d) A By-law comes into force on the day it is approved by the Board unless otherwise provided in the Board resolution approving it.
- (e) The Registrar shall ensure that all By-laws are published and made available to the public and members in an accessible format, including by publication on the College's website.

9. COMMITTEES

(a) CREDENTIALS (REGISTRATION) COMMITTEE

TERMS OF REFERENCE

i. Membership

- (1) The Credentials Committee shall consist of one (1) Public Member and two (2) Active Practice Members.
- (2) Registrar (ex officio)
- (3) The Board shall appoint one of the Members of the Credentials Committee as the Chair of the Committee.
- (4) If an appointed Member's term is not completed, the Board may appoint a replacement who shall hold office until the vacated term is completed.

ii. Term of Office

Three (3) Years (eligible for re-appointment).

iii. Quorum

- (1) A majority of Committee members.
- (2) All decisions require the vote of a majority of the Committee or the majority of the quorum.

iv. Mandate

The Credentials Committee shall approve registration policies that are consistent with the statutory requirements for admission into the NSCRT Register and shall review applications that are referred to the Committee by the Registrar.

(b) PROFESSIONAL PRACTICE COMMITTEE

TERMS OF REFERENCE

i. Membership

- (1) A minimum of four (4) Active Practice Members appointed by the Board.
- (2) Registrar (ex-officio)
- (3) Regular Board Member
- (4) The Board shall appoint the Chair chosen from the Committee members

ii. Term of Office

Three (3) years (eligible for re-appointment)

iii. Quorum

A majority of the members of the Committee

iv. Mandate

- (1) Ensuring that Respiratory Therapy services provided to the public by its Members are delivered in a safe, competent, and ethical manner consistent with the Standards of Practice and Code of Ethics.
- (2) Advise/review/approve professional practice issues consistent with The Act in collaboration with Health agencies, such as but not limited to: Delegated Medical Functions, Advanced Education Skill acquisition, Medical Directives and Changing Scope of Practice.
- (3) Assures Quality of Practice for Respiratory Therapists in Nova Scotia.
- (4) Collaborate with Members of the Nova Scotia Regulated Health Professions Network (NSRHPN) on Scopes of Practice issues and develop joint position statements.

(c) NOMINATIONS COMMITTEE

TERMS OF REFERENCE

i. Membership

- (1) The Board shall appoint as Chair of the Nominations Committee the immediate Past-President of the Board or a Director at Large.
- (2) Two (2) Active Practicing Members appointed by the Board who are not members of the Board.
- (3) If the term of office of an appointed Member, including the Past-President, is not completed, the Board may appoint a replacement who shall hold office until the vacated term is completed.

ii. Term of Office

Three (3) Years (eligible for re-appointment for an additional term).

iii. Quorum

- (1) A majority of Committee members.
- (2) All decisions require the vote of a majority of the Committee or the majority of the quorum.

iv. Mandate

- (1) Recruitment of Board Members - the Nominations Committee shall call for a competitive list of nominations representative of the Active Practicing Membership, taking into consideration geographic distribution, for the positions of President-Elect, Directors-at-Large, and any other Committee appointments as directed by the Board according to the Terms of Reference of the Committee.
- (2) The Nominations Committee shall ensure that there is at least one candidate for each available position. If no nominations are forthcoming, the Nominations Committee shall nominate a slate of candidates.
- (3) The Nominations Committee shall establish a deadline for the call for nominations as necessary to meet the appointment timelines.
- (4) The Chair of the Nominations Committee, or designate, presents the list of candidates to the Membership 30 days prior to the College's Annual General Meeting or a Special Election.

(d) REGISTRATION APPEAL COMMITTEE

TERMS OF REFERENCE

i. Membership

- (1) One (1) Public Member
- (2) Two (2) Active Practice Members in good standing
- (3) The Board shall appoint the Chair of the Registration Appeal Committee.

ii. Term of Office

Three (3) years (eligible for re-appointment for an additional term).

iii. Quorum

- (1) A majority of Committee members.
- (2) All decisions require the vote of a majority of the Committee or a majority of the quorum.

iv. Mandate

The Registration Appeal Committee shall be appointed by the Board as required and will:

- (1) Set a date for the hearing of the appeal, which shall be not later than sixty (60) days following receipt of the written notice of appeal.
- (2) Serve written notice of the date, time, and place for the hearing of the appeal upon the applicant and the Registrar.
- (3) Advise the applicant of the right to:
 - a. Be represented by legal counsel, a union representative, or another representative at their expense.
 - b. Disclosure of any information provided to the Committee.

