



College of  
**Midwives**  
of Alberta

Celebrating 10 Years

# **Governance Polices of the College of Midwives of Alberta**

Effective March 23, 2023

## **Governance Policies**

### **Governance Policies and Bylaws**

The Governance Policies of the College of Midwives of Alberta form part of the Bylaws and have the same effect as the Bylaws. All definitions in the Bylaws apply to the Governance Policies. The Governance Policies reflect Council's decision-making authority to promote the obligations of the College as a professional regulator.

The Governance Policies reflect an underlying guiding principle of equality, diversity and inclusion by recognizing the necessity of a diverse midwifery profession and Council.

## Table of Contents

<b>POLICY ONE COUNCIL ROLES AND RESPONSIBILITIES</b>	<b>11</b>
1.1 Purpose	11
1.2 Governing Council	11
1.3 Guidance	11
1.4 Council Speaks with One Voice	11
1.5 Strategic Direction	11
1.6 Actions of Council	11
1.7 Distinctions Between Governance and Management	11
1.8 Council Orientation, Continuous Education and Training	12
1.9 Schedule for Review	12
1.10 Establishing Review Period	12
1.11 Statutory Changes	12
1.12 Tracking	13
1.13 Council May Appoint Committees	13
1.14 Bylaws	13
1.15 Bias Prevention	13
<b>POLICY TWO COUNCIL MEETINGS</b>	<b>14</b>
2.1 Purpose	14
2.2 Council Meeting Purpose	14
2.3 Standing Agenda Items	14
2.4 Annual Standing Agenda Items	14
2.5 Agenda	14
2.6 Declaration of Conflict	14
2.7 All Requests to Speak Through Chair	14
2.8 Open Floor	14
2.9 All Opinions and Comments to be Heard	15
2.10 Principles	15
2.11 Video Conference Meetings	15
2.12 Minutes Included	16

2.13 Protocol for Materials	16
2.14 Authority to Give Direction	16
<b>POLICY THREE</b>	<b>17</b>
<b>POLICY FOUR COUNCIL MANAGEMENT DELEGATION</b>	<b>18</b>
4.1 Purpose	18
4.2 Governing Council	18
4.3 Governance and Operations/Management	18
4.4 Council Delegation	18
4.5 Executive Director and Registrar	18
4.6 Delegation to Executive Director and Registrar	18
4.7 No-surprises Approach	18
<b>POLICY FIVE COUNCIL COMMUNICATION</b>	<b>19</b>
5.1 Purpose	19
5.2 Formal Communications	19
5.3 Media	19
5.4 Spokesperson	19
5.5 Social Media	19
5.6 Use of Disclaimers	19
5.7 Social and Professional Events	19
5.8 Requests from the Public or a Registrant	19
5.9 Use of Email and Texting While Conducting Council Business	20
<b>POLICY SIX CONFLICT OF INTEREST</b>	<b>21</b>
6.1 Purpose	21
6.2 Initial Obligation to Consider and Disclose a Conflict of Interest	21
6.3 Public Trust	21
6.4 Conflict of Interest and Ongoing Obligations	21
6.5 Actual or Perceived Conflict	21

6.6 Perceived Conflict is Conflict	22
6.7 Reference	22
6.8 Ongoing Obligation to Disclose	22
6.9 Gifts	22
6.10 Declaration of Conflict of Interest on Council	22
6.11 Declaration of Conflict of Interest in Other Circumstances	22
6.12 Chair	23
6.13 Complaints Director or Hearings Director	23
6.14 Signed Declaration	23
<b>POLICY SEVEN CONFIDENTIALITY</b>	<b>24</b>
7.1 Purpose	24
7.2 Duty to Keep Information Confidential	24
7.3 What is Confidential Information?	24
7.4 Do Not Disclose	24
7.5 Report	24
7.6 Obligation to Disclose	24
7.7 Protecting Confidential Information	25
7.8 Cannot Use Information for Your Advantage	25
7.9 Returning Confidential Information	25
7.10 Disclosure of Confidential Information	25
7.11 Legal Proceedings	25
7.12 Confidentiality Obligations Never End	25
7.13 Record Retention and BYOD	25
7.14 Signed Declaration	26
<b>POLICY EIGHT APPOINTMENT TO COMMITTEE</b>	<b>27</b>
8.1 Purpose	27
8.2 Application of Information	27
8.3 Appointing Individuals to Committees	27
8.4 Applications	27

8.5 Information	27
8.6 Recommendations	27
8.7 Delegation to Appointment Committee	27
8.8 Removal	27
8.9 Declarations	28
8.10 Training	28

## **POLICY NINE REMUNERATION**

9.1 Purpose	29
9.2 Registrants	29
9.3 Remuneration of Public Members	29
9.4 Claim	29

## **POLICY TEN INSPECTORS 30**

10.1 Purpose	30
10.2 Council's Authority	30
10.3 Notice	30
10.4 Registrant	30
10.5 Council Member	30
10.6 Role of Inspector	30
10.7 Comply with Act	30
10.8 Part 4	30
10.9 Training	30

## **POLICY ELEVEN GOVERNANCE COMMITTEES 31**

11.1 Purpose	31
11.2 Types of Committees	31
11.3 Governance Committees Established	31
11.4 Notice	31
11.5 Executive Director and Registrar	31
11.6 Registrant Council Member	31

11.7 Reporting	31
<b>POLICY TWELVE COMPETENCE COMMITTEE</b>	<b>32</b>
12.1 Purpose	32
12.2 Competence Committee Members	32
12.3 Chair	32
12.4 Role of Chair	32
12.5 Duties	32
12.6 Confidentiality	32
12.7 Exceptions	33
12.8 Term	33
12.9 Consecutive Terms	33
12.10 Quorum	33
12.11 Vote	33
12.12 Procedures	33
12.13 Meetings	33
<b>POLICY THIRTEEN REGISTRATION COMMITTEE</b>	<b>34</b>
13.1 Purpose	34
13.2 Registration Committee Members	34
13.3 Chair	34
13.4 Role of Chair	34
13.5 Duties	34
13.6 Term	34
13.7 Consecutive Terms	34
13.8 Quorum	34
13.9 Vote	35
13.10 Procedures	35
13.11 Meetings	35

<b>POLICY FOURTEEN INSPECTION COMMITTEE</b>	<b>36</b>
14.1 Purpose	36
14.2 Inspection Committee Members	36
14.3 Registrants	36
14.4 Council Member	36
14.5 Vesting	36
14.6 Term	36
<b>POLICY FIFTEEN STANDING COMMITTEES</b>	<b>37</b>
15.1 Purpose	37
15.2 Standing Committees	37
15.3 Established	37
15.4 Appoint or Select Council Member	37
15.5 Process	37
15.6 Term	37
15.7 Quorum	37
15.8 Chair	37
15.9 Vote	37
15.10 Subcommittee	37
15.11 Terms of Reference	38
15.12 Executive Director and Registrar	38
15.13 Strategic Planning Committee	38
15.14 Finance and Audit Committee	38
15.15 Code of Ethics and Standards of Practice Committee	38
15.16 Appointment Committee	38
<b>POLICY SIXTEEN ADMINISTRATIVE BODIES</b>	<b>40</b>
16.1 Purpose	40
16.2 Meaning	40
16.3 Composition	40
16.4 Roster	40



16.5 Public Members	40
16.6 Term	40
16.7 Administrative Body Members	40
16.8 Quorum	40
16.9 Orientation	40
16.10 Chair	40
16.11 Role of Chair	40
16.12 Knowledge	41
16.13 Costs	41
<b>POLICY SEVENTEEN COUNCIL PANEL FOR AN APPEAL OR REVIEW</b>	<b>42</b>
17.1 Purpose	42
17.2 Panel of Council for an Appeal or Review	42
17.3 Composition	42
17.4 Public Members	42
17.5 Quorum	42
17.6 Registration and Competence Committees	42
17.7 Serve	42
17.8 Procedure	43
<b>POLICY EIGHTEEN HEARINGS DIRECTOR</b>	<b>44</b>
18.1 Purpose	44
18.2 Timelines	44
18.3 No Participation	44
18.4 Council or Panel of Council	44
18.5 Hearings Director to Canvas	44
18.6 Bias or Conflict	44
18.7 Selection	44
18.8 Public Member	44
18.9 Chair	44
18.10 Quorum	45

