

Board of Directors Meeting Agenda

Via Zoom

DATE	August 18, 2022
TIME	12:00 pm ET
CHAIR	Tom Conway

ITEM	TOPIC	TIME	SPEAKER	PAGE #	ACTION
1. Introductory Matters/Call to Order/ Approval Of Agenda/Conflicts of Interest					
1.1.	Conflicts of Interest – Board members are to declare if they have any conflicts regarding matters on the agenda				
2. CONSENT AGENDA					
	<p>The Consent Agenda matters are proposed to be dealt with by unanimous consent and without debate. Directors may seek clarification or ask questions without removing a matter from the consent agenda. Any Director may request a consent agenda item be moved to the regular agenda by notifying the Chair or the CEO prior to the meeting.</p> <ul style="list-style-type: none"> - Minutes of May 27, 2022 Meeting - Revised Terms of Reference Governance Committee - Revised Nominating & Board Development Committee Terms of Reference 	12:10		5-16	Approval
GOVERNANCE and POLICY					
3. Confirmation of College By-laws					

3.1.	<p>Section 80 of the Act states: Any by-laws that are made by the Board before the first election is held under subsection 13(5) are repealed on the 180th day after the day on which the first election is held, unless they are confirmed by a resolution of the Board, as it is constituted after that election, before that 180th day.</p> <p>The initial by-laws together with recent amendments adopted by the start-up Board are:</p> <p>1. <u>By-laws of the College of Patent Agents and Trademark Agents (Board) SOR/2021-168 as amended on March 3, 2022 by By-laws Amending the By-laws of the College of Patent Agents and Trademark Agents (Board)</u>, and</p> <p>2. <u>By-laws of the College of Patent Agents and Trademark Agents (College) SOR/2021-167 as amended on March 3, 2022 by By-laws Amending the By-laws of the College of Patent Agents and Trademark Agents (College)</u></p> <p>The Board has directed the CEO to undertake a review of the by laws in light of CPATA's initial year of operation (and now with new by-laws required by amendments to the Act).</p> <p><i>Be it resolved, pursuant to s. 80 of the Act, the Board confirms the College By-laws (SOR/2021-167) as amended and Board By-laws (SOR/2021-168), as amended.</i></p>	12:20	D. Pink		Approve
3.2.	<p>CEO Search Committee Terms of Reference The Board reviewed these in Committee, and they now require approval.</p> <p><i>Be it Resolved the Board approves the Terms of Reference for the CEO Search Committee as included in the Board package</i></p>	12:30	T. Conway	17-19	Approve

3.3.	Review of 2022-23 Business Plan	12:35		20-36	Discussion
3.4.	Committee Reports - Nominations and Board Development - Governance - Audit and Risk (first meeting being scheduled) <i>Note to Board – This is the first time we are reporting from committees. Board should consider if format is valuable and frequency of reports. Quarterly would have reports as a regular item on each agenda.</i>	12:50	J. Astle on behalf of C. Callahan R. McHugh	37-43	Discussion
4. Updates on core operations					
4.1.	New bi-lingual Agent Portal - demonstration	1:00	A. Diaz		Information
4.2.	CEO Report	1:15	D. Pink	44-46	Discussion
4.3.	June 30 Financial and Compliance Statements		S. Walker	47-54	Discussion
5. FOR INFORMATION					
5.1.	Notice from CICC re use of Insignia			55-58	
5.2.	CNAR Report on EDI			59-74	
5.3.	Legal Services Board and time limits for complaints			75-76	
5.4.	Update on LSO Cheating Scandal			77	
6. In Private Discussion without CEO					

6.1.	Discuss Governance Committee ToR item 'Provides a forum for Directors to express their views and concerns regarding the operation of the College, independent of Management and the full Board'				
7. FUTURE MEETINGS					
7.1.	<p>October 6, 2022 – 12-4 pm (ET) Committee of the Whole Meeting (via Zoom)</p> <p>November 11, 2022 – 8 am-5 pm (AT) Strategic Priority Work Session (in person-Halifax)</p> <p>November 12, 2022 – 8-11 am (AT) Board of Directors Meeting - Public (in person-Halifax)</p> <p>December 15, 2022 – 12-4 pm (ET) Board of Directors Meeting - Public (via Zoom)</p> <p>January 26, 2023 – 12-4 pm (ET) Committee of the Whole Meeting (via Zoom)</p> <p>March 2, 2023 – 12-4 pm (ET) Board of Directors Meeting - Public (via Zoom)</p> <p>April 13, 2023 – 12-4 pm (ET) Committee of the Whole Meeting (via Zoom)</p> <p>May 24-26, 2023 – 2023 AGM & Board of Directors Meeting - Public (in person-Ottawa)</p>				

**Public Board of Directors Meeting
Held in Ottawa and via Zoom
May 27, 2022, 8:30 a.m. ET
Minutes**

BOARD MEMBERS:

Tom Conway, Chair
Ruth McHugh
Jeff Astle
Karima Bawa
Andrew Currier
Brigitte Chen
Darrel Pink, CEO & Registrar

STAFF:

Andrés Diaz, Operations Manager
Dana Dragomir, Communications Officer/Recording Secretary
Vicci Sakkas, Administrative Coordinator
Jennifer Slabodkin, Director of Registration and Education, Deputy Registrar
Sean Walker CPA, CFO

1. Call to Order, Conflicts and Consent Agenda

The chair called the meeting to order at 8:30 a.m. and began by thanking Douglas Thompson for his contributions to CPATA. He welcomed Leonora Hoicka, Brigitte Chan and Andrew Currier to the Board and noted he, Ruth McHugh and Karima Bawa were re-appointed for various terms.

The chair noted that while the Board had quorum, it was not fully constituted due to the lack of two directors, pending appointment by the Minister.

Ruth and Karima noted that they know one of the Governance Committee members to be appointed but did not deem it a conflict of interest.

The consent agenda was approved.

3. Appointment of Chair and Vice Chair

In the absence of a Governance & Nominating Committee and formal policies for selection of the Chairperson and Board succession, the incumbent directors presented proposals for the Board's consideration.

On a motion made by L. Hoicka, seconded by B. Chan the Board appointed Tom Conway as chair for a one-year term and Ruth McHugh as vice-chair for a one-year term. Subsequently, Ruth will take over as Chair.

Motion approved with abstentions from R. McHugh and T. Conway**4. Terms of Reference for the Governance Committee and the Nominations and Board Development Committees:****Appointment of Regulatory and Governance Committees**

The Board reviewed the list of proposed committee appointments. They also discussed the separation of Governance and Nominating Committee into two: 1) Governance Committee and 2) Nominations and Board Development Committee. It is noted that the By-Laws will have to be amended.

