

Acknowledgement and Undertaking Regarding Fiduciary Duties and Conduct (For Council and Committee Members)

Confidentiality

I have read, understood, and agree to follow the policies, procedures, and by-laws of the College with respect to confidentiality, as well as section 36 and subsection 40(2) of the *Regulated Health Professions Act* and sections 83 and 83.1 of the *Health Professions Procedural Code* (Appendix 1). In the event that I have any doubt about my duties and obligations with respect to confidentiality, I undertake to seek clarification from the Registrar, President, or any other person identified for this purpose in College documentation.

I acknowledge and agree that the information and documents obtained by me in the course of my duties as a Council and/or Committee member are confidential, and I undertake to preserve confidentiality with respect to all matters that come to my knowledge in the course of my duties. When my term as a Council and/or Committee member expires, I undertake to return to the College all materials, documents and other College information in my possession or to dispose of them in a confidential manner, as requested.

Conflicts of Interest

I acknowledge and agree that as a Council and/or Committee member, I owe a duty of good faith to the College, which includes an obligation to act in the public interest. I undertake to perform my duties and any work undertaken on behalf of the College in a manner that promotes and protects the public interest.

I acknowledge and agree that an actual or perceived conflict of interest can undermine confidence in the College and its ability to fulfil its public interest mandate. I have read and understood the College's by-laws on conflict of interest (Appendix 2). I agree to take all reasonable steps to avoid any actual or perceived conflict of interest from arising and, if one cannot be avoided, I undertake to declare any real, perceived or potential conflict of interest and to remove myself from any consideration of the matter at issue. I have fully and accurately completed the College's form on current and recent affiliations with Professional Associations and certain other organizations (pg. 3-4).

Diligence

I acknowledge and agree that I must exercise diligence in fulfilling my role and duties as a Council and/or Committee member. I have read, understood and agree to follow the College's Code of Conduct as set out in the by-laws (Appendix 3) and, in particular, I undertake to attend all meetings unless there is a compelling reason preventing me from doing so; to prepare for all meetings and to participate in discussions; and to provide reasonable notification if I am unable to attend a meeting.

Intellectual Property

I acknowledge and agree that the materials and other work product that I create while acting on behalf of the College, belong to the College.

Therefore, in order to serve as a Council and/or Committee member, and for other good and valuable consideration, I acknowledge and agree that I am waiving any rights that I may have in such materials and work product and further acknowledge and agree that I am assigning to the College ownership, including all titles, interests and intellectual property rights, related to the materials and other work product that I create while acting on behalf of the College. I further acknowledge and agree that the College may undertake any action that it deems appropriate to protect its ownership, titles, interests and intellectual property rights in such materials and work product.

Enforcement

I acknowledge and agree that if I breach a term of this Acknowledgement and Undertaking, or any of my obligations described therein, this may be grounds for removal from my position as a Council and/or Committee member with the College and may entitle the College to enforce its legal rights or to seek legal remedies against me.

Term

I acknowledge and agree that this Acknowledgment and Undertaking shall remain in effect until my term as a Council and/or Committee member expires but that my agreements and obligations with respect to confidentiality and intellectual property continue beyond that time.

Dated the _____ day of _____, 20__

Note: Before signing, remember to report any affiliations on pages 3 & 4.

Signature: _____

Print Name: _____

Witness Signature: _____

Print Name: _____

Current and Recent Affiliations

Under By-law article 16.05, Council and Committee Members are required, upon appointment or election, and annually thereafter if requested, to fully complete and return to the College, a form declaring current and recent affiliations with professional associations and certain other organizations.

A conflict of interest arises where you have a personal or professional interest that conflicts, might conflict or may be perceived as conflicting with your duty to the College of Registered Psychotherapists of Ontario, including your duties as a Member of the Council and/ or its Committees. A conflict of interest could arise in relation to personal or professional relationships or affiliations, including but not limited to:

- directorships or other employment;
- interests in business enterprises or professional practices;
- shared ownership;
- beneficial interests in trusts;
- professional association memberships and/ or relationships with other organizations;
- educational institutions and/ or psychotherapy training programs; and
- personal associations with other groups or organizations, or family relationships.