18.11 Notification	45
18.12 Authority of the Hearings Director	45
18.13 Jurisdiction	45
18.14 Written Request for a Review	45
18.15 Incomplete	45
18.16 Notification of Complaint Review Committee	45
18.17 Alternative Complaint Resolution	46
<b>POLICY NINETEEN COMPLAINTS DIRECTOR</b>	<b>47</b>
19.1 Purpose	47
19.2 Powers and Duties	47
19.3 Section 65	47
19.4 Process under Section 65	47
<b>POLICY TWENTY FEES, COSTS, LEVIES AND ASSESSMENTS</b>	<b>48</b>
20.1 Purpose	48
20.2 Amounts	48
<b>POLICY TWENTY ONE ENGLISH LANGUAGE PROFICIENCY</b>	<b>50</b>
21.1 Purpose	50
21.2 Requirements for English Language Proficiency	50
21.3 Evidence Required	50
21.4 Submitting Evidence	50
<b>POLICY TWENTY TWO RECORD RETENTION</b>	<b>51</b>
22.1 Purpose	51
22.2 Application	51
22.3 BYOD and Personal Email	51
22.4 BYOD Security	51
22.5 Email Security	51
22.6 Apps	51

22.7 Texting	51
22.8 Destroying Records	51
22.9 Transitory Records	52
22.10 Exceptions to Transitory Records	52
22.11 Records to CMA	52
22.12 Reporting	53
22.13 Training	53

## **Governance Policy One Council Roles and Responsibilities**

### **Purpose**

1.1 The purposes of this policy are to provide additional information about Council's roles and responsibilities and how it may make decisions.

### **Governing Council**

1.2 Council of the College will exercise all the powers and duties granted to a governing council under the Act.

### **Guidance**

1.3 Council must be guided by processes and decision making that are transparent, objective, evidence-based and fair.

### **Council Speaks with One Voice**

1.4 Council speaks with one voice after a decision has been made and a motion passed.

### **Strategic Direction**

1.5 Council sets the strategic direction and develops operational goals for the College. The Administration of the CMA carry out the operational goals because of the strategic direction. For Council, this includes:

- a. On an annual basis and based on recommendations of the Strategic Planning Committee, developing or updating a strategic plan that directs what the CMA is to achieve over a defined period in view of the objectives of the College, and
- b. Reviewing annual operational plans and budgets that identify the actions and resources that are necessary to achieve the strategic plan.

### **Actions of Council**

1.6 Council will:

- a. Develop and approve the CMA strategic plan, Bylaws, Governance Policies and the budget,
- b. Develop and review documents necessary to carry out the legislated mandate of the College in the public interest and to ensure public protection,
- c. Provide oversight of the CMA's prudent and responsible management of the financial, human and other resources,
- d. Purchase and maintain Director's and Officer's Liability Insurance, and
- e. Propose to Alberta Health or the Minister of Health amendments to the Act, Regulation or raise any other important matter that is relevant to the functioning of the College.

### **Distinction Between Governance and Management**

1.7 The work of Council is distinct from the work of the Executive Director and Registrar. Council's role includes the following:

- a. Effective and strategic governance and goal setting of the College ensuring strategy and risk oversight,

- b. Developing and approving strategic direction, goals, performance outcomes, risk tolerances, governance policies and budget with processes to reflect that the College is achieving these through appropriate monitoring and evaluation,
- c. Reviewing the performance of the Executive Director and Registrar on an annual basis,
- d. Overseeing the College’s financial reporting and disclosure by reviewing and approving audited financial statements,
- e. Taking appropriate steps to be satisfied that the College’s record management and management information systems are protected and appropriate,
- f. Ensuring that the required regulatory, legal and legislative responsibilities and obligations identified in the Act and elsewhere are met by the CMA, and
- g. Seeking outside advice as needed.

**Council Orientation, Continuous Education and Training**

1.8 Council ensures new Council Members are oriented and that all Council Members receive continuing Council development and education including any training required by the Act, the *Fair Registration Practices Act*, the *Labour Mobility Act* and any other law or requirement imposed on the Council or the College.

**Schedule for Review**

1.9 Council may review Bylaws, Standards of Practice, a Code of Ethics and Policies at any time but at a minimum and subject to statutory changes outlined in section 1.11, based on the time outlined in the following schedule:

<b>Document</b>	<b>Review Period</b>	<b>Responsibility</b>
Code of Ethics	Every 5 years	Council
Bylaws	Every 5 years	Council
Governance Policy	Every 5 years	Council
Registration Policies	Every 2 years	Executive Director and Registrar
Standards of Practice	Every 5 years	Council
Accreditation Programs	Every 4 years	Executive Director and Registrar

**Establishing Review Period**

1.10 The review period will be counted from the date the document is approved by Council.

**Statutory Changes**

1.11 A review period set out in the Schedule for Review at section 1.9 may be amended to reflect statutory changes that affect the College.

## **Tracking**

- 1.12 The Executive Director and Registrar is responsible for tracking the review period and raising the issue with the Chair at least one year in advance of the schedule for review so it may be placed on the Council Agenda.

## **Council May Appoint Committees**

- 1.13 Council may appoint a Code of Ethics and Standards of Practice Committee as needed, a Task Force or a new Committee to gather the information necessary to enable Council to address a specific review.

## **Bylaws**

- 1.14 A review of a Standard of Practice or Code of Ethics that results in any amendments or changes to it must follow the Act and Bylaws and specifically Bylaw Eleven.

## **Bias Prevention**

- 1.15 Council recognizes that a small College has limited Registrants who may be able to sit on a Registration or Competence Committee. As a result, Council may appoint one Registrant Council Member to each of the Registration and Competence Committees. Any Registrant Council Member who is appointed to a Registration or Competence Committee must not sit as or be involved in any way including in informal and formal discussions with a Panel of Council or Council with respect to the matters outlined in Governance Policy 17.

## **Governance Policy Two Council Meetings**

### **Purpose**

2.1 The purposes of this policy are to outline how Council meetings will be conducted, the materials required for Council meetings and general conduct of Council Members.

### **Council Meeting Purpose**

2.2 The purpose of a Council Meeting is to enable Council Members to make decisions about the governance of the CMA, to discuss relevant and important matters to the CMA, to provide direction to the Executive Director and Registrar, all Committees, a Hearing Tribunal, Complaint Review Committee.

### **Standing Agenda Items**

2.3 Each Council Meeting will include standing agenda items, including updates in person or in writing or both from:

- a. The Executive Director and Registrar,
- b. The Executive Committee, and
- c. Others as directed by Council.

### **Annual Standing Agenda Items**

2.4 Council may have annual standing agenda items, including annual updates in person or in writing or both from:

- a. The Complaints Director,
- b. The Hearings Director,
- c. The chair of the Complaint Review Committee, and
- d. The chairs of the Hearing Tribunals in one year, if there is one or more hearings that have been held in one year.

### **Agenda**

2.5 At every Council meeting, Council Members must review and approve the agenda as well as the minutes from the previous Council meeting.

### **Declaration of Conflict**

2.6 At the start of every Council Meeting, after the agenda is passed, the Chair will ask whether there are any conflicts of interest to report on the record. If a participant identifies a conflict of interest during the meeting, the participant must raise it and speak to it.

### **All Requests to Speak Through Chair**

2.7 During a Council Meeting, all requests to speak by Council Members must go through the Chair unless the Chair opens the floor for open discussion on a topic.

### **Open Floor**

2.8 Council Members may ask the Chair to open the floor for discussion of a topic.

## **All Opinions and Comments to be Heard**

2.9 Council Members believe that everyone has an equal and importance voice, perspective and competencies to bring to a meeting. The contributions and opinions of each Council Member and participant are important. Council Members must engage in candid and honest dialogue with respect for each other's differences in a polite manner. Specifically, Council Members will:

- a. Listen respectfully and attentively without interrupting to the individual who has the floor,
- b. Recognize that only one person can speak at one time,
- c. Be thoughtful with their comments avoiding repeated comments, and
- d. Be as succinct as possible.


## **Principles**

2.10 Council acknowledges the importance of the following principles to ensure they are regulating in the public interest:

- a. Decisions are made in the public interest,
- b. There is more than one public that must be considered in the public interest,
- c. Each Council Member is aware of and makes decisions that meet the legal and fiduciary obligations as directors,
- d. Council will adapt and embrace changes in regulation and address risk, harm and opportunities,
- e. Council will evaluate their performance as a whole and individually to ensure competence and continuous improvement,
- f. Varied stakeholder input is valued to inform evidence-based decision making, and
- g. Council decisions are transparent and accessible to the public.