On a motion made by R. McHugh, seconded by J. Astle, the Board approved the Terms of Reference for the Governance Committee and the Nominations & Board Development Committee and appointed committee members to the regulatory and governance committees as listed on the CPATA Committee List included in the Board materials and attached as Appendix A to these minutes.

Motion approved**5. Board Governance Policies**

Minor corrections and revisions were brought to the previously-reviewed Board policy.

On a motion by R. McHugh, seconded by L. Hoicka, the Board approved the Board Policy No. 8 – Board Governance.

6. Confirmation of College and Board by-laws

This item was removed from the agenda.

7. Amendments to the College of Patent Agents and Trademark Agents Act

CEO Darrel Pink provided an overview of the amendments to the Act. The Board inquired about outstanding issues we would like included in legislation. The CEO mentioned the lack of specifics regarding registration authority, CPATA's authority to regulate all types of work that licensees do (i.e., work unrelated to CIPO), unauthorized practice and the powers of the Investigations Committee.

8. Preliminary Report from the Official Languages Commissioner

The Board remarked that the report was supportive overall and asked for the development of an Official Languages Policy and Training schedule for employees (as recommended by the Commissioner) to be presented to the Board within appropriate deadlines set by the Commissioner. The addition of an OLA compliance memo to Board meetings was requested.

9. Priority Items for the Board and CPATA

The Board discussed the priority items listed in the agenda. Andrew suggested looking to the USA, as many issues have already been resolved there.

10. Adjourn

On a motion made by R. McHugh, seconded by L. Hoicka, The meeting was adjourned at 10:33 a.m.

GOVERNANCE COMMITTEE TERMS OF REFERENCE

INTRODUCTION

CPATA regulates the patent and trademark profession in accordance with the Act, Regulations, By-laws, Registrar's Policies, and the Regulatory Objectives, Standards and Principles. It is an independent and risk-focused public interest regulator.

CPATA is committed to selecting Board and committee members based on a set of identified skills and attributes, to ensure the Board and committees have the knowledge and attributes to carry out the work effectively, are diverse in all respects, and who strive to attain the vision of CPATA for a modern regulator as outlined in [Board Policy No 2, CPATA's Regulatory Objectives, Standards and Principles](#).

CPATA committees assist the Board to meet its governance and fiduciary obligations. Unless a specific authority is granted, a committee has no independent authority.

Committees develop and document, for Board approval, and follow an annual work plan which includes processes in support of their responsibilities.

'Director' means a member of the College's Board of Directors.

ROLE

The Governance Committee¹ examines corporate governance practices, including Board practices and performance, and make recommendations with respect to the Board. These responsibilities include:

1. Effectiveness – Assessing and making recommendations regarding Board effectiveness and leading the processes for orientation, evaluation and continuing education of Directors, committee Chairs and the Chair of the Board.
2. Governance – Reviewing and monitoring governance practices of the Board and management with a view to enhancing the College's performance

RESPONSIBILITIES

Subject to the powers and duties of the Board, the Governance Committee will perform the following duties.

¹ Established by Board By-law s. 45. See By-laws 31 ff

Board Effectiveness

The Committee

- a) In collaboration with the Nominating and Board Development Committee, monitors the Board orientation and onboarding process, and, where appropriate, recommends changes;
- b) Identifies for the Nominating and Board Development Committee areas for Directors' ongoing updating of skills and knowledge of the College and its businesses, and recommends skills development and education for the Board as a whole or for individual directors based on their assigned responsibilities;
- c) Annually reviews and evaluates the performance of the Board as a whole and individual Directors in accordance with the procedures established by the Board from time to time; and
- d) Oversees the annual reviews and evaluation of the performance of college committees and their chairs against the terms of reference and the standards established for the role of committee chairs.
- e) Oversees the annual review and performance management of the CEO & Registrar in accordance with the procedures established by the Board from time to time. The annual review will include a review of the CEO's salary and compensation structure and may include recommended adjustments to the Board. The review will include a review of the Board approved CEO succession plan.

Board Governance

The Committee

- a) Provides a forum for Directors to express their views and concerns regarding the operation of the College, independent of Management and the full Board;
- b) Reviews the College's structures and procedures to ensure the Board is able to, and in fact does, function independently of Management;
- c) Monitors compliance with the Code and reports to the Board;
- d) Reviews and considers corporate governance best practices in Canada and makes recommendations to the Board regarding their consideration or adoption as appropriate; and
- e) At the request of the Chair of the Board or the Board, undertakes corporate governance initiatives as may be necessary or desirable to contribute to the success of the College.
- f) Annually
 - i. reviews the Board Policy No. 3 – Directors' Code of Conduct and, where appropriate, recommends revisions to the

Board;

- ii. Oversees the filing of attestations by directors and committee members of compliance with the Code of Conduct
- iii. Reviews terms of reference, skills matrices, and work plans of all committees and advises the Board on any governance issues arising from committee work
- iv. In collaboration with the Nominating and Board Development Committee, identifies the skills and qualifications required of members of the various Board-appointed Committees, statutory committees, and Chair appointments.
- v. Receives from the Nominating and Board Development Committee identification of appropriate candidates for appointment and/or recommendation for appointment to committees or the board.
- vi. Reviews, and brings forward to the board, communications to licensees and the Government of Canada (in the case of public member appointments) regarding the skills sought in nominees for directors

**MEMBERSHIP
AND VOTING**

The Governance Committee has up to 5 members, at least three of whom are Directors.

Non-voting participants:

- Chief Executive Officer (CEO) is an *ex officio* member of the Committee

A Committee member who, without excuse satisfactory to the Chair, is absent from two consecutive meetings of the Committee is deemed to have resigned, which resignation will create a vacancy on the Committee to be filled².

The Board, by a vote of two-thirds of those present, may at pleasure remove a member of the Committee³ but the Board will not consider a motion to remove a committee member unless the Committee

² Registrar's Policy on Committees

³ Registrar's Policy on Committees

Member is given notice of the motion and is provided an opportunity to present to the Board.⁴

CHAIR	<p>The Chair and members of the Governance Committee are appointed by the Board.</p> <p>The Committee Chair is a voting member of the Committee.</p>
FREQUENCY OF MEETINGS AND MANNER OF CALL	<p>Meetings are scheduled in advance and occur at least quarterly, or otherwise at the direction of the Chair or the CEO. Additional meetings may be scheduled by the CEO in consultation with the Chair. Meetings will be held by audio-visual means, or on direction of the Chair, in person. If necessary, votes may be cast by email or other electronic means.</p> <p>At least once a year the CEO, Governance and Nominating & Board Development Committee must meet to review their ongoing work, lessons learned, and plan where there are shared or complementary responsibilities.</p>
QUORUM	<p>Quorum of the Committee is three</p>
RESOURCES	<p>The Committee is supported by the CEO and Deputy Registrar.</p>
REPORTING & EVALUATION	<p>The Committee develops, documents, and adopts for Board approval an annual work plan and reports to the Board by providing a high-level summary of the Committee's activities at the next Board meeting. The summary details what the Committee have been working on (since it last reported to the Board), what the Committee is bringing forward for discussion or approval, and key issues that the Committee is focused on.</p> <p>The Committee evaluates its work consistent with the Board's approved process for committee evaluation.</p>