- c. A reasonable opportunity to present a response and make submissions.
 - (4) Hold a hearing of the appeal in accordance with The Act and applicable common law principles.
 - (5) Review the decision made by the Registrar and/or Board and the documents upon which the decision was based.
 - (6) Make any determination that, in its opinion, ought to have been made by the Registrar.
 - (7) Give its decision, including reasons, in writing and send the applicant and Registrar a copy of the written decision by registered mail or personal service.
 - (8) When the Registrar refuses to register or license a person pursuant to The Act, the Registration Appeal Committee may, at any time, permit such a person to be registered or licensed or to remain registered or licensed upon such terms and conditions as the Committee may direct following an appeal to the Committee.
- v. **Criteria for Registrant Membership**
 - (1) Registration with the Nova Scotia College of Respiratory Therapists.
 - (2) A Member of the College for both initial and continuing membership.
 - (3) Have at least five years of experience as a Respiratory Therapist.
 - (4) Understanding of self-regulation.
 - (5) Knowledgeable about the College's governing legislation.
 - (6) Ability to objectively analyze the evidence presented and make decisions based on evidence.
 - (7) Ability to communicate committee decisions in a written report.
 - (8) Ability to undertake the required time commitment of one/two days per appeal. (Possibly 1 - 2 appeals per year).
 - vi. **Criteria for Non-Registrant Membership**
 - (1) Understanding of self-regulating professions.
 - (2) Ability to objectively analyze the evidence presented and make decisions based on evidence.
 - (3) Ability to undertake the required time commitment of one/two days per appeal. (Possibly 1 - 2 appeals per year).

(e) COMPLAINTS COMMITTEE

TERMS OF REFERENCE

- i. **Membership**
 - (1) A minimum of five (5) Active Practice Members in good standing.
 - (2) One (1) Public Member
 - (3) The Board shall appoint a Chair and Vice-Chair, one (1) of whom shall be the Public Member
 - (4) When a complaint is ready to be heard by the Complaints Committee, the Chair will appoint a panel of three (3), one (1) of whom will be the Public Member, to sit to hear the complaint.
 - (5) The Complaints Committee will commence hearing a complaint only when all three (3) Members are present.
- ii. **Term of Office**

Three (3) years (eligible to re-offer for additional terms).

iii. Quorum

- (1) Any two persons from the panel, with at least one Active Practice Member, constitute a quorum.
- (2) All decisions require the vote of a majority of the panel.

iv. Mandate

The Complaints Committee members will:

- (1) Receive an investigative report from the College investigator.
- (2) Comprehensively review the investigative report prior to attending a meeting of the Complaints Committee.
- (3) Attend a Complaints Committee meeting and discuss the investigative report and any other information received with other members of the Complaints Committee.
- (4) Determine whether there is sufficient evidence that, if proven, could reasonably amount to a finding of professional misconduct, incompetence, incapacity, and/or conduct unbecoming the profession.
- (5) Dispose of the complaint in accordance with the Regulations.
- (6) Prepare a written decision to be sent to the complainant, respondent, and any other persons the Complaints Committee deems appropriate.
- (7) Accept or reject Settlement Proposals tendered to them by respondents.
- (8) At all times, act in accordance with the duties established by The Act and in accordance with applicable common law principles.

In addition, the Chair, or Vice-Chair acting as Chair, of the Complaints Committee:

- (1) Selects a panel of three (3) members, one (1) of whom will be the Public Member, to hear a complaint.
- (2) Where the Chair does not sit on this panel, appoints one of the three members on the selected panel to serve as Chair.
- (3) The Chair of the panel is responsible for ensuring the written decision is complete, reviewed by all members of the panel, and forwarded to appropriate persons.
- (4) The Chair of the panel is responsible for recording the time of the meeting/teleconference and determining the reasonable amount of preparation time to be utilized for salary/income replacement purposes.

v. Criteria for Registrant Membership

- (1) A Member of the College for both initial and continuing membership.
- (2) Ability to undertake the required time commitment (approximately one (1) day per month).
- (3) Understanding of self-regulation.
- (4) Knowledgeable about the Standards of Practice and the Code of Ethics for Respiratory Therapists.
- (5) Working knowledge of the College's governing legislation.
- (6) Ability to make objective decisions based on written and verbal information.

vi. Criteria for Non-Registrant Membership

- (1) Ability to undertake the required time commitment (approximately one (1) day per month).
- (2) Understanding of self-regulating professions.
- (3) Willing to become knowledgeable with the Standards of Practice, the Code of Ethics for Respiratory Therapists and the College's governing legislation.
- (4) Ability to bring the consumer perspective to matters before the Complaints Committee.
- (5) Ability to make objective decisions based on written and verbal information.

vii. Additional Skill Preferred for Chair of Committee

- (1) Experience in conducting a meeting.