## **Video Conference Meetings**

2.11 At a Council Meeting held by Video Conference (Zoom) or electronically, the following apply:

- a. The rules and obligations that apply to an in-person meeting apply to a video or electronic meeting.
- b. Participants must ensure they maintain complete privacy that would not allow another person to overhear the Council Meeting. Wearing headphones is strongly suggested to ensure privacy.
- c. It is recommended that individual cameras always be on.
- d. Participants must not record any or all the meeting electronically.
- e. To speak, a participant must click on the "Reactions" button and then raise the hand symbol . After acknowledgement from the Chair, the individual must introduce themselves for the purpose of the minutes and may then start speaking.
- f. When not speaking, microphones must be muted.
- g. All cell phones must be muted.
- h. The Chat function will be enabled for accessibility reasons.
- i. In the event someone must leave the meeting briefly or permanently for something that cannot wait until a break, a participant must notify the Chair verbally to ensure their absence is recorded in the minutes. If the participant returns, the participant must notify the Chair. This is to ensure a quorum is maintained.



- j. Participants must have a copy of the Council meeting package including the agenda prior to the start of the meeting so the materials can be referenced during the meeting.
- k. Voting at video conference or electronic meetings must be carried out in a manner to ensure that the minutes reflect the vote and there is adequate discussion. The process includes:
  - 1. After a motion is presented, abstentions to the motion are called and noted in the minutes,
  - 2. Opposition to the motion is then called,
  - 3. If no one is opposed, the motion is considered carried (passed),
  - 4. If there is opposition, a roll call vote is held, and the Chair will announce the number of votes cast in favor or against the motion and whether the motion is carried,
  - 5. The Chair will decide whether the motion is carried or defeated, and
  - 6. The roll call vote of individual Council Members will not be noted in the minutes or will be held in camera to ensure that individual votes are not publicly accessible. This is at the discretion of the Chair.

### **Minutes Included**

2.12 Minutes of the previous meeting must be included in the materials of every Council meeting outlined in Bylaw 4.19.

### **Protocol for Materials**

2.13 If a Council Member other than the Chair, requires that specific materials be prepared to speak to an issue at a Council Meeting, the Council Member must contact the Chair as soon as possible to discuss the materials so the Chair can discuss it with the Executive Director and Registrar.

### **Authority to Give Direction**

2.14 Individual Council members have no authority to act or give direction individually other than in such manner as is approved in these policies or by resolution of the Council. The Council may delegate authority to an individual Council Member; however, the Council retains ultimate responsibility and accountability.

## **Governance Policy Three To Be Determined**

This is a marker for future Governance Policy approved by Council.

## **Governance Policy Four Council Management Delegation**

### **Purpose**

4.1 The purpose of this policy is to distinguish between Council and management decisions to enable a functional organization.

### **Governing Council**

4.2 Council aspires to be a governing type of council.

### **Governance and Operations/Management**

4.3 Council recognizes that governance and, operations and management of the CMA are separate processes with different authorities. Council recognizes that they are generally responsible for governance and the Executive Director and Registrar for operations and management.

### **Council Delegation**

4.4 Council delegates various aspects of operations and management to the Executive Director and Registrar, within the framework of the Act, Regulations, Bylaws.

### **Executive Director and Registrar**

4.5 Council's official connection to the operational organization and management processes, its achievements, its conduct and results is through the Executive Director and Registrar. This means that:

- a. Only Council can employ, terminate, discipline or change the conditions of employment of the Executive Director and Registrar,
- b. Decisions or instructions of individual Council Members, Committee chairs, and advisors are not binding on the Executive Director and Registrar except in specific circumstances where Council has specifically authorized such exercise of authority, and
- c. Council Members, Committees and advisors may request information or additional assistance. The Executive Director and Registrar can refuse such requests that require in the opinion of the Executive Director and Registrar, staff time or funds that are disruptive or unavailable for the request.

### **Delegation to Executive Director and Registrar**

4.6 Council's authority delegated to staff is delegated through the Executive Director and Registrar. This means that authority and accountability of staff is the responsibility of the Executive Director. The Executive Director and Registrar will make regular progress reports to Council as part of their standing agenda item at Council Meetings.

### **No-surprises Approach**

4.7 Council and the Executive Director and Registrar aspire to a "no surprises" approach to information at a Council Meeting to promote thoughtful dialogue supported by available information.

## **Governance Policy Five Council Communication**

### **Purpose**

5.1 The purposes of this policy are to identify the spokespeople for the CMA and to provide direction to Council Members about appropriate communications in different contexts.

### **Formal Communications**

5.2 The Chair and Executive Director and Registrar are authorized to act as spokespeople for the CMA. This includes media requests. The Chair and Executive Director and Registrar may delegate this role to another Council Member or senior staff person. For guidance, the following direction applies:

- a. Topics or requests about CMA governance or Council: Chair is the spokesperson, and
- b. Topics or requests not involving CMA governance or Council, such as those related to hearings, discipline or complaints: Executive Director and Registrar is the spokesperson.

### **Media**

5.3 Reporters or media may contact the Executive Director and Registrar or individual Council Members for comment on a story or topic. All requests must be directed to the Executive Director and Registrar to address with the Chair, as appropriate. Any requests for media interviews should be directed to the Executive Director and Registrar.

### **Spokesperson**

5.4 A spokesperson can be identified in advance of contact if contact is expected because of the nature of the topic or request. The Chair or Executive Director and Registrar must delegate this role to a Council Member in advance.

### **Social Media**

5.5 Council Members must obtain permission from the Chair and Executive Director and Registrar before using the CMA name and representing themselves as a Council Member of the CMA.

### **Use of Disclaimers**

5.6 If a Council Member receives permission, the Member must use disclaimers to identify their role on Council and that their opinions are not official opinions of the CMA and do not reflect the opinions of Council as a whole.

### **Social and Professional Events**

5.7 While attending any event that is associated with the profession, professional regulation or organized by the CMA, Council Members are expected to exercise vigilance, tact and be mindful of their obligations to the CMA as a Council Member.

### **Requests from the Public or a Registrant**

5.8 A Council Member could be approached by an individual from the public or a Registrant in writing, directly, by telephone or otherwise, who is seeking the Council Member's assistance with resolving an issue with the College or with a Registrant. The Council Member is encouraged to

contact the Executive Director and Registrar as soon as possible and before responding to the communication.

**Use of Email and Texting While Conducting Council Business**

5.9 Council Members will comply with the record retention and destruction policies that include emails and texts.

## **Governance Policy Six Conflict of Interest**

### **Purpose**

- 6.1 This policy has many purposes for Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director including for each member to:
- a. Outline the meaning of conflict of interest,
  - b. Allow a declaration of initial conflicts of interest,
  - c. Allow for a declaration of no initial conflicts of interest,
  - d. Ensure everyone has knowledge about how to identify a conflict of interest to appreciate the ongoing obligation to declare if a conflict of interest arises, and
  - e. Outline the process for Council to manage conflicts of interest.

### **Initial Obligation to Consider and Disclose a Conflict of Interest**

- 6.2 Everyone, prior to starting their role with the Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director, must review Governance Policy Six, report any conflicts of interest and sign and date the declaration at the end of this Governance Policy Six.

### **Public Trust**

- 6.3 Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director are in positions of protecting, engaging and maintaining public trust and accountability. For Council, this means Members must act in the best interest of the public and must place this interest ahead of the interest of any other person or entity. This also means carrying out duties and obligations in the individual's role such that public confidence is promoted as well as trust in the integrity, objectivity and impartiality of Council and Committee functions.

### **Conflict of Interest and Ongoing Obligations**

- 6.4 A conflict of interest is a situation in which a member of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director have a direct or indirect private or personal interest that is enough to influence how the individual carries out their duties, and how and why they make or may make decisions.

### **Actual or Perceived Conflict**

- 6.5 A conflict of interest may be an actual conflict or a conflict that would be perceived by a reasonable person with all the information to exist. This includes situations and decisions involving:
- a. A direct or indirect pecuniary or financial interest in the matter,
  - b. An organization that the individual or someone from their family has a direct or indirect obligation to,
  - c. A personal or professional relationship that extends beyond just knowing who a person is,

- d. The individual or someone from their family holds a position in another organization and has duties to that organization whether as an owner, employee, board member, director, shareholder or contractor, and
- e. A professional association or union that the individual is involved in beyond merely having a membership in it.

### **Perceived Conflict is Conflict**

6.6 It is not necessary that there is actual influence for a conflict of interest situation to exist. If there is a reasonable apprehension that one exists, then it must be declared.