⁴ Registrar's Policy on Committees

DATE OF LAST REVIEW Approved – 2021-10-05
Revised – 2022-05-27, 2022-08-18

NOMINATIONS & BOARD DEVELOPMENT COMMITTEE

Terms of Reference

INTRODUCTION

CPATA regulates the patent and trademark profession in accordance with the Act, Regulations, By-laws, Registrar's Policies, and the Regulatory Objectives, Standards and Principles. It is an independent and risk-focused public interest regulator.

CPATA is committed to selecting Board and committee members based on a set of identified skills and attributes, to ensure the Board and committees have the knowledge and attributes to carry out the work effectively, are diverse in all respects, and who strive to attain the vision of CPATA for a modern regulator as outlined in [Board Policy No 2, CPATA's Regulatory Objectives, Standards and Principles](#).

CPATA committees assist the Board to meet its governance and fiduciary obligations. Unless a specific authority is granted, a committee has no independent authority.

Committees develop and document, for Board approval, and follow an annual work plan which includes processes in support of their responsibilities.

'Director' means a member of the College's Board of Directors.

ROLE

The Nominating & Board Development Committee assists the Board to fulfill its roles regarding Board and Committee succession and is responsible for:

1. Nominating – Assessing the requirements for membership on the Board and advising the Minister's Office of the College's needs, managing the process for nominating candidates for Board and committee membership.
2. Elections – assisting with the election process as prescribed by the By-laws.
3. Oversees the development and execution of continuing education for the Board and committees

RESPONSIBILITIES

The **Nominations & Board Development Committee** assists the Board to fulfill its roles regarding Board and Committee succession, and is responsible for:

Board and Committee Nominations

The Committee:

- a) Assesses the requirements for membership on the Board and College committees;
- b) Creates and maintains a formal and transparent procedure for recommending candidates for appointment to the Board to the Minister;
- c) In collaboration with the Governance Committee, identifies the skills and qualifications required of members of the various Board-appointed Committees, statutory committees, and Chair appointments.
- d) Manages the processes involved in assessing the capabilities that will be required by the Board and its Committees, by maintaining a “skills and attributes matrix” of the capabilities and term limit tracking matrix of the existing Directors and committee members, and identifying the gaps to be filled and the plan for the orderly succession of the Chair of the Board and its Committees and Directors and committee members to maintain required capabilities;
- e) Following consultation with the Governance Committee, recommends committee member and committee chair and names for potential Board appointments to the Board for approval.

Elections

The Committee

- a) Determines if, based on the terms of elected directors, an election is necessary¹ and, if so, whether the position is to be filled by a patent agent, a trademark agent or either²;
- b) Advises the CEO regarding communications with the profession about the desirable skills and attributes for new Directors;
- c) Facilitates an orientation for prospective election candidates³
- d) Assists the CEO in recommending appointment by the Board of an Election Commissioner⁴;

¹ Board By-law 31(1)

² By-law 31(2)

³ By-law 32(e)

⁴ By-law 31(5)

Board Development

The Committee:

- a) Oversees the development and delivery of orientation and training for new directors and committee members,
- b) Is responsible for development and delivery of ongoing education and training for the Board of Directors and committees based on CPATA's approved strategic priorities, significant changes in the environment for licensees, identified skill gaps or new skills or knowledge required, and other priorities identified by the Board or committees;
- c) Is responsible for development and delivery of ongoing governance education and training that reinforces CPATA's approved governance policies
- d) Consults with the Board and committee chairs and vice chairs about their views on required education and training
- e) Promotes delivery of education and training in a variety of ways and on various platforms that allows some to be undertaken at the convenience of individual directors and committee members as well as in a group setting.

MEMBERSHIP AND VOTING

The Nominations & Board Development Committee has up to 5 members, at least one of whom is a director.

Non-voting participants:

- Chief Executive Officer (CEO) and Deputy Registrar are *ex officio* members of the Committee.

A Committee member who, without excuse satisfactory to the Chair, is absent from two consecutive meetings of the Committee is deemed to have resigned, which resignation will create a vacancy on the Committee to be filled⁵.

The Board, by a vote of two-thirds of those present, may at pleasure remove a member of the Committee⁶ but the Board will not consider a motion to remove a committee member unless the Committee Member is given notice of the motion and is provided an opportunity to present to the Board⁷.

CHAIR

The Chairs and members of the Committee are appointed by the Board.

⁵ Registrar's Policy on Committees

⁶ Registrar's Policy on Committees

⁷ Registrar's Policy on Committees

The Committee Chair is a voting member of the Committee.

**FREQUENCY OF
MEETINGS AND
MANNER OF CALL**

Meetings are scheduled in advance and occur at least quarterly, or otherwise at the direction of the Chair or the CEO. Additional meetings may be scheduled by the CEO in consultation with the Chair. Meetings will be held by audio-visual means, or on direction of the Chair, in person. If necessary, votes may be cast by email or other electronic means.

At least once a year the CEO, Governance and Nominations & Board Development Committee must meet to review matters, lessons learned, and plan where there are shared or complementary responsibilities.

QUORUM

Quorum of the Committee is three.

RESOURCES

The Committee is supported by the CEO and Deputy Registrar.

**REPORTING &
EVALUATION**

The Committee develops, documents, and adopts for Board approval an annual work plan and reports to the Board by providing a high-level written summary of the Committee's activities at the next Board meeting. The summary details what the Committee have been working on (since it last reported to the Board), what the Committee is bringing forward for discussion or approval, and key issues that the Committee is focused on.

The Committee evaluates its work consistent with the Board's approved process for committee evaluation.