Please see Section 16 of [CRPO's By-laws](#) on Conflict of Interest (Appendix 2).

Affiliations

In accordance with Section 16 of the By-laws of the College of Registered Psychotherapists of Ontario, I hereby disclose that I, or one of my family members (parent, spouse, child or sibling), has the following current or recent affiliations, interests or relationships:

Current Affiliations

Name	Current Affiliation, Interest or Relationship	Role/ Relationship	Starting Date

Past Affiliations

Name	Past Affiliation, Interest or Relationship of note	Role/ Relationship	Term (End Date)

Note: If you have more affiliations to declare, please complete the following page.

Current Affiliations (continued)

Name	Current Affiliation, Interest or Relationship	Role/ Relationship	Starting Date

Past Affiliations (continued)

Name	Past Affiliation, Interest or Relationship of note	Role/ Relationship	Term (End Date)

APPENDICES

Appendix 1 - *Regulated Health Professions Act, 1991*
(section 36 & subsection 40 (2))

Confidentiality

36 (1) Every person employed, retained or appointed for the purposes of the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act* and every member of a Council or committee of a College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person except,

- (a) to the extent that the information is available to the public under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*;
- (b) in connection with the administration of this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*, including, without limiting the generality of this, in connection with anything relating to the registration of members, complaints about members, allegations of members' incapacity, incompetence or acts of professional misconduct or the governing of the profession;
- (c) to a body that governs a profession inside or outside of Ontario;
- (d) as may be required for the administration of the *Drug Interchangeability and Dispensing Fee Act*, the *Healing Arts Radiation Protection Act*, the *Health Insurance Act*, the *Health Protection and Promotion Act*, the *Independent Health Facilities Act*, the *Laboratory and Specimen Collection Centre Licensing Act*, the *Long-Term Care Homes Act, 2007*, the *Retirement Homes Act, 2010*, the *Ontario Drug Benefit Act*, the *Coroners Act*, the *Controlled Drugs and Substances Act (Canada)* and the *Food and Drugs Act (Canada)*;
- (d.1) for a prescribed purpose, to a public hospital that employs or provides privileges to a member of a College, where the College is investigating a complaint about that member or where the information was obtained by an investigator appointed pursuant to subsection 75 (1) or (2) of the Code, subject to the limitations, if any, provided for in regulations made under section 43;
- (d.2) for a prescribed purpose, to a person other than a public hospital who belongs to a class provided for in regulations made under section 43, where a College is investigating a complaint about a member of the College or where the information was obtained by an investigator appointed pursuant to subsection 75 (1) or (2) of the Code, subject to the limitations, if any, provided for in the regulations;
- (e) to a police officer to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (f) to the counsel of the person who is required to keep the information confidential under this section;
- (g) to confirm whether the College is investigating a member, if there is a compelling public interest in the disclosure of that information;
- (h) where disclosure of the information is required by an Act of the Legislature or an Act of Parliament;
- (i) if there are reasonable grounds to believe that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons;
- (j) with the written consent of the person to whom the information relates; or
- (k) to the Minister in order to allow the Minister to determine,

- (i) whether the College is fulfilling its duties and carrying out its objects under this Act, a health profession Act, the *Drug and Pharmacies Regulation Act* or the *Drug Interchangeability and Dispensing Fee Act*, or
- (ii) whether the Minister should exercise any power of the Minister under this Act, or any Act mentioned in subclause (i). 2007, c. 10, Sched. M, s. 7 (1); 2014, c. 14, Sched. 2, s. 10; 2017, c. 11, Sched. 5, s. 2 (1, 2).

Reports required under Code

(1.1) Clauses (1) (c) and (d) do not apply with respect to reports required under section 85.1 or 85.2 of the Code. 1993, c. 37, s. 1. 1998, c. 18, Sched. G, s. 7 (2).