### **Reference**

6.7 Any reference to conflict of interest includes a real or perceived conflict of interest.

### **Ongoing Obligation to Disclose**

6.8 There is an ongoing obligation to declare a conflict of interest to the Chair or their immediate manager or any changes in the initial reporting.

### **Gifts**

6.9 Members of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director must not directly or indirectly offer or accept cash, as electronic payments or negotiable instrument, gifts, gratuities, privileges or other personal rewards that are intended to influence the CMA. Modest gifts may be given and received during general business practices if the gifts are not cash, electronic payments or a negotiable instrument and the value of the gift does not exceed \$200.

### **Declaration of Conflict of Interest on Council**

- 6.10 If there is a conflict of interest with a Council Member, Executive Director and Registrar or Former Chair, the conflict of interest must be noted in the minutes of the Council Meeting and the individual who has the conflict of interest must:
- a. Prior to any discussion of the matter at a Council Meeting, disclose the conflict to the Chair and if the Chair has the conflict, to the Vice-Chair,
  - b. At the Council Meeting, disclose the conflict of interest,
  - c. Not read any materials related to the discussion or the agenda item,
  - d. Remove themselves from the meeting for the duration of the discussion, and vote so they do not participate in the discussion, overhear the discussion or know who voted for or against the matter, if applicable, and
  - e. Not attempt to influence the materials, discussion or vote of the matter.

### **Declaration of Conflict of Interest in Other Circumstances**

6.11 If there is a conflict of interest with a member of a Committee, Task Force, Administrative Body and an Inspector, and a specific matter that will be deliberated, discussed, decided upon, or acted upon, the individual must advise the chair or Executive Director and Registrar where this is not a chair, as soon as possible. The chair or the Executive Director and Registrar will decide how to proceed with the matter ensuring that there is an appropriate quorum or number of individuals to meet the obligations of the Act and Bylaws.

**Chair**

6.12 If the chair of the Committee, or Task Force has a conflict of interest, they must discuss the matter with the Executive Director and Registrar to determine how to proceed.

**Complaints Director or Hearings Director**

6.13 If the Complaints Director or Hearings Director has a conflict of interest, they must immediately advise the Executive Director and Registrar who will decide with the individual how to proceed.

**Signed Declaration**

6.14 The following is to be completed by each member of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director.

I, \_\_\_\_\_ (insert printed name), acknowledge that I have read Governance Policy Six. I understand Governance Policy Six applies to me. I understand my duty to consider and declare an actual or perceived conflict of interest and that I have a continuing obligation to consider and declare an actual or perceived conflict if it arises. I understand the impact of the declaration and process. I understand I must follow this Governance Policy Six.

Complete the following as it applies:

\_\_\_ Currently, I have no conflicts of interest.

\_\_\_ Currently, I have conflicts of interest as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By my signature below, I, \_\_\_\_\_ (insert printed name), declare the information above to be true and accurate.

Signed on \_\_\_\_\_, 202\_.

\_\_\_\_\_

Signature



## **Governance Policy Seven Confidentiality**

### **Purpose**

7.1 The purpose of this Governance Policy is to explain the duties of confidentiality of members of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director. All terms in this policy apply to these individuals.

### **Duty to Keep Information Confidential**

7.2 Members of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director must keep confidential all information obtained in the course of their service and roles with the CMA, in accordance with the Act.

### **What is Confidential Information**

7.3 Confidential information includes privileged information. It includes:

- a. Unpublished financial information,
- b. Personal information of employees or volunteers,
- c. Any information discussed in camera at a Council Meeting,
- d. Information or advice from a lawyer,
- e. Any item marked as confidential verbally or in writing,
- f. Council documents, records and communications in any form including emails and texts,
- g. Personal and health information obtained through a Council position or because of participating in a Panel of Council, or as a designated decision maker as set out in the Act or Bylaws where such information is not public, and
- h. Any other information where there would be a reasonable expectation that it would remain confidential.

### **Do Not Disclose**

7.4 Confidential information may not be disclosed or communicated to any person within or outside the CMA except where authorized by the Bylaws, Act or law.

### **Report**

7.5 There may be a specific event that results in an individual having to disclose confidential information. This includes a requirement to disclose confidential information by law or Court order, such as in a criminal or civil proceeding, but does not include disclosure for the purposes of the Act, such as for an investigation, hearing or review. If this happens, the individual must notify the appropriate person as presented in section 7.10 so that the CMA may obtain legal advice or consult with advisors.

### **Obligation to Disclose**

7.6 There may also be an event where there is an obligation to disclose confidential information to the appropriate person at the CMA to determine if it is confidential such as in a request to CMA for information under the *Personal Information Protection Act*.

## **Protecting Confidential Information**

7.7 Members of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director must take reasonable steps to protect confidential information that they know or have. This includes not improperly disclosing or using confidential information. Reasonable steps include securing the source or location of the information in the individual's possession or control and complying with Governance Policy 22.

## **Cannot Use Information for Your Advantage**

7.8 Members of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Inspector, the Executive Director and Registrar, Complaints Director and Hearings Director must not use confidential information for their own advantage or for the gain or advantage of others.

## **Returning Confidential Information**

7.9 At the end of their term and subject to Governance Policy 22, members of Council, Committees, Administrative Bodies, Task Forces, and a Former Chair and an Inspector must return all confidential information documents in their possession to the CMA.

## **Disclosure of Confidential Information**

7.10 If confidential information is mistakenly disclosed by members of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director, this breach must be immediately reported, as follows:

- a. To the Chair or Vice-Chair if it is a Council Member, Former Chair or Executive Director and Registrar who disclosed the information,
- b. To the Executive Director and Registrar, if it is a Committee or Task Force member who disclosed the information,
- c. To the Executive Director and Registrar, if it is a member of a Hearing Tribunal, Complaint Review Committee, the Complaints Director or Hearings Director, and
- d. To the Chair or Vice-Chair if it is an Inspector.

## **Legal Proceedings**

7.11 The CMA may take action to enforce its legal rights to prevent disclosure of confidential information or reduce the harm of a disclosure if Governance Policy Seven is not followed. The CMA may act against any individual.

## **Confidentiality Obligations Never End**

7.12 Confidentiality obligations continue after an individual is no longer on Council, involved with the CMA or employed by the College. Confidential information must remain confidential after an individual is no longer on Council, involved with the CMA or employed by the College. There is an obligation that remains in perpetuity.

## **Record Retention and BYOD**

7.13 Record Retention and Bring Your Own Device (BYOD) Policy is found at Governance Policy 22.

**Signed Declaration**

7.14 The following is to be completed by each member of Council, a Committee, an Administrative Body, a Task Force, and a Former Chair, an Executive Director and Registrar, an Inspector, Complaints Director and Hearings Director.

I, \_\_\_\_\_ (insert printed name), acknowledge that I have read the Governance Policy Seven. I understand this applies to me. I understand my duty of confidentiality and the importance of confidentiality in my role at the CMA. I understand I must follow Governance Policy Seven. I promise to keep all information that I receive confidential now and forever, except where disclosure is allowed by the Bylaws or Act. I understand that this duty to keep information confidential does not end and always applies to me.

By my signature below, I, \_\_\_\_\_ (insert printed name), declare the information above to be true and accurate.

Signed on \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Signature

## **Governance Policy Eight Appointment To Committee**

### **Purpose**

8.1 The purposes of this policy are to establish a process for Council to appoint individuals, and to remove individuals from Committees, Task Forces or a Registrant roster for the purposes of a Hearing Tribunal or Complaint Review Committee.

### **Application of Information**

8.2 This policy applies to Committees, appointments of Registrants to a roster for the purposes of a Hearing Tribunal or Complaint Review Committee, Task Forces, appointment of an Inspector and any other appointment processes under the Act except an appointment to Council, the Complaints Director or Hearings Director.

### **Appointing Individuals to Committees**

8.3 Council may post a notice seeking Registrants and others to apply for a Committee, Task Force, Hearing Tribunal and Complaint Review Committee roster or an Inspector with the College.

### **Applications**

8.4 The notice may include details of the appointment, details of the obligations associated with the appointment, including an estimate of the time commitment, the term, the statutory role, the rate of pay and the appointment process. The notice may also include what information must be submitted to apply including a resume and cover letter detailing how the applicant is suited to the position and any other information that is relevant.

### **Information**

8.5 To appoint a Registrant, Council may conduct interviews and seek additional information from an applicant. If no preferred candidates apply or no Registrants apply, Council is not required to select any of the applicants who responded to the notice.