**DATE OF LAST
REVIEW**

Approved – 2021-10-05

Revised – 2022-05-27, 2022-08-18

CEO & Registrar – Search Committee Terms of Reference

PURPOSE	<p>The purpose of the Search Committee is to undertake a search for a Chief Executive Officer & Registrar on behalf of the CPATA Board and identify a candidate for consideration by the Board.</p> <p>The Search Committee will engage the services of an Executive Search Firm to undertake the nation-wide search over the coming months.</p>
SCOPE	<p>The Committee shall:</p> <ol style="list-style-type: none"> Working with the Search Consultant, define the search parameters, stakeholders and search approach; Conduct interviews with identified candidates; Receive and review the results of candidate references and test results to assess suitability; Negotiate the compensation package on behalf of the Board; Make recommendations to the Board regarding the appointment of a CEO & Registrar.
COMPOSITION	<p>The Committee will be comprised of five members of the Board:</p> <ul style="list-style-type: none"> Tom Conway, Chair of the Board and Chair of the Search Committee Ruth McHugh, Vice-Chair of the Board Jeff Astle, Board Director Leonora Hoicka, Board Director Andrew Currier, Board Director <p><i>Darrel Pink, CEO & Registrar, will be called on to provide support to the Committee on an as needed basis</i></p>
PROCESS	<p>Working with the Search Consultant, the Committee will establish a timeline, identify stakeholders and determine a process to be followed for the search. Board members, key staff and identified stakeholders will be consulted to develop the position profile/brief outlining the desired attributes and competencies for the role. The Committee will communicate its progress regularly to the Board. The Search Committee will recommend to the Board the candidate identified through the search.</p> <p>The Board will meet the recommended candidate before ratifying the Committee's recommendation. Additionally, the recommended candidate will meet with key staff members. The search process will end with the Board's appointment of a new CEO & Registrar.</p>
TIMING	<p>The search and selection is anticipated to take four to five months. Anticipating the chosen candidate will be required to provide notice to a</p>

current employer, the target start date for the new CEO & Registrar is December 2022.

QUORUM	A quorum for a Committee meeting shall consist of three members with the one exception that quorum for the Committee meeting to decide on a final candidate to recommend to the Board is of 100% of the voting members.
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DECISION MAKING	The Committee shall strive to make decisions by consensus, including the decision regarding which candidate to recommend to Board. If required, the Chair may call for a vote. Each member of the Committee, including the Chair will be entitled to one vote. The Chair, at their discretion, may call a full meeting of the Board to discuss any material issue that requires input and direction from the Board.
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MEETINGS	The Chair, in consultation with the Committee and on the advice of the executive search firm, shall determine the frequency and form of the meetings.
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REPORTING	The Committee shall report, through the Chair, to the Board. The Chair shall provide regular written updates to the Board over the course of the search, and, when appropriate, inform the Board of any material risks, challenges, or issues that the Board should be made aware of.
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SUNSET	The Committee will be dissolved upon the Board's appointment of a CEO & Registrar.
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INDIVIDUAL ROLE AND RESPONSIBILITIES	<p>Each Committee member shall:</p> <ul style="list-style-type: none">• Fully engage in respectful, open, thoughtful discussion, ensuring breadth of opinion and thought and bring their career and personal experience to the candidate evaluation process.• Demonstrate the principles of equity, diversity and inclusion and be willing and prepared to acknowledge and address their biases in an open and transparent manner with the Committee.• Commit to attending all scheduled Committee meetings and interviews with candidates and to remain on the Committee until its work is fully completed.• Respect the process and maintain focus on the goal of the Committee.• Declare any real, perceived, or potential conflicts.• Represent the best interests of CPATA.
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CONFIDENTIALITY AND CONFLICTS OF INTEREST	In accordance with CPATA's Director's Code of Conduct, the Committee will carry out the search in a confidential and highly professional manner. Information regarding applicants, potential applicants and interviews remains confidential (in perpetuity) to the Committee and others as
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determined appropriate by the Committee. Committee members will alert the Chair of a breach or if any real or perceived conflict of interest arises during the search process. The Chair and the Committee will then discuss the breach or conflict and agree on a plan to manage it. If a breach occurred or a conflict exists, the Chair can ask the Committee member to recuse themselves from a meeting or meetings or from participation on the Committee if the Committee agrees that the breach or conflict cannot be managed without compromising the integrity of the process. If a member is removed because of a breach of confidentiality or a conflict of interest, the Chair with the Committee's agreement can appoint a replacement member to the Committee.

CPATA Business Plan – 2022-23

MEMORANDUM

TO	Board of Directors
FROM	Darrel Pink
DATE	August 18, 2022
SUBJECT	CEO Update on Business Plan

MESSAGE

This brief narrative provides explanations to variations in timing for the 2022-23 Business Plan. This report is cumulative so earlier comments have been updated or struck out with new information

Overall progress in all areas is evident. Some that have been noteworthy for the Board include:

- Thentia – relationship with this key service provider has improved significantly. Bi-lingual Agent Portal is launched and will roll out to the profession over several months. Plans in place for development of the next Thentia Module to manage the registration process. WE do not yet have a solution for automatically updating CIPO with licensee status information.
- By-law revisions – project is advanced. Management has reviewed proposed changes and re-organization of by-laws. New provisions enables byAct amendments are in development. Will engage with Dept. of Justice in early fall
- New committees are launched with orientation and initial meetings held.
- The competence initiative is advancing on schedule. Directors have seen the initial results and have contributed to the product through comments and dialogue

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
Transfer responsibilities from CIPO, such as exams, licensee registration, licensee list	Done	Ongoing relationship governed by MOU - involves regular reporting on licensee status -	MOU to be reviewed with some changes to address contact information and Class 2 licences	Q2 - 2022	This work will be done after we complete an upgrade of the Thentia software Discussions for implementing CPATA-CIPO automated solution for data transfer have been deferred to July 31st
Governance <ul style="list-style-type: none"> - By-laws - Board Policies - Board Succession and Orientation - CEO Succession, etc), 	Ongoing	Bd Policies No 1 (How CPATA Works, 2 (Reg. Objectives) , 3 (Code of Conduct) , 4 (Remuneration) , 5 (Exec Expectations CEO))	Board Policies – Board to consider a range of additional governance policies, including: <ul style="list-style-type: none"> • Manner of Governance • The Board Agenda • Minutes • In camera meetings • Committee of the Whole Meetings • The Planning Calendar • Board Evaluation and Performance • Role and Expectations <ul style="list-style-type: none"> ○ Board Chair ○ Committees and Committee Chairs 	Q1-2, 2022 March 22 Board Meeting	

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
		<ul style="list-style-type: none"> Committee Recruitment Board Recruitment 	Approve skills/attributes Recruitment of Board of Directors	Q1-2,2022 AGM May 2022	Committees appointments complete except for the addition of directors when the Board is at full strength. Will review long list of candidates, provide information to candidates and provide advice to ISED
		<ul style="list-style-type: none"> Board Elections 	Administer Elections Nomination, orientation and election of 4 Directors	Nominations in Jan-Feb 2022 Elections in April 2022	Elections completed. Review to be undertaken by NBDC

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
		By-laws – amend and review	New Board to approve By-laws Obtain advice on review of Regs and by-laws and develop plan for comprehensive review	Q3 2022 – New Board ¹	Revision project underway
Regulatory Policy Development	Ongoing	Develop/amend Registrar's and Regulatory Committee Policies	Registration Policies <ul style="list-style-type: none"> Review of Registrar Decisions (Registration Committee) - Complete Changing from Class 2 to Class 1*² - In progress with research phase, discussion paper to be drafted July-August 2022 Exam re-writing³ – This is contemplated in the by-law revision project and as part of the competency initiative. Policy on judicial officers as licensees* - discussion paper to be drafted August – September 2022 and will be contemplated in the by-law revision project 	Q4 – 2021 Q2 – 2022 ?? Q1 – 2022	With experience the Registrar's Policies will need to be regularly revised. Regulatory Committees will develop and evolve their policies over the next few months. In May 2022, stakeholders were asked to consult on changes to the Good Character and Fitness to Practise Policy. No feedback was received.