(f) REINSTATEMENT COMMITTEE

TERMS OF REFERENCE

i. Membership

Not less than three (3) and not more than five (5) members of the Board, at least one (1) of whom shall be a Public Member.

ii. Term of Office

Three (3) years (eligible for re-appointment for an additional term).

iii. Quorum

- (1) Any three members of the Committee, regardless of whether such members are registrants or public representatives, constitute a quorum.
- (2) All decisions require the vote of a majority of the Committee or a majority of the quorum of the Committee.

iv. Mandate

The Reinstatement Committee members will:

- (1) Review applications for reinstatement of license to practice Respiratory Therapy and any attached report/s.
- (2) Set a date for a hearing and advise the applicant of that date.
- (3) Attend a meeting to discuss information in the application and attached report(s).
- (4) When applicable, hear evidence from the applicant and a representative from the College.
- (5) Discuss with the Committee information and evidence received and reject or accept applications with or without conditions.
- (6) Prepare a written decision and forward it to the applicant and Registrar.
- (7) At all times act in accordance with the duties established by The Act and in accordance with applicable common law principles.

v. Criteria for Registrant Membership

- (1) A Member of the College for both initial and continuing membership.

- (2) Ability to undertake the required time commitment (varies according to the number of applications forwarded to the Committee).
- (3) Understanding of self-regulation.
- (4) Knowledgeable about the Standards of Practice and the Code of Ethics for Respiratory Therapists and Objects of the Professional Conduct Process.
- (5) Working knowledge of the College's governing legislation.
- (6) Ability to objectively analyze the evidence presented and make decisions based on evidence.

vi. Criteria for Non-Registrant Membership

- (1) Ability to undertake the required time commitment (varies according to the number of applications forwarded to the Committee).
- (2) Understanding of self-regulating professions.
- (3) Willing to become knowledgeable about the Standards of Practice, the Code of Ethics for Respiratory Therapists, and the College's governing legislation.
- (4) Ability to bring the consumer perspective to matters before the Reinstatement Committee.
- (5) Ability to objectively analyze the evidence presented and make decisions based on evidence.

(g) PROFESSIONAL CONDUCT COMMITTEE

TERMS OF REFERENCE

i. Membership

- (1) A minimum of seven (7) Members, which includes: a minimum of six (6) Active Practice Members in good standing and one (1) Public Member. All Members are appointed by the Board.
- (2) The Board shall appoint a Chair and a Vice-chair of the Professional Conduct Committee.
- (3) No individual, whether Member or Public Member, who is a member of the Complaints Committee may sit on the Professional Conduct Committee.
- (4) The Chair of the Professional Conduct Committee shall appoint a panel of five (5) persons from the Professional Conduct Committee, at least one of whom shall be the Public Member, to act as the Professional Conduct Committee for purposes of the professional conduct process.

ii. Term of Office

Three (3) years (eligible to re-offer for additional terms).

iii. Quorum

- (1) Any three (3) persons from the panel appointed pursuant to subsection 9.(g)i.(4), regardless of whether such persons are Members or the Public Member, constitute a quorum of the Professional Conduct Committee.
- (2) All Professional Conduct Committee decisions require the vote of a majority of the panel of the Professional Conduct Committee appointed pursuant to subsection 9.(g)i.(4), or the quorum of such panel in the event the full panel is not sitting.

iv. Mandate

- (1) Review, accept or reject applications for removal of a respondent's name from the College's register (consent revocation).
- (2) Review and accept, reject, or suggest amendments to settlement proposals forwarded from the Complaints Committee.
- (3) Prepare for and attend formal hearings to hear evidence presented with respect to complaints forwarded by the Complaints Committee.
- (4) Make decisions, supported by reasons, as to whether allegations have been proven in accordance with the required standard of proof.
- (5) Make decisions, supported by reasons, as to whether the evidence supports a finding of professional misconduct, incompetence, incapacity and/or conduct unbecoming the profession.
- (6) Where the evidence supports findings of professional misconduct, incompetence, incapacity and/or conduct unbecoming the profession, dispose of complaints through issuing revocations, suspensions, restrictions, and/or reprimands, or mandating some type of remedial action as set out in The Act, and determine the reasons for such disposition.
- (7) Assist, when requested by the Chair, in preparing written decisions for complainants and respondents.
- (8) Review written decisions and indicate in writing agreement or disagreement with the decisions.
- (9) At all times, act in accordance with the duties established by The Act and in accordance with applicable common law principles.