### **Recommendations**

8.6 If no Registrant applies for a position or Council is unable to find a suitable candidate from the applications, Council may post another notice or make appointments based on recommendations from the Appointment Committee, Council and the Executive Director and Registrar.

### **Delegation to Appointment Committee**

8.7 If no Registrants apply to a Committee posting, or if insufficient Registrants apply to fill all the Registrant positions on a Committee, Council may delegate the role of filling Committee positions to the Appointment Committee.

### **Removal**

8.8 Council may remove any individual appointed under this Governance Policy by written notice from Council for any reason. Council is not required to provide reasons for the removal of the individual.

**Declarations**

8.9 All appointees must sign the Conflict of Interest and Confidentiality Declarations.

**Training**

8.10 All appointees must complete onboarding, training, education or other requirements as established by Council from time to time.

## **Governance Policy Nine Remuneration**

### **Purpose**

9.1 The purpose of this policy is to establish remuneration rules for Council, every Committee, Administrative Bodies, Panel of Council and an Inspector.

### **Registrants**

9.2 Registrant members are entitled to remuneration for their work on Council, a Committee, Administrative Bodies, panel of Council and as an Inspector:

- a. At an equivalent rate for all Registrants members of Committees, and
- b. Based on the amount of time the Registrant devoted to the Committee work.

### **Remuneration of Public Members**

9.3 Public Members on Council, an Administrative Body and a Panel of Council must seek remuneration through the Government of Alberta because of the rules that apply to their appointment.

### **Claim**

9.4 To obtain remuneration, individuals must submit a remuneration claim and may claim the following amounts:

- a. An hourly rate of \$50 per hour;
- b. A flat rate for preparing for a meeting is \$100;
- c. Writing a decision is \$60 per hour; and
- d. Travel and expenses as outlined in the Allowable Expenses Policy.

## **Governance Policy Ten Inspectors**

### **Purpose**

10.1 The purposes of this policy are to address Council's ability to appoint Inspectors under Part 3.1 of the Act and to outline the general role of an Inspector.

### **Council's Authority**

10.2 Council may appoint an Inspector by Ordinary Resolution under Part 3.1 of the Act.

### **Notice**

10.3 Council will follow the process outlined in the Governance Policy Eight to appoint or select an individual as an Inspector.

### **Registrant**

10.4 An Inspector is not required to be a Registrant.

### **Council Member**

10.5 An Inspector must not be a Council Member or a member of staff.

### **Role of Inspector**

10.6 An Inspector may determine whether Registrants are complying with the Act, Bylaws, Standards of Practice and Code of Ethics as set out in the Act.

### **Comply with Act**

10.7 An Inspector must follow Part 3. 1 of the Act.

### **Part 4**

10.8 An Inspector may address or investigate complaints about a Registrant under Part 4 of the Act.

### **Training**

10.9 An Inspector must complete onboarding, training, education, or other requirements as may be established by the Executive Director and Registrar.

## **Governance Policy Eleven Governance Committees**

### **Purpose**

11.1 The purposes of this policy are to establish Governance Committees and set out the framework for establishing Governance Committees.

### **Types of Committees**

11.2 There are 2 types of Committees: Governance Committees and Standing Committees.

### **Governance Committees Established**

11.3 Council establishes the Competence Committee, Registration Committee and Inspection Committee, all of which are Governance Committees that may carry out the powers and duties set out in the Act, Regulations, Standard of Practice, Bylaws and Governance Policies.

### **Notice**

11.4 Council will follow the process outlined in Governance Policy Eight to appoint or select a Registrant to a Governance Committee.

### **Executive Director and Registrar**

11.5 The Executive Director and Registrar, and designated staff members may attend Governance Committee meetings.

### **Registrant Council Member**

11.6 Council may appoint one Registrant Council Member to the Registration Committee and one Registrant Council Member to the Competence Committee.

### **Reporting**

11.7 Governance Committees report to the Executive Director and Registrar who may report to Council on the Committees.



## **Governance Policy Twelve Competence Committee**

### **Purpose**

12.1 The purpose of this policy is to outline the Competence Committee process.

### **Competence Committee Members**

12.2 Council must appoint or select at least 3 members to the Competence Committee, a majority of which must be Registrants and one of whom may be a Registrant Council Member.

### **Chair**

12.3 Council must appoint one of the members as chair of the Competence Committee.

### **Role of Chair**

12.4 The chair of the Competence Committee has a unique role, including:

- a. Having adequate knowledge of the Act, Bylaws, Regulations and other laws that apply to the committee,
- b. Arranging for materials for each meeting to be prepared in advance of the meeting,
- c. Ensuring quorum is met and the Competence Committee is functioning appropriately,
- d. Calling meetings as necessary in the process of decision making,
- e. Seeking approval for legal advice and assistance when needed,
- f. Writing decisions where applicable, and
- g. Maintaining order, respect, fairness, and evidence-based decision making during their committee deliberations and decision writing.

### **Duties**

12.5 The duties of a Competence Committee include:

- a. Making recommendations about continuing competence requirements,
- b. Establishing assessments of a regulated members competence, as that term is defined in the Act,
- c. As outlined in section 43(4), directing the Executive Director and Registrar to cancel a practice permit and registration of an applicant if the committee is satisfied that the applicant has not met the conditions placed on the practice permit when it was issued,
- d. Developing guidance documents for the profession, and
- e. Doing or undertaking any other power or duty established under the Act, Regulations, Bylaws and Governance Policies.

### **Confidentiality**

12.6 There are specific requirements for confidentiality related to participation in a competence program, as explained in section 52 of the Act. Any person who has access to or comes into possession of such information must not publish, release or disclose the information in any manner except as is necessary to carry out the powers and duties in Part 3 of the Act.

## **Exceptions**

- 12.7 There are exceptions to the use of the information obtained under Part 3, and information obtained under Part 3 of the Act may be:
- a. Provided or published by the Competence Committee in summarized or statistical form if the information is provided or published in such a manner that it is not possible to relate the information to any identifiable person or facility,
  - b. Used by the Competence Committee to give the Complaints Director the name of a Registrant and the grounds for a referral under section 51.1 of the Act, and
  - c. Related or disclosed to the lawyer of the Registrant in connection with proceedings under Part 3, Part 2 or Part 4 of the Act.

## **Term**

- 12.8 Members will be appointed to the Competence Committee for a term of 3 years.

## **Consecutive Terms**

- 12.9 Members may serve a total of 3 consecutive terms on the Competence Committee.

## **Quorum**

- 12.10 A quorum of the Competence Committee is 3 members.

## **Vote**

- 12.11 The Competence Committee will make decisions by majority vote of the members participating in the vote.

## **Procedures**

- 12.12 Subject to the Act, the Bylaws, the Governance Policy, Regulations, the Competence Committee may determine its own procedures.

## **Meetings**

- 12.13 The Competence Committee will endeavor to hold meetings during regular business hours.

## **Registrant Council Member**

- 12.14 Council recognizes that the College is a small College that results in fewer Registrants participating on Council and Committees and, may require a Registrant Council Member to sit on the Competence Committee. If a Registrant Council Member sits on the Competence Committee, they must not serve on a Council Panel or Council for the purposes of an appeal or review under the Act.

## **Governance Policy Thirteen Registration Committee**

### **Purpose**

13.1 The purpose of this policy is to outline the Registration Committee process.

### **Registration Committee Members**

13.2 Council must appoint or select at least 3 members to the Registration Committee, the majority of which must be Registrants and one of whom may be a Registrant Council Member.

### **Chair**

13.3 Council must appoint one individual of the Registration Committee to act as chair.

### **Role of Chair**

- 13.4 The chair of the Registration Committee has a unique role, including:
- a. Having adequate knowledge of the Act, Bylaws, Regulations and other laws that apply to the committee,
  - b. Arranging for materials for the meeting to be prepared in advance of the meeting,
  - c. Ensuring quorum is met and the Registration Committee is functioning appropriately,
  - d. Calling meetings as necessary in the process of decision making,
  - e. Seeking approval for legal advice and assistance when needed,
  - f. Writing decisions where applicable, and
  - g. Maintaining order, respect, fairness, and evidence-based decision making during their committee deliberations and decision writing.

### **Duties**

- 13.5 The Registration Committee may:
- a. Review applications for registration if referred from the Executive Director and Registrar as set out in Bylaw 10.6,
  - b. Appear in front of a Panel of Council and make submissions with or without legal counsel for the purpose of a registration review as set out in sections 31 and 32 of the Act,
  - c. Review applications for a practice permit if referred from the Executive Director and Registrar as set out in Bylaw 10.12, and
  - d. Do or undertake any other power or duty established by the Act, Regulations, Bylaws and Governance Policies.