¹ Act s.80 Any by-laws that are made by the Board before the first election is held under subsection 13(5) are repealed on the 180th day after the day on which the first election is held, unless they are confirmed by a resolution of the Board, as it is constituted after that election, before that 180th day.

² Policies noted with * will require consultation based on Regulatory Standard – 'In developing policies and advancing the College's objectives, we obtain expert advice as required, conduct research relevant to the matters under consideration and consult and work with interested stakeholders.'

³ This is connected to the Competence Initiative

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
			<ul style="list-style-type: none"> Maintaining Class 3 Registration Upon Completion of Training – Complete Maximum registration date/periods of registration for class 3 - This is contemplated in the by-law revision project and as part of the competency initiative. Registration Hearings – Complete <p>Discipline Committee</p> <ul style="list-style-type: none"> DC Policies⁴ <p>Investigations Ctte</p> <ul style="list-style-type: none"> IC policies 	<p>Q1 - 2022</p> <p>Q1/2 – 2022</p> <p>Q4-2021 – Q1 - 2022</p> <p>Q2 – Q4 2022Q2-Q4 - 2022</p>	<p>With Act amendments the IC will be developing policies for the complaints process and other areas (e.g interim orders) authorized by Act</p>
Finance (including budgets and short and long term reserve planning),	Ongoing	Multi-year budgeting	Develop template	Q4 - 2022	To be done as part of 2022-23 budgeting
		Reserve Policies	Assigned to Audit & Risk Committee	Q3 --2022	May 26 and July 7 Board meetings

⁴ Will include Pre-hearing conferences, conduct of hearings, settlement agreements, delegation to Chair, interim suspension/conditions applications from IC, decision writing, publication bans and exclusion of public and publication of decisions

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
		Finance Policies	Develop policies and supporting process documents	End 2021	Required for External Audit
		Enterprise Risk Management	Assigned to Audit & Risk	End 2022	
HR policies, payroll, taxation	Done	HR Consultant retained HR Manual including on-boarding and off-boarding employees Group RRSP established		Completed	Review of policies to be performed each year
IT (including managing the licensee list, as well as facilities for staff, contractors and board),	Ongoing	Establish bi-lingual Agent Portal	With Thentia	Q3 2022	Launch date is early August 2022
		Complete Thentia upgrade project (application portal, other functionalities)	With Thentia	Q3 2022 Q1 2023	Date to be determined
Communications and Government Relations		Upgrade website to be bi-lingual	With IdeaZone and BG Communications - COMPLETE	End 2021	
		Review and rationalize website - ONGOING		Q1 2022	
		Initiate newsletter	Turn email blasts into v.1 of a bilingual newsletter - COMPLETE Content being developed to provide information about the College and	Q1 – 2022	Newsletter distributed once per month, on the first

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
			other information of value to licensees (e.g., CPD info, ethics advice)		Tuesday of the month
		Communications Strategy and Plan		Q3-2022	For Communications Officer is advancing all aspects of the Communications Strategy withing capacity limits.
		GR strategy and Plan (including retain GR consultant and identify GR needs)	Retain GR Consultant to address immediate needs Develop GR Policy and Strategy with GR Consultant	End of 2021 Q3-2022	CEO developing next phase of GR work
		Policy on Consultation		Q2 - 2022	This did not happen and will return to the Board in the context of a specific initiative
Complaints and discipline		Policy framework under construction -	IC – decision-making thresholds; interim suspension/conditions DC – all operational policies under development; e.g. virtual proceedings; pre-hearing conferences; appointment of panels; impact of OLA	Q1-Q4-2022	January 20. 2022 Briefed Board on IC and DC processes, including identified limitations and impediments in legislation

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
Annual Report		Content and format of Annual Report ⁵	Requirements of ISED Board input COMPLETE	End of Q1 - 2022	Annual Report to Minister on March 31, 2022. Report on director remuneration was not published. Will do so after August meeting

Stage 2 - Design and develop regulatory programs consistent with the Regulatory Objectives, Standards and Principles

⁵ Annual Report

On or before March 31 of each year, the College must provide the Minister its annual report required by s. 25⁵ that contains:

- (a) The College's audited financial statements
- (b) A report from the Board providing a corporate overview of the College and its activities in the previous year including a description on how it is advancing the College's regulatory objectives and the outcomes of its regulation
- (c) A report from the CEO including, but not limited to, a report on demographic profile of the Patent and Trademark Agent profession, a report on the College's regulatory activities and any available analyses undertaken by the College and a description of the College's performance measures;
- (d) An update on the College's strategic plan, how it is advancing strategy and any research undertaken by the College

CPATA Business Plan – 2022-23

	Status	Specific items	Tasks to complete	Completion	Notes
Basic competence requirements	Ongoing	<ul style="list-style-type: none"> Develop a 'Competency Profile' for PAs and TMAs – Profiles are drafted and sent for translation. Detailed plan in place for Initiative – Complete 		2022-2023	This project is on schedule and on budget for Registration Committee review in December 2022, to be recommended to Board for adoption in March 2023.
Licensee training		<ul style="list-style-type: none"> Develop Training Supervisor requirements and Training Agreement Research and discussion paper on Licensee Training Program/course 	<p>Consult with firms and TSs to better understand the range of relationships trainees have with firms/employers.</p> <p>Draft model 'Training Agreement' and consult before finalizing it.</p> <p>Licensee Training Program/Course discussion paper</p>	<p>Q1 – 2022</p> <p>Q2 – 2022</p> <p>Q3 – 2022</p> <p>Q4? - 2022</p>	<p>Training Supervisor Application Form is complete. Research is in progress for the training agreement. Meetings with firms took place earlier this year.</p> <p>Research initiated for the agent training course starting with ethics modules development.</p>
Licensee examinations		<ul style="list-style-type: none"> Evaluation and Report on 2021 exams Use initial Competence work to 	<ul style="list-style-type: none"> Competency framework (technical), which involves developing and validating the technical competencies for patent agents and trademark agents; 	Q1 – Q4 2022	Technical Competency frameworks are drafted and being translated. The bilingual review panel will be