Definition

(1.2) In clause (1) (e),

“law enforcement proceeding” means a proceeding in a court or tribunal that could result in a penalty or sanction being imposed. 1998, c. 18, Sched. G, s. 7 (2); 2007, c. 10, Sched. M, s. 7 (2).

Limitation

(1.3) No person or member described in subsection (1) shall disclose, under clause (1) (e), any information with respect to a person other than a member. 1998, c. 18, Sched. G, s. 7 (2); 2007, c. 10, Sched. M, s. 7 (3).

No requirement

(1.4) Nothing in clause (1) (e) shall require a person described in subsection (1) to disclose information to a police officer unless the information is required to be produced under a warrant. 1998, c. 18, Sched. G, s. 7 (2); 2007, c. 10, Sched. M, s. 7 (4).

Confirmation of investigation

(1.5) Information disclosed under clause (1) (g) shall be limited to the fact that an investigation is or is not underway and shall not include any other information. 2007, c. 10, Sched. M, s. 7 (5).

Restriction

(1.6) Information disclosed to the Minister under clause (1) (k) shall only be used or disclosed for the purpose for which it was provided to the Minister or for a consistent purpose. 2017, c. 11, Sched. 5, s. 2 (3).

Not compellable

(2) No person or member described in subsection (1) shall be compelled to give testimony in a civil proceeding with regard to matters that come to his or her knowledge in the course of his or her duties. 1991, c. 18, s. 36 (2).

Evidence in civil proceedings

(3) No record of a proceeding under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act*, no report, document or thing prepared for or statement given at such a proceeding and no order or decision made in such a proceeding is admissible in a civil proceeding other than a proceeding under this Act, a health profession Act or the *Drug and Pharmacies Regulation Act* or a proceeding relating to an order under section 11.1 or 11.2 of the *Ontario Drug Benefit Act*. 1991, c. 18, s. 36 (3); 1996, c. 1, Sched. G, s. 27 (2).

Section Amendments with date in force (d/m/y)

Collection of personal information by College

36.1 (1) At the request of the Minister, a College shall collect information directly from members of the College as is reasonably necessary for the purpose of health human resources planning or research. 2017, c. 11, Sched. 5, s. 3 (1).

Unique identifiers

(2) A unique identifier shall be assigned by the Minister or a person designated by the Minister for each member of a College from whom information is collected under subsection (1). 2009, c. 26, s. 24 (7).

Form and manner

(2.1) The unique identifier shall be in the form and manner specified by the Minister. 2009, c. 26, s. 24 (7).

Members to provide information

(3) A member of a College who receives a request for information for the purpose of subsection (1) shall provide the information to the College within the time period and in the form and manner specified by the College. 2007, c. 10, Sched. M, s. 8.

Disclosure to Minister

(4) A College shall disclose the information collected under subsection (1) to the Minister within the time period and in the form and manner specified by the Minister. 2007, c. 10, Sched. M, s. 8.

Use, collection, disclosure and publication

(5) The following applies to information collected under subsection (1):

1. The information may only be used for the purposes set out under subsection (1).
2. The Minister shall not collect personal information if other information will serve the purposes set out under subsection (1).
3. The Minister shall not collect more personal information than is necessary for the purposes set out under subsection (1).
4. The Minister may disclose the information only for the purposes set out in subsection (1).
5. Reports and other documents using information collected under this section may be published for the purposes set out under subsection (1), and for those purposes only, but personal information about a member of a College shall not be included in those reports or documents. 2017, c. 11, Sched. 5, s. 3 (2).

(6) REPEALED: 2017, c. 11, Sched. 5, s. 3 (2).

Notice required by s. 39 (2) of FIPPA

(7) If the Minister requires a College to collect personal information from its members under subsection (1), the notice required by subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* is given by,

- (a) a public notice posted on the Ministry's website; or
- (b) any other public method that may be prescribed. 2007, c. 10, Sched. M, s. 8.