### **Term**

13.6 Members will be appointed to the Registration Committee for a term of 3 years.

### **Consecutive Terms**

13.7 Members may serve a lifetime total of 3 consecutive terms.

### **Quorum**

13.8 A quorum of the Registration Committee is 3 members.

**Vote**

13.9 The Registration Committee will make all decisions by majority of the members participating in the vote.

**Procedures**

13.10 Subject to the Act, Bylaws, Governance Policy, and Regulations, the Registration Committee may determine its own procedures.

**Meetings**

13.11 The Registration Committee will endeavor to hold meetings during regular business hours.

**Registrant Council Member**

13.12 Council recognizes that the College is a small College that results in fewer Registrants participating on Council and Committees and, may require a Registrant Council Member to sit on the Registration Committee. If a Registrant Council Member sits on the Registration Committee, they must not serve on a Council Panel or Council for the purposes of an appeal or review under the Act.

## **Governance Policy Fourteen Inspection Committee**

### **Purpose**

14.1 The purpose of this policy is to outline rules about an Inspection Committee.

### **Inspection Committee Members**

14.2 Council may appoint or select at least one individual to the Inspection Committee.

### **Registrants**

14.3 The individual is not required to be a Registrant.

### **Council Member**

14.4 A Council Member cannot be a member of the Inspection Committee.

### **Vesting**

14.5 The powers and duties of the Registrar under part 3.1 are vested in and may be exercised by the Inspection Committee except those described in section 53.3 of the Act. Any reference to Registrar in Part 3.1 of the Act is deemed to be a reference to the Inspection Committee, except in section 53.3 of the Act.

### **Term**

14.6 The term of a member to the Inspection Committee will be determined by Council at the appointment or selection of the member.

## **Governance Policy Fifteen Standing Committees**

### **Purpose**

15.1 The purposes of this policy are to establish Standing Committees and the framework for Standing Committees.

### **Standing Committees**

15.2 Council may establish Standing Committees as required.

### **Established**

15.3 Council establishes the following Standing Committees:

- a. Strategic Planning Committee,
- b. Finance and Audit Committee,
- c. Code of Ethics and Standards of Practice Committee, and
- d. Appointment Committee.

### **Appoint or Select Council Members**

15.4 Council may appoint or select Council Members to be a member of a Standing Committee.

### **Process**

15.5 Council may follow the process to appoint or select Registrants set out in Governance Policy Eight.

### **Term**

15.6 If the term of members of Standing Committees is not determined at the appointment or selection process, it is 3 years and may not be longer than a total of 3 consecutive terms.

### **Quorum**

15.7 Quorum of a Standing Committee is 3 members.

### **Chair**

15.8 Council will select a chair of each Standing Committee who will be responsible for ensuring their terms of reference and responsibilities are carried out.

### **Vote**

15.9 All Standing Committees will endeavor to make decisions by consensus, failing which decisions will be made by majority vote of all members participating in the vote.

### **Subcommittee**

15.10 A Standing Committee may delegate some or a part of their duties to a subcommittee comprised of members of the Standing Committee subject to the following conditions:

- a. The Standing Committee will select a chair for the subcommittee,
- b. The time period of the subcommittee will be determined by the Standing Committee,
- c. It will focus on specific duties as assigned by the Standing Committee,
- d. It must not make decisions independently of the Standing Committee, and

- e. It reports to the Standing Committee.

### **Terms of Reference**

15.11 At least every 2 years, each Standing Committee will review and assess their terms of reference making recommendations for amendments to Council.

### **Executive Director and Registrar**

15.12 The Executive Director and Registrar is an ex officio member of each Standing Committee.

### **Strategic Planning Committee**

15.13 The responsibilities of the Strategic Planning Committee include:

- a. Identifying the strategic goals of the CMA for a three year period,
- b. Identifying outcomes and guiding principles to foster the growth and maturity of the CMA,
- c. Reflecting on and identifying future challenges and opportunities for the regulation of midwives in Alberta based on evidence of risk, and
- d. Making recommendations to Council.

### **Finance and Audit Committee**

15.14 The responsibilities of the Finance and Audit Committee include:

- a. Analyzing the annual operating and capital budget prepared by the Registrar and preparing a report on that analysis to be sent to Council at the same time as the budget,
- b. Reviewing all financial statements and reports prepared for the College including the annual audited financial statements and advising Council about any issues with a statement or report identified by the Finance and Audit Committee, obtain Council approval of a statement or report if necessary,
- c. Overseeing risk management for the College to ensure there are adequate measures in place to address the risks and harms,
- d. Monitoring the investments and indebtedness of the College and reporting to Council, and
- e. Recommending an auditor to Council.

### **Code of Ethics and Standards of Practice Committee**

15.15 The responsibilities of the Code of Ethics and Standards of Practice Committee include:

- a. Gathering information to present to Council about best practices for developing a Code of Ethics,
- b. Gathering information to present to Council about best practices for developing a specific Standard of Practice or identifying where the College may need a specific Standard of Practice,
- c. Developing a Code of Ethics or Standard of Practice for presentation and review by Council,
- d. Reviewing documents as directed by Council, and
- e. Any other task related to the Committee.

### **Appointment Committee**

15.16 The responsibilities of the Appointment Committee include:

- a. Identifying competencies required of Council and the competencies satisfied by Council,
- b. Identifying competencies Council are missing and are being sought from a candidate in an appointment process,

- c. Presenting specific competencies to Council for their approval that are being sought from a candidate in an appointment process,
- d. Approving the application form and the contents of the personal statement,
- e. Supervising and administering all appointments to Council,
- f. Interviewing candidates who have applied to Council, as set out in Bylaw 5.13,
- g. Considering all appointment applications to Council and ensuring the candidates meet the requirements of the Bylaws,
- h. If there is a candidate that is recommended by the Appointment Committee, preparing a report with reasons recommending one candidate for every appointment process that will be presented by the chair of the Appointment Committee to Council for their approval,
- i. If there are no candidates that meet the requirements of the Bylaws, notifying Council as soon as this information is known,
- j. Providing recommendations to Council if there is a vacancy on Council as set out in Bylaws 5.14 and 5.15,
- k. Managing vacancies on a Governance Committee, including the recruitment process to assist Council with filling vacancies on a Governance Committee, and
- l. Creating any additional procedures consistent with the Bylaws to fulfil their purpose.



## **Governance Policy Sixteen Administrative Bodies**

### **Purpose**

16.1 The purposes of this policy are to outline the composition and responsibilities of Administrative Bodies.

### **Meaning**

16.2 Hearing Tribunals and Complaint Review Committees are Administrative Bodies.

### **Composition**

16.3 The composition of an Administrative Body is determined by the Hearings Director after contacting each individual on the roster to determine their availability for a specific matter.

### **Roster**

16.4 Council will appoint Registrants who are not Council Members to a roster for the purpose of serving on an Administrative Body. Public Members are appointed to the roster by the Government of Alberta.

### **Public Members**

16.5 At least 50 percent of the composition of an Administrative Body must be Public Members.

### **Term**

16.6 The term of a Registrant on a roster is 9 years.

### **Administrative Body Members**

16.7 There will be 4 members of a Hearing Tribunal and 4 members of a Complaint Review Committee.

### **Quorum**

16.8 Quorum for an Administrative Body is 3 members of which 2 must be Public Members.

### **Orientation**

16.9 The Executive Director and Registrar must arrange for orientation and education of Registrants and Public Members on the roster.

### **Chair**

16.10 Every Hearing Tribunal and Complaint Review Committee will have a chair that is selected by the Hearings Director.

### **Role of Chair**

16.11 A chair has a unique role, including:

- a. Having adequate knowledge of the Act, Bylaws, Regulations and other laws that apply to their proceeding,
- b. Understanding their jurisdiction and the Sanctions they may make,
- c. Ensuring quorum is met and they are functioning appropriately,
- d. Calling meetings as necessary in the process of decision making,

- e. Seeking approval for legal advice and assistance when needed,
- f. Writing decisions, and
- g. Maintaining order, respect, fairness, and objectivity during their meeting and decision making.