CPATA Business Plan – 2022-23

		<p>determine if a ‘fundamentals’ exam should be added in 2024</p> <ul style="list-style-type: none"> Set dates for 2022 exams – Complete Plan for 2024 exams and beyond 	<ul style="list-style-type: none"> Transitional improvements, which entails making some incremental improvements to the defensibility of the transitional examinations to be delivered in fall 2022; “Fundamentals” examinations, which refers to the development of the two multiple-choice screening examinations (expected for spring 2024); and Update of the future qualifying examinations, which reflects additional improvements for the qualifying examinations to be delivered in the fall of 2022 and 2023 	<p>Q1-Q4 2022</p> <p>Q1-Q4 2023</p>	<p>meeting in July and August. The profiles will be circulated for stakeholder validation in the Fall 2022.</p> <p>Internal report on 2021 Qualifying Examinations delivered to the Registrar; in progress with preparing public report.</p> <p>PAL provided recommendations for incremental improvements that are being incorporated into the 2022 exams. Exam Board members received training on content development.</p>
	Status	Specific Items	Tasks to Complete	Completion	Notes

CPATA Business Plan – 2022-23

Incorporate Code of Conduct into culture of the profession – Develop a Code education program	ongoing	<ul style="list-style-type: none"> Developing an appreciation for and understanding of the ethical and professional obligations of licensees Develop education materials on Code and regulatory requirements for licensees Review/revise Code of Conduct 	<ul style="list-style-type: none"> Develop a plan to educate and provide support to individual licensees and firms re their ethical and professional responsibilities under the Code (e.g. online modules) Develop online resources including FAQs and articles re ethics and PR Consider tools for measuring outcomes; e.g. survey at start and after one year of education <p>Retain assistance to produce education materials on Code obligations</p> <p>Project Plan for review of Code</p>	<p>Start Q1 - 2022</p> <p>Q2 – 2022</p> <p>Q4 - 2022</p>	<p>Resources were developed for licensees in the form of Ethics Analyses pieces based on submitted questions on a de-identified basis. These demonstrate the application of the Code of Professional Conduct in real life scenarios and proactively give licensees access to ethical advice. They are posted on the website⁶ and circulated in the monthly newsletter.</p> <p>The development of ethics modules for the agent training course was initiated.</p>
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⁶ <https://cpata-cabamc.ca/en/your-practice/professional-conduct/ethical-analyses-and-advice/>

CPATA Business Plan – 2022-23

Continuing Professional Development		Nature of CPD requirements	Discussion paper on approaches to CPD followed by consultation – could usefully spell this out as: initial consultation, discussion paper consultation, adoption of policy, operationalize new program	Q1-2, 2023	This work will not be commenced before the new CEO takes office
	Status	Specific Items	Tasks to Complete	Completion	Notes
Practice standards		<ul style="list-style-type: none"> Consideration of development of standards together with a Quality Assurance/audit capacity 	Engagement/consultation with the profession on the development of practice standards – likely initiated with a research paper (Likely initial consultation, discussion paper, consultation, adoption of policy, operationalize possible new program)	Q1 - 2023	
Risk evaluation and management		<ul style="list-style-type: none"> Enterprise Risk Management Regulatory Risk Framework 	Develop ERM plan – assign to R&A Committee. Retain expertise to identify and develop Reg. Risk Framework, develop mechanism to identify and record reg risks. Work done in conjunction with ERM development	Q4– 2022 Start Q3 - 2022	R&A Committee to lead in the ERM work

CPATA Business Plan – 2022-23

Outcomes Measurement		<ul style="list-style-type: none"> The College has committed to measuring and reporting on its outcomes. Need to build the capacity and a regime in which to do so. 	Discussion paper on Outcomes measurement utilizing Ontario Health Regulators format – not clear what happens with this paper. Board? Consultation?	Q4- 2022	
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Stage 3 - Continue to hone regulatory programs

The timing of this work will be set in the Fall of 2022. It will depend on the progress made on the Stage 1 and 2 items.					
Explore and develop program activities related to replenishing the ranks of IP professionals		Initiate discussions with the law/13business faculties who are running IP clinics			
Equity and diversity		An inclusive language policy is being developed.			
TRC					
Innovation					
Consider CPATA's role in					

CPATA Business Plan – 2022-23

the IP environment and practice issues				

CEO Monitoring Reports

Monitoring Reports are a means by which the CEO & Registrar provides the Board with timely and relevant information about each aspect of the College's Regulation and Operations. It is one means to allow the Board to oversee the College's regulatory activities without doing any of the regulation. The nature of Monitoring Reports will evolve, based on Board input, the extent of information required for the Board to fulfil their fiduciary duties and relevant public interest factors.

In 2022, the following Monitoring Reports will be delivered

March 3, 2022 – Registration – Completed and delivered to the Board at the March 2022 meeting.
August – Communications

CPATA Business Plan – 2022-23

CPATA's Business Plan Timeline

	2022				2023			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
CEO		Review CIPO MOU	Regulatory Risk	Outcomes measurement	EDI/TRC			
							CPATA's role in the IP environment	
Board	Board Governance Policies		Review and approval of By-laws		EDI/TRC			
		Elections/Bd recruitment						
G&N C'tee		Board Orientation		Board/Committee Evaluation				
CFO		Reserve Policies		Multi-year budget	Update Finance Policies			
		Finances Monitoring Report (May 26)		Enterprise Risk Management				

CPATA Business Plan – 2022-23

CEO/Ops Mgr./Thentia	Bi-lingual Agent Portal	Operations Monitoring Report (May 26)						
	Thentia Upgrade							
2022					2023			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
CEO/Comms. Officer	Website Upgrade		Comms Strategy/Plan					
	Newsletter	Policy on Consultation						
	Initial GR assessment							
	Annual Report							
CEO/Manager PR/ Consultant		Code of Conduct Education Plan for review of Code – Q4 - 2022						
	Finalize Complaints/Discipline Policies	PR Monitoring Report (April 14)						
		Implement Thentia Module for Complaints						
CEO/Dir. Registration/ Consultant	Develop Competency Profile							
	Licensee Exams		Policy on Change from Class 2 to Class 1 licence	CPD Requirements		Practice Standards/QA		

CPATA Business Plan – 2022-23

	Review/revise Registrar's Policies on Registration							
	Registration Monitoring Report							

NOMINATING & BOARD DEVELOPMENT COMMITTEE MEETING REPORT – JULY 26, 2022

Attendance: Charity Callahan (Chair), Jeff Astle, Evelyn Spence, Brent York

Darrel Pink, CEO, Jennifer Slabodkin, Deputy Registrar

Following the call to order and no declaration of conflicts, the Chair invited members of the Committee to introduce themselves.