Same

(8) If the Minister publishes a notice referred to under subsection (7), the Minister shall advise the College of the notice and the College shall also publish a notice about the collection on the

College's website within 20 days of receiving the advice from the Minister. 2007, c. 10, Sched. M, s. 8.

Definitions

(9) In this section,

“health human resources planning” means ensuring the sufficiency and appropriate distribution of health providers; (“planification des ressources humaines en santé”)
“information” includes personal information about members, but does not include personal health information; (“renseignements”)
“Ministry” means the Ministry of Health and Long-Term Care; (“ministère”)
“research” means the study of data and information in respect of health human resources planning. (“recherche”) 2007, c. 10, Sched. M, s. 8; 2017, c. 11, Sched. 5, s. 3 (3, 4).

40 (2) Every individual who contravenes section 31, 32 or 33 or subsection 34 (2), 34.1 (2) or 36 (1) is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence. 2007, c. 10, Sched. M, s. 12.

Health Professions Procedural Code
(sections 83 & 83(1))

Confidentiality of information

83 (1) Except as provided in section 80.2 and in this section, the Quality Assurance Committee and any assessor appointed by it shall not disclose, to any other committee, information that,
(a) was given by the member; or
(b) relates to the member and was obtained under section 82. 1991, c. 18, Sched. 2, s. 83 (1); 2007, c. 10, Sched. M, s. 59 (1).

Exception if member gave false information

(2) Where relevant to a proceeding before a committee, information described in subsection (1) may be disclosed to that committee for the purpose of showing that the member knowingly gave false information to the Quality Assurance Committee or an assessor. 2007, c. 10, Sched. M, s. 59 (2).

(3) REPEALED: 2007, c. 10, Sched. M, s. 59 (3).

Use in other Committees

(4) Information that was disclosed contrary to subsection (1) shall not be used against the member to whom it relates in a proceeding before the Discipline or Fitness to Practise Committees. 1991, c. 18, Sched. 2, s. 83 (4).

(5) REPEALED: 2004, c. 3, Sched. B, s. 11 (1).

Section Amendments with date in force (d/m/y)

Quality assurance and other information

83.1 (1) In this section,

“disclose” means, with respect to quality assurance information, to provide or make the information available to a person who is not,
(a) a member of the Quality Assurance Committee,

- (b) an assessor appointed by the Committee, a person engaged on its behalf such as a mentor or a person conducting an assessment program on its behalf, or
- (c) a person providing administrative support to the Committee or the Registrar or the Committee's legal counsel,

and "disclosure" has a corresponding meaning; ("divulguer", "divulgation")

"proceeding" includes a proceeding that is within the jurisdiction of the Legislature and that is held in, before or under the rules of a court, a tribunal, a commission, a justice of the peace, a coroner, a committee of a College under the *Regulated Health Professions Act, 1991*, a committee of the Board under the *Drugless Practitioners Act*, a committee of the College under the *Social Work and Social Service Work Act, 1998*, an arbitrator or a mediator, but does not include any activities carried on by the Quality Assurance Committee; ("instance")

"quality assurance information" means information that,

- (a) is collected by or prepared for the Quality Assurance Committee for the sole or primary purpose of assisting the Committee in carrying out its functions,
- (b) relates solely or primarily to any activity that the Quality Assurance Committee carries on as part of its functions,
- (c) is prepared by a member or on behalf of a member solely or primarily for the purpose of complying with the requirements of the prescribed quality assurance program, or
- (d) is provided to the Quality Assurance Committee under subsection (3),

but does not include,

- (e) the name of a member and allegations that the member may have committed an act of professional misconduct, or may be incompetent or incapacitated,
- (f) information that was referred to the Quality Assurance Committee from another committee of the College or the Board, or
- (g) information that a regulation made under this Code specifies is not quality assurance information and that the Quality Assurance Committee receives after the day on which that regulation is made; ("renseignements sur l'assurance de la qualité")

"witness" means a person, whether or not a party to a proceeding, who, in the course of the proceeding,

- (a) is examined or cross-examined for discovery, either orally or in writing,
- (b) makes an affidavit, or
- (c) is competent or compellable to be examined or cross-examined or to produce a document, whether under oath or not. ("témoin") 2004, c. 3, Sched. B, s. 11 (2).