### **Knowledge**

- 16.12 Hearing Tribunal and Complaint Review Committees must be familiar with the applicable sections of the Act that apply to their roles. They must understand the roles and rights of a complainant, investigated member, Complaints Director and others in Part 4 of the Act, including
- a. Consideration of physical, verbal or written participation and the opportunity to be heard and respond,
  - b. Fairness in the process, and
  - c. Providing written reasons within a reasonable time frame or the time specified in the Act.

### **Costs**

- 16.13 After receiving submissions from the parties and making their decision, a Hearing Tribunal must not order costs against a Registrant that exceed the amounts set out in the Governance Policies.

## **Governance Policy Seventeen Council Panel for an Appeal or Review**

### **Purpose**

17.1 The purposes of this policy are to establish processes for appointing an appeal or review panel of Council and the terms of reference.

### **Panel of Council for an Appeal or Review**

17.2 Council, or a Panel of Council appointed by the Hearings Director, will carry out the duties and powers of Council to:

- a. Address an application for review of a registration decision under section 31 of the Act,
- b. Address an application for review of a decision to impose conditions, a suspension or a refusal of a practice permit by the Registrar, Registration Committee or Competence Committee under section 41 of the Act,
- c. Address a Part 4 reissuance and reinstatement review application under section 45.1(7) of the Act,
- d. Address an appeal of a decision from a Hearing Tribunal under sections 87 to 89 of the Act,
- e. Decide whether to vary an order as set out in section 93 of the Act,
- f. Address an appeal of a direction of the Complaints Director as set out in section 118 of the Act, and
- g. Address any other appeal or review required under the Act.

### **Composition**

17.3 A Council Panel is comprised of 4 Council Members.

### **Public Members**

17.4 At least 50 percent of a Council Panel must be Public Members of Council.

### **Quorum**

17.5 A quorum of Council Panel is 3 Council Members, and at least 2 must be Public Members.

### **Registration and Competence Committees**

17.6 Council recognizes that the College is a small College that results in fewer Registrants participating on Council and Committees and, may require a Registrant Council Member to sit on the Registration or Competence Committees. If a Registrant Council Member sits on either the Registration Committee or Competence Committee, they must not serve on a Council Panel or Council for the purposes of an appeal or review under the Act.

### **Serve**

17.7 Council Members appointed by the Hearings Director to a Council Panel will continue to serve in that role after the expiry of their term on the roster or on Council for the sole purpose of concluding a proceeding that has commenced but has not been completed.

## Procedure

17.8 Council or a Panel of Council for the purposes of a review or appeal as set out in section 17.2 must:

- a. Recognize that the parties to a review or an appeal include the applicant or Registrant, and Complaints Director, Executive Director and Registrar, Competence Committee, or Registration Committee,
- b. Ensure that the procedural rights outlined in the Act and created by law apply to all parties and that they may have legal representation,
- c. Take all steps to ensure that the parties can make submissions to them in writing or orally, and that the right to respond is upheld,
- d. Recognize that the party seeking the review or appeal has the first opportunity to set out their argument, the party who responds then can present a formal response and the party seeking the review or appeal can make a final argument,
- e. Understand that they must ensure the process is fair and may require additional processes to respond or make submissions beyond that set out in section 17.8(d) depending on the proceeding, and the Act and as the case may be,
- f. Follow any timelines set out in the Act that apply to the proceeding, and
- g. Maintain absolute confidentiality from other Council Members and staff who are not involved in the proceeding to prevent bias and conflicts.

## **Governance Policy Eighteen Hearings Director**

### **Purpose**

18.1 The purpose of this policy is to identify some of the obligations and processes of the Hearings Director.

### **Timelines**

18.2 The Hearings Director must have knowledge of the Act, Regulations, Bylaws and Governance Policies and ensure all timelines set out in the Act are met.

### **No Participation**

18.3 The Hearings Director must not chair nor participate in any review or appeal including a hearing, review or appeal under Part 4 of the Act.

### **Council or Panel of Council**

18.4 The Hearings Director will canvas Council Members who do not sit on a Registration or Competence Committee for the purpose of selecting a Panel of Council.

### **Hearings Director to Canvas**

18.5 The Hearings Director will canvas the members of a Hearing Tribunal or Complaint Review Committee from the roster. To do so, the Hearings Director will contact everyone on the roster to determine their willingness to participate.

### **Bias or Conflict**

18.6 Of those individuals willing to participate on a Panel of Council, Hearing Tribunal, or Complaint Review Committee, the Hearings Director will poll everyone to determine if they have a conflict or a bias about the proceeding including with the Registrant or applicant, complainant, lawyers, or any other relevant individual who may be participating in the proceeding based on the knowledge of the Hearings Director at that time.

### **Selection**

18.7 The Hearings Director may select a Panel of Council, Hearing Tribunal or Complaint Review Committee from the individuals who are willing to participate and have declared they have no conflicts or bias about the proceeding including with the Registrant or applicant, complainant, lawyers, or any other relevant individual who may be participating in the proceeding based on the knowledge of the Hearings Director at that time.

### **Public Members**

18.8 At least 50 percent of a Panel of Council, Hearing Tribunal or Complaint Review Committee must be Public Members either from Council or the roster, as the case may be.

### **Chair**

18.9 The Hearings Director must appoint a chair from their selection.

## **Quorum**

18.10 The Hearings Director must ensure a Panel of Council, Hearing Tribunal or Complaint Review Committee has quorum.

## **Notification**

18.11 After a Panel of Council or a Hearing Tribunal is selected by the Hearings Director, the Hearings Director will notify the Registrant or applicant, and the Complaints Director, Registration Committee or Competence Committee as the case may be in writing to:

- a. Disclose the names of the Panel of Council, Administrative Body, chair and lawyers for same, if applicable,
- b. Ask those who are notified to raise any objection and reasons for the objection to the composition, within 14 calendar days,
- c. Provide the objection and reasons to the chair to address and determine, and
- d. If necessary, select a new member or an entirely new Panel of Council, Hearing Tribunal or Complaint Review Committee.

## **Authority of the Hearings Director**

18.12 The Hearings Director may only make decisions that are non-prejudicial and are with respect to clerical and administrative matters the Hearings Director considers necessary to prevent prejudice to the Registrant as set out in section 94 of the Act.

## **Jurisdiction**

18.13 The Hearings Director must send any issue above a clerical or administrative issue to the appropriate Panel of Council, Hearing Tribunal or Complaint Review Committee to decide.

## **Written Request for Review**

18.14 The Hearings Director will receive and process a written request for a Complaint Review Committee review of a dismissal of the Complaints Director.

## **Incomplete**

18.15 If the request is incomplete or does not include any fee required by Council, the Hearings Director will contact the complainant to advise how to complete the request.

## **Notification of Complaint Review Committee**

18.16 After a Complaint Review Committee is selected by the Hearings Director, the Hearings Director will notify the Registrant, complainant and Complaints Director in writing to:

- a. Disclose the names of the Complaint Review Committee, the chair and lawyer for the Complaint Review Committee, if applicable,
- b. Ask the Registrant, complainant and Complaints Director to raise any objection and reasons for the objection to the composition of the Complaint Review Committee, within 14 calendar days,
- c. Provide the objection and reasons to the chair for the Complaint Review Committee to address and determine, and

- d. If necessary and at the direction of the Complaint Review Committee, select a new member of the Complaint Review Committee or an entirely new Complaint Review Committee.

**Alternative Complaint Resolution**

18.17 The Hearings Director will arrange for an Alternative Complaint Resolution process at the direction of the Complaints Director and as set out in the Act.

## **Governance Policy Nineteen Complaints Director**

### **Purpose**

19.1 The purpose of this policy is to identify some processes and obligations of the Complaints Director.

### **Power and Duties**

19.2 The power and duties of a Complaints Director are established by the Act, Regulations, Bylaws and Governance Policy.

### **Section 65**

19.3 After the Complaints Director has received a complaint and commenced an investigation by notice, the Complaints Director may make a request to the Executive Committee to impose conditions on the practice permit of a Registrant under investigation, as outlined in the Bylaws and section 65 of the Act.

### **Process under Section 65**

19.4 Unless there are exceptional circumstances where time does not permit notification to the Registrant, to proceed under section 65 of the Act, the Complaints Director must:

- a. Provide written notice to the Registrant under investigation that they are considering asking the Executive Committee to impose conditions on the Registrant's practice permit,
- b. Include reasons why the Complaints Director is considering this process,
- c. Outline a timeline for the Registrant to respond in writing that must consider the urgency of the matter,
- d. After receiving the Registrant's response or if the Registrant does not respond and the Complaints Director decides to proceed, the Complaints Director will write to the Executive Committee and enclose their notice, the Registrant's reply if any, and outline reasons why they are seeking the order. The Registrant will be copied on this letter, and
- e. If the Executive Committee decides to place Conditions on the Registrant's practice permit, it must provide reasons and include the right of the Registrant to apply to the Court of King's Bench for an order staying the decision of the Executive Committee as outlined in the Act.