The CEO shared his vision for the Committee, which highlighted understanding everyone's role in the decision-making process and determining proper and appropriate nomination and election processes.

It was also noted that development is a key to a sustainable organization, and that our expectations of Directors and committee members should align with our expectations of licensees.

Jeff Astle as the director on the Committee will report on the Committee's behalf to the Board as need be.

Review of Joint Meeting and Outcomes

The Committee reiterated the need for a collaborative approach with the Governance Committee on issues that give rise to recommendations to the Board.

The Committee noted the value in developing a 3-5 year forecast of activities to support and prepare for training requirements.

The CEO will share the organization chart with the Committee.

Review of Committee Terms of Reference and Skills Matrix

The CEO reviewed the Terms of Reference with the Committee. It was noted that the Terms of Reference should reflect coordination with the Governance Committee to prevent duplication of effort, gaps etc.

The CEO will circulate the revised Terms of Reference to the Committee so it can be ratified and adopted by the Board.

The CEO will circulate the skills form to Committee members to confirm the matrix is fully represented and determine if additional members are needed. The form will also be circulated to members of all other committees for future skills matrix audits.

Review Nominations Processes

The CEO described the process that occurred for the 2022 elections and questioned whether the “first-past-the-post” election process was appropriate for selecting Directors for regulatory bodies. More recently and frequently proposed includes a competency-based nominations process where the NBDC presents a slate for election at the Annual General Meeting.

Any proposed changes to the elections process and/or ineligibility criteria would require research, targeted consultation, and potential changes to the by-laws. It was noted that this issue will need to be addressed well before the 2024 elections.

The Committee suggested circulating a survey to those who participated in the 2022 elections to gather their feedback, which may inform future changes to the process.

Board Development

The Committee discussed how board development will be managed and how to identify what is currently needed. It was noted that CPATA is a modern, risk-based, outcomes-focussed regulator and that the curriculum must support those concepts.

A curriculum chart will be developed for the Board and all Committees to identify needs (both content and budgetary).

The Committee discussed developing a philosophy statement to identify the macro goal/agenda for board and committee development.

Developing a Workplan

The Committee noted that budgetary requirements will be identified as the workplan is developed.

The CEO will develop a first draft of the committee’s workplan by building in activities and target dates for all items included in the revised ToR.

GOVERNANCE COMMITTEE MEETING REPORT – JULY 28, 2020

Attendance: Ruth McHugh, Chair, Karima Bawa, Peter Cowan, Amber Batool

Darrel Pink, CEO, Jennifer Slabodkin, Deputy Registrar

Guest – Allan Fineblit QC

Following the call to order and no declaration of conflicts, the Chair introduced the agenda, noting its ambition and suggesting an extra meeting will be required to complete the Committee's initial work.

Board and Committee Remuneration

The Committee had for its consideration proposals from two consultants regarding developing a policy on remuneration. Based on a significant favourable price variance, as well as in-depth knowledge of the organization from its inception, Allan Fineblit was invited to share details of his proposal with the committee.

Allan Fineblit joined the meeting to discuss how he would approach developing some options for a revised policy on director and committee member remuneration.

It was noted:

- as a start-up a lot is expected and required from those who are establishing and conducting Board and committee tasks for the first time
- a policy must be clear, easily applied and subject to regular review
- remuneration must be meaningful
- approach must be fair and consistent
- remuneration is a tool to attract good people to work with CPATA at the Board and committee level
- the additional responsibilities of the board chair, vice chair and committee chairs must be factored in
- the approach to remuneration must be publicly justifiable and may include annual limits
- a decision must be made on the implementation date, and whether it is retroactively applied
- do not want an approach that is bureaucratic or that inadvertently encourages over charging for time spent

Allan noted CPATA has a Board that is not made up of volunteers, but a corporate model is also not applicable. We are a form of hybrid overseeing an independent regulator. He noted this is an exercise in good judgement.

To complete the work, he will undertake an environmental scan of comparative entities, will propose a policy framework and provide the committee with alternatives that will allow it to make a recommendation to the Board. It was noted the final scheme must be incorporated into by-laws.

The Committee resolved that, having reviewed two proposals to develop a policy recommendation for board and committee remuneration, to recommend to the CEO that Allan Fineblit, who has considerable knowledge of CPATA, its origins and its approaches to professional regulation, be retained to undertake the work.

Governance of Regulators

The committee had reviewed a memo from the CEO and two recent governance reports of the Law Society of British Columbia and the Ontario College of Social Workers. They opened a discussion on how CPATA builds the necessary approaches into all governance work. D. Pink noted he has recently been reviewing a publication of the Professional Standards Authority - [Fit and Proper? Governance in the public interest March 2013](#) which he intends to include as part of work that will come to the committee and the Board on defining/describing 'public interest(s)'. It was noted a key element in defining CPATA as a 'risk-focused' regulator will require clarity about what 'risk of harm' (as used in the Cayton reports) entails.¹

Review of Committee Terms of Reference and Developing a Workplan

The Committee undertook a detailed review of its terms of reference. Several changes are required and will be recommended to the Board:

- in light of discussions with the Nominating and Board Development Committee the ToR should reflect areas where the committees collaborate or share responsibilities
- the committee, on behalf of the Board, should oversee annual governance processes such as an annual attestation regarding the Code of Conduct for directors and committee members, and review of committee ToRs, skills matrices, and work plans to address currency and relevance

¹ Note to committee – see - <https://www.professionalstandards.org.uk/publications/detail/right-touch-assurance-a-methodology-for-assessing-and-assuring-occupational-risk-of-harm>

Recommendations for Board Consideration

- consider committee quarterly reports to the Board to ensure consistency and focus on CPATA's regulatory priorities
- develop a Board workplan including items such as:
 1. how does the board ensure regulation is being done properly? Suggestion: develop performance standards for regulatory functions and metrics to evaluate and report to the board on those regulatory performance standards.
 2. competency map creation and regular review.
 3. exams: regular assurance that they are relevant, fair, administered well, etc.
 4. training: regular assurance that training is aligned with what is required of candidates and is aligned with what is being examined.

The CEO will develop a first draft of the committee's workplan by building in activities and target dates for all items included in the revised ToR. The plan will note areas of shared responsibility or collaboration with others.

Memorandum

TO	Board of Directors
FROM	Darrel Pink, CEO & Registrar
DATE	August 18, 2022
SUBJECT	Committee Reporting to the Board

Message

The new Board Committees (Governance, Nominating & Board Development and Audit & Risk) have been appointed and are starting their work. The first 2 have met; Audit & Risk has its initial meeting scheduled.