In addition, the Chair, or Vice-Chair acting as Chair, of the Professional Conduct Committee:

- (1) Selects a panel of five (5) Members, one of whom will be the Public Member, to hear a complaint.
- (2) Chairs meetings and hearings of the Professional Conduct Committee.
- (3) Where the Chair does not sit on this panel, appoints one (1) of the five (5) members on the selected panel to serve as Chair.
- (4) The Chair of the panel is responsible for ensuring written decisions are complete, reviewed by all members of the panel and forwarded to appropriate persons.
- (5) The Chair of the panel is responsible for recording the time of meetings/ hearings/ teleconferences and determining the reasonable amount of preparation time to be utilized for salary/income replacement purposes.

v. Criteria for Registrant Membership

- (1) A Member of the College for both initial and continuing membership.
- (2) Ability to undertake the required time commitment (approximately five (5) to ten (10) days per year, with the possibility of more time for complex cases with formal hearings).
- (3) Understanding of self-regulation.
- (4) Knowledgeable about the Standards of Practice and the Code of Ethics for Respiratory Therapists.
- (5) Working knowledge of the College's governing legislation.
- (6) Ability to objectively analyze the evidence presented and make decisions based on evidence.

vi. Criteria for Non-Registrant Membership

- (1) Ability to undertake the required time commitment (approximately five (5) to ten (10) days per year, with possibility of more time for complex cases with formal hearings).
- (2) Understanding of self-regulating professions.
- (3) Willing to become familiar with the Standards of Practice, the Code of Ethics for Respiratory Therapists, and the College's governing legislation.
- (4) Ability to provide a consumer perspective on matters heard by the Professional Conduct Committee.
- (5) Ability to objectively analyze the evidence presented and make decisions based on evidence.

vii. Additional Skills Preferred for Chair of Committee

- (1) Able to conduct a hearing.
- (2) Ability to write, or assist in writing, comprehensive decisions incorporating reasons for decisions taken.

(h) GOVERNANCE COMMITTEE

TERMS OF REFERENCE

i. Membership

- (1) The Committee will consist of four (4) Active Practice Registrants in good standing, including the NSCRT President-Elect.
- (2) The Committee will be Chaired by the NSCRT President-Elect.
- (3) The additional Committee members may be drawn both from the Board and from the Active-practicing roster.

ii. Term of Office

Three (3) years (eligible to re-offer for additional terms).

iii. Quorum

A majority of members will constitute a quorum.

iv. Mandate

The Governance Committee members will:

- (1) Review and recommend changes to By-laws; Board role descriptions, Committee Terms of Reference; existing governance and/or operational policies.
- (2) Assess and make recommendations for new policy development.
- (3) Participate in policy development as directed by the Board.
- (4) Ensure that Board Members fulfil their legal, ethical, and functional responsibilities, as described in legislation, through adequate governance policy development and review.
- (5) Report to the Board the findings and recommendations of the Governance Committee.

10. SEAL OF THE COLLEGE

The Seal of the College shall be in the custody of the Registrar and may be affixed to any document upon resolution of the Board.

11. FORMS

The Board grants authority to the Registrar to develop and approve all forms needed for the conduct of the affairs of the College.

12. EDUCATION FUNDING

The Board will develop policies and procedures to provide educational funding for members of the College to ensure continuing competence and protection of the public.

13. MEMBERSHIP IN ORGANIZATIONS

- (a) The NSCRT will maintain membership in the National Alliance of Respiratory Therapy Regulatory Bodies (NARTRB) and shall pay the annual fee required for the membership.
- (b) The NSCRT may maintain memberships or affiliations with other organizations (e.g., Council on Licensure, Enforcement & Regulation (CLEAR), Canadian Network of Agencies for Regulation (CNAR)) to further the goals of the NSCRT and shall pay the annual or other fees required.
- (c) The Registrar shall represent the NSCRT at the meetings of the organizations identified in this Article.