Conflict

(2) In the event of a conflict between this section and a provision under any other Act, this section prevails unless it specifically provides otherwise. 2004, c. 3, Sched. B, s. 11 (2).

Disclosure to Quality Assurance Committee

(3) Despite the *Personal Health Information Protection Act, 2004*, a person may disclose any information to the Quality Assurance Committee for the purposes of the committee. 2004, c. 3, Sched. B, s. 11 (2).

Quality assurance information

(4) Despite the *Personal Health Information Protection Act, 2004*, no person shall disclose quality assurance information except as permitted by the *Regulated Health Professions Act, 1991*, including this Code or an Act named in Schedule 1 to that Act or regulations or by-laws made under the *Regulated Health Professions Act, 1991* or under an Act named in Schedule 1 to that Act. 2004, c. 3, Sched. B, s. 11 (2).

Non-disclosure in proceeding

(5) No person shall ask a witness and no court or other body conducting a proceeding shall permit or require a witness in the proceeding to disclose quality assurance information except as permitted or required by the provisions relating to the quality assurance program. 2004, c. 3, Sched. B, s. 11 (2).

Non-admissibility of evidence

(6) Quality assurance information is not admissible in evidence in a proceeding. 2004, c. 3, Sched. B, s. 11 (2).

Non-retaliation

(7) No one shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage a person by reason that the person has disclosed information to the Quality Assurance Committee under subsection (3), but a person may be disciplined for disclosing false information to the Committee. 2004, c. 3, Sched. B, s. 11 (2).

Immunity

(8) No action or other proceeding may be instituted against a person who in good faith discloses information to a Quality Assurance Committee at the request of the Committee or for the purposes of assisting the Committee in carrying out its functions. 2004, c. 3, Sched. B, s. 11 (2).

1.01 Definitions

“Professional Association” means an organized group of Members who promote and advocate for the interests of the profession but does not include a school whose sole purpose is to educate.

16. CONFLICTS OF INTEREST

16.01 – Duty to Avoid Conflicts of Interest

All Council and Committee members have a duty to carry out their responsibilities in a manner that serves and protects the interest of the public. As such, they must not engage in any activities or in decision-making concerning any matters where they have a direct or indirect personal or financial interest. All Council and Committee members have a duty to uphold and further the intent of the Act to regulate the practice and profession of psychotherapy in Ontario, and not to represent the views of advocacy or special interest groups.

16.02 – Recognition of Conflict

Council and Committee members recognize that a conflict of interest or an appearance of a conflict of interest by a member of Council or its Committees:

- (i) could bring discredit to the College,
- (ii) could amount to a breach of the fiduciary obligation of the person to the College,
and
- (iii) could create liability for either the College or the person involved or both.

16.03 – Conflicts Relating to Involvement with a Professional Association

A member of Council or a Committee member shall be perceived to have conflict of interest in a matter and should not serve on Council or its Committees at all if he or she holds a responsible position such as director, board member or officer in or is an employee of any Professional Association relating to psychotherapy.

16.04 – Conflicts Relating to Position in Other Organizations

A member of Council or a Committee member would be perceived to have conflict of interest in a matter and should refrain from participating in any discussion or voting if he or she holds a responsible position such as director, board member or officer in or is an employee of another organization where his or her duties may be seen by a reasonable person as influencing his or her judgment in the matter under consideration of the Council or its Committees. For example, an educator in a school should not participate in any decisions relating to the status of that school, its program(s) or the acceptability for registration of graduates from that school.

16.05 – Declaration Forms

Upon appointment or election, and annually thereafter if requested, every Council and Committee member shall fully complete and deliver to the Registrar a form, available from the Registrar, declaring his or her current and recent affiliations with Professional Associations and other organizations to facilitate compliance with the above provisions.