## **Governance Policy Twenty Fees, Levies, Costs and Assessments**

### **Purpose**

20.1 The purpose of this policy is to publish the fees, levies, costs and assessments established by Council under Part Fourteen of the Bylaws.

### **Amounts**

20.2 For the 2023 calendar year, the following fees, levies, costs and assessments are in effect:

- a. Application fees:
  - a.1 New Graduate Application and Out of Province Application: \$300.00
  - a.2 Internationally Educated Midwives: PLEA Application \$1,500.00
  - a.3 Student Application: \$150.00
- b. Letter of Standing fee: \$40.00
- c. Costs of investigations and hearing: assessed on a case by case basis in the discretion of hearing tribunal
- d. Document search, request and copy fees: \$50.00 plus 25 cents per page copying cost
  - d.1 Reissue Practice Permit Card: \$50.00
  - d.2 Reissue Certificate: \$25.00
  - d.3 Request for Police Record \$25.00
- e. Examination fees:
  - e.1 Registrant: \$40.00
  - e.2 Non-registrant: \$80.00
  - e.3 OSCEs: \$3,000.00
- f. Fees for the expenses of a College as set out in section 45.1(5)(d) of the Act: \$300.00
- g. Fee for a registration review under section 31 of the Act and a practice permit review under section 41 of the Act: \$300.00
- h. Fee for a complaint review committee review of a dismissal of a complaint: \$150.00
- i. Fee for an appeal of a decision of a Hearing Tribunal to a Panel of Council: \$300.00
- j. Fees for a specified physical examination under section 118 of the Act: \$1,000.00

- k. Fee for a specified mental examination under section 118 of the Act: \$1,000.00
- l. Inactive registration fee, yearly as part of renewal: \$200.00
- m. Late payment fee, including late renewal fee: \$350.00 per day up to a maximum of \$1,000.00
- n. Name change fee: \$75.00 (\$25.00 certificate and \$50.00 practice permit) unless name is changed at renewal period
- o. Registration fee:
  - o.1 Change of Student to New Registrant \$25.00
  - o.2 Change of Inactive to General or Provisional Register \$60.00
- p. Practice permit fee: \$4,550.00 per year or \$390 per month
- q. Administration fee:
  - q.1 NSF Charge: \$40.00
  - q.2 Not updating profile: \$100.00
- r. any other fee, cost assessment as determined by Council.

## **Governance Policy Twenty-One English Language Proficiency**

### **Purpose**

21.1 The purpose of this policy is to establish the English language proficiency (ELP) requirement.

### **Requirements for ELP**

21.2 An applicant for registration may demonstrate English language proficiency by establishing one of the following:

- a. Successfully completing their approved program of midwifery studies in Canada in English;
- b. Successfully completing a midwifery education in English of at least 2 years of full time study within the last 2 years outside of Canada;
- c. Completing the International English Language Testing System Academic test, having a minimum score of 7 per each component and that is completed within 2 years of the date of submitting an application for registration as a midwife:
  1. Listening score is 7.0, writing score is 7.0, reading score is 7.0, speaking 7.0; overall score of 7.0;
- d. Completing the Test of English Language Internet-Based Testing (TOEFL-iBT) having a score of 95 in total and that is completed within 2 years of the date of submitting an application for registration as a midwife:
  1. 25 minutes speaking, 21 minutes other components; or
- e. An alternative approved in advance of registration by the Executive Director and Registrar that facilitates the entry to practice of an individual with English language proficiency in speaking, writing, listening and reading.

### **Evidence Required**

21.3 The evidence required depends on the applicant's English language proficiency, as follows:

- a. Transcripts from your midwifery studies,
- b. IELTS test result,
- c. TOEFL-iBT test result, or
- d. Other evidence required by the Executive Director and Registrar.

### **Submitting Evidence**

21.4 There is more than one way to for an applicant to submit their evidence depending on how they have English language proficiency:

- a. Transcripts from their midwifery studies will be submitted with their registration application,
- b. The IELTS or TOEFL-iBT test result must be sent directly to the College of Midwives of Alberta from the organization, or
- c. As outlined by the Executive Director and Registrar.

## **Governance Policy Twenty-Two Record Retention and BYOD**

### **Purpose**

22.1 The purposes of this policy are to set out the obligations of Council, a Committee, a Task Force, an Administrative Body, and a Former Chair, and an Inspector, about using their own devices, personal emails and retaining and destroying CMA records, including emails, audio, electronic, pdfs, other formats and paper documents.

### **Application**

22.2 This policy applies to members of Council, a Committee, a Task Force, an Administrative Body, and a Former Chair, and an Inspector, who will be referred to as individuals in this policy.

### **BYOD and Personal Email**

22.3 Individuals may use their own devices and personal email accounts for the purposes of their roles. BYOD is a commonly used term that means “bring your own device.”

### **BYOD Security**

22.4 There are privacy and security risks to the CMA with BYOD. Every individual who uses their own device for the purposes of their roles must ensure their device is password protected and that they do not share their password or device with family or friends who may be able to access and view Council or College matters.

### **Email Security**

22.5 There are privacy and security risks to the CMA with personal email use. Every individual who uses their personal email account in their roles must be cautious and ensure that they are not forwarding or sending anything by email or text that could create a cybersecurity risk for the CMA.

### **Apps**

22.6 Individuals must not use instant messaging or chat applications such as WhatsApp and TikTok when conducting CMA business without the prior approval of the Executive Director and Registrar.

### **Texting**

22.7 Texting is not recommended. Exercise critical thinking and good judgment.

### **Destroying Records**

22.8 Individuals must regularly review their emails and text messages and delete transitory records and empty the trash of transitory records. If there are other forms of transitory records such as a voice mail or a paper document, these must be deleted or destroyed. Regularly review means to review within one year of the date of the record or after their purpose has been served whichever happens last.

## **Transitory Records**

22.9 Transitory records are records with short term use that are used to pass along information for routine matters or activities. Examples include:

- a. Communication about a meeting, event, celebratory matter (birthday), duplicate copies of documents sent for reference where there is a copy with the College, notice of social events;
- b. Memos to Council, a Committee, an Administrative Body, a Task Force, and a Former Chair and an Inspector where you are not the originator of the record;
- c. "cc" copies which require no action;
- d. FYI copies that are for information only and require no action or response;
- e. Minutes of meetings that are sent from the CMA that require no action or response;
- f. Email messages forwarded for printing;
- g. Address lists and distribution lists;
- h. Drafts of documents where a new draft has taken its place;
- i. An individual is working on a legal agreement, a decision of a panel, seeking legal advice and is not the originator of the document;

## **Exceptions to Transitory Records**

22.10 There are exceptions to a document that may be considered a transitory record, including where an individual:

- a. Is the originator of an email that references a Council investigation, or a final decision and a CMA lawyer or Executive Director and Registrar are not copied on the email;
- b. Provides electronic approval of a final financial statement or an audited financial statement and the Executive Director and Registrar is not copied;
- c. Provide electronic authorization of any amount as an authorized signatory and the Executive Director and Registrar is not copied;
- d. Is writing a decision and sends out the final decision for approval to the individuals participating on Council, a Committee, an Administrative Body, a Task Force and a Former Chair, or an Inspector;
- e. Receives approval for the decision referenced in section 22.9(d) from the individuals it was sent to;
- f. Receives or creates a confidential document; and
- g. In their judgement, decides that a record must be retained longer than the time set out in section 22.7.

If an individual is unsure of whether to destroy a document, they may speak to the Executive Director and Registrar.

## **Records to CMA**

22.11 By the end of their term, individuals must make arrangements with the Executive Director and Registrar to save or provide records to the CMA that are exceptions to transitory records or are confidential. These documents must be destroyed in compliance with the CMA record destruction policy.

**Reporting**

22.12 An individual must immediately report to the Executive Director and Registrar if they lose their device, it is stolen or their email account is hacked or otherwise compromised.

**Training**

22.13 From time to time, training and education about cyber security risks and management of records may be required.

**Transitional Policy**

22.14 Prior to the date of passing this policy, individuals may have destroyed records or their actions may not have complied with this policy. This policy applies to individuals as of the date it was passed by Council and does not apply prior to the date it was passed.