16.06 – Interests of Related Persons

For the purposes of this by-law, the direct or indirect professional or financial interests of a parent, spouse, child or sibling of a Council or Committee member are interpreted to be the interests of the Council or Committee member. Here, the term “spouse” includes a common-law spouse and a same-sex partner of the person.

16.07 – Where a Conflict May Exist

Where a Council or Committee member believes that he or she may have a conflict of interest in any matter which is the subject of deliberation or action by the Council or its Committees, he or she shall

- (i) consult, as needed, with the President, the Registrar and legal counsel and, if there is any doubt about whether he or she may have or be perceived to have a conflict, prior to any consideration of the matter, declare the potential conflict to the Council or the Committee and accept Council’s or the Committee’s direction as to whether there is an appearance of a conflict;
- (ii) where there appears to be a conflict of interest, not take part in the discussion of, or vote on, any question in respect of the matter;
- (iii) where there appears to be a conflict of interest, absent himself or herself from the portion of any meeting relating to the matter; and
- (iv) where there appears to be a conflict of interest, not attempt in any way to influence the voting or do anything that might be perceived as attempting to influence the decision of other members on the matter.

16.08 – Conflicts Recorded in Minutes

Every declaration of a conflict of interest shall be recorded in the minutes of the meeting together with a description of the nature of the conflict, provided such description would not constitute a breach of confidentiality.

16.09 – Use of College Information or Property

A member of Council or a Committee member shall not use College property or information of any kind to advance his or her own interests, direct or indirect.

16.10 – Staff Positions

A member of Council or a Committee member may not hold any other position, contract or appointment with the College while serving as a member of Council or its Committees. There is a one-year waiting period before the individual may apply for a staff or consultant position with the College. This includes, but is not limited to, positions as peer assessor, investigator, inspector, examiner or staff.

SCHEDULE 3 TO THE BY-LAWS CODE OF CONDUCT

This Schedule applies to members of Council and members of all Committees of the College.

Council and Committee members must, at all times, maintain high standards of integrity, honesty and loyalty when discharging their College duties. They must act in the best interest of the College. They shall:

- (a) be familiar and comply with the provisions of the *Regulated Health Professions Act, 1991* and its regulations, the *Health Professions Procedural Code, the Psychotherapy Act* and its regulations, and the bylaws and policies of the College;
- (b) be prepared to participate in Council meetings and Committee work including reading background materials and briefing documents;
- (c) diligently take part in Committee work and actively serve on Committees as appointed by the Council;
- (d) regularly attend meetings on time (including not missing two (2) or more consecutive meetings without reasonable cause) and participate constructively in discussions;
- (e) offer opinions and express views on matters before the College, Council and Committee, when appropriate;
- (f) participate in all deliberations in a respectful and courteous manner, recognizing the diverse background, skills and experience of Council and Committee members;
- (g) uphold the decisions made by a majority of Council and Committees, regardless of the level of prior individual disagreement;
- (h) place the interests of the College, Council and Committee above other interests;
- (i) avoid and, where that is not possible, declare any appearance of or actual conflicts of interest;
- (j) refrain from including or referencing Council or Committee titles or positions held at the College in any personal or business promotional materials, advertisements and business cards (although referencing one's titles or positions held at the College in one's curriculum vitae is acceptable so long as the curriculum vitae is not overtly used in a promotional manner);
- (k) preserve confidentiality of all information before Council or Committee unless disclosure has been authorized by Council or is otherwise exempted under s. 36(1) of the *RHPA*;
- (l) refrain from attempting to influence a statutory decision unless one is a member of a panel of the Committee or, where there is no panel, of the Committee dealing with the matter;
- (m) respect the boundaries of staff whose role is not to report to or work for individual Council or Committee members including not contacting staff members directly, except on matters where the staff member has been assigned to provide administrative support to that Committee or the Council or where otherwise appropriate;
- (n) be respectful of others and not engage in behaviour that might reasonably be perceived as verbal, physical or sexual abuse or harassment.