In the Board package are the first reports from committees.

There are some policy issues the Board should consider as it establishes relationships and expectations of Regulatory and Board Committees. The starting point for the Board is its obligation to make sure committees are advancing CPATA's vision and strategic priorities.

- When we use language like 'modern', 'risk-focused' and with a commitment to 'measure outcomes, it is work of committees that will demonstrate at one level of our operations that this vision is being realized.
- Our focus on 'public interest regulation' is enshrined in the Regulatory Objectives, Standards and Principles. The Regulatory Committees should keep the Board apprised of how they are advancing the ROs, without disclosing any private or confidential information.
- All committees require good governance principles to be applied so reports on items such as work plans, attendance issues, meeting evaluations and succession planning should be addressed by all committees.

These are my thoughts, and the Board will want to discuss these matters to address the issues it wants and expects from its committees

- ❖ How frequently should committees report? I suggest each one should report quarterly (at each Board meeting). If the Committee has not met, its report will so indicate.
- ❖ Should the Board meet with Committee Chairs? Good governance supports having at least an annual meeting with each Committee Chair. Those meetings might be co-ordinated with the presentation by the CEO of Monitoring Reports that coincide with the committee's work; e.g., when we report on Registration that's when the Registration Committee Chair attends. It must be remembered the Regulatory Committees are independent in their policy development and handling of files. So, both reports and face to face meetings must be respectful of the committees' roles and responsibilities while the Board is responsible for the overall achievement by CPATA of its Regulatory Objectives.
- ❖ How does the Board identify its priorities for committees to include in their work plans? This requires a series of discussions between the committee chairs, committee staff and the Board. We likely will not get this right in the first year, but it is crucial that the Board committees understand they are doing work on behalf of the Board and it is the Board which sets their priorities. Some back and forth and iterative development will probably result from this new process.

I offer these thoughts and encourage the Board to be as clear as it can in setting its expectations for its committees.



Darrel Pink
CEO & Registrar
dpink@cpata-cabamc.ca

Memorandum

TO	Board of Directors
FROM	Darrel Pink
DATE	August 18, 2022
SUBJECT	CEO Report

Message

Reporting on Board Remuneration

The By-laws require the CEO, at the time of filing the Annual Report, to report on expenses paid in the previous year to directors and committee members. I neglected to do so. Attached as Appendix 1 is a copy of that Report that will be posted on the website following this meeting.

Liability Insurance

With Patrick Mahoney, I met with the Board of Law Pro on June 15 in Toronto. Our ask of LawPro is to include the work done by licensees as part of the coverage provided in the law society's mandatory insurance program. This coverage would be included in the basic premium or attract its own separate additional charge. At the same meeting, Su Forbes, the Director of the Law Society of British Columbia's Lawyers Indemnity Fund presented information about their claims experience since they are one of the law society programs that provides insurance that meets CPATA's requirements

We are advised LawPro has the matter under active consideration as they gather additional information about the size and nature of the risk involved. Unfortunately we are handcuffed by the limited information we have on the IP profession so we cannot provide them with reliable data on the number of IP professionals who practice as lawyers in Ontario or the nature of those practice arrangements.

We have been invited to a similar meeting with the CLIA Board on September 14.

Telling CPATA's Story

Following the Board Orientation in May, Victoria Rees recorded her presentation to the Board on What Makes a Modern Regulator. We have posted it [here](#).

On June 2, I presented to the annual ABA Conference on Professional Responsibility in Baltimore. My focus was on elements to be included in a modern approach to professional regulation. Though the audience was primarily American, it afforded an opportunity to speak about our work in a very different context.

Jen Slabodkin and I are presenting at the IPIC Conference, primarily on the competence initiative, but it will be a general session, that I suspect will involve a wide range of questions and issues.

In October, Jen, Andres Diaz and I are presenting at the CNAR Conference in Charlottetown on Building a New Regulator. I expect the focus of the presentation will be on the ten most important things we have done and learned.

We are developing a range of communication strategies, following discussions with the Board. Our social media presence is increasing, the Newsletter has become a regular and we believe valued communication tool and we are building relationships with key communications personnel in CIPO and ISED.

Licensee Survey

We will shortly be in the field with a survey of the profession – our first effort to gather data about the profession's demographics. (Thanks for all who have contributed time and advice.) The fact we are doing it this way, highlights the challenge we have by not gather reliable and useable information in our Annual Licensee Report. In our by-law revision project, we must address this head on and make sure we are able to gather information while complying with the Privacy Act.

First Registration Committee Decision

The Registration Committee has rendered its first written decision following a review of a Registrar's decision not to enroll an applicant as a Class 3 Licensee. We are now developing a procedure for posting and advising the profession about these decisions. This is to meet the Regulatory Standard that we make decisions public. There are several more Requests for Review in the pipeline – all relating to remarking of the Qualification Examinations.

Board Recruitment

Following discussions with ISED, where we asked for a joint process for recruitment and selection of new directors, it was determined this is not currently feasible (but may be developed). However, we have advertised the opportunity to all CPATA Committee members and to those we identified in the committee recruitment process as possible directors. About half a dozen indicated they have responded to the department's Call for Expressions of Interest, the process used by government.

We will be reviewing the long list of potential directors for the Department to offer our views on their qualifications in light of the Board Skills & Attributes Matrix. The Minister's Office has indicated it expects the appointment process to be complete so the new directors will be able to join the Board Meeting in Halifax in November.

Updated Licensee Portal

Work on this continues. A soft launch of the new bi-lingual portal will occur before the end of August.

Board Policy No. 1 – How CPATA Works

This policy was drafted in anticipation of our operations. Much of it remains relevant as it describes CPATA's structures and approaches; however, the areas that were written in the future tense need to be updated. I have begun that process and will bring a draft for the Board's consideration at our next meeting.

In support of this we have been working on developing a robust description of the public interest and the role of directors in a public interest regulator (drawing on Harry Cayton's work). We are also want o present some early thinking to the Board on stating a commitment to address EDI and reconciliation as fundamental to our operations and approach to regulation. I will have some description of this for the Board's consideration.

Staffing

We have added a Registration Administrator to our staff compliment. Anne-Thiphaine Camus joined us at the beginning of August. She comes from the university sector and enhances our bi-lingual capacity.

CIPO-CPATA CEOs Meeting

A part of our contractual arrangements with CIPO is to have an annual meeting between the CEOs to address matters of mutual interest. This meeting has significant potential alongside the monthly meetings I have with Erin Campbell (ISED) and Doug Milne (CIPO). A copy of the agenda is attached as Appendix 2.



Darrel Pink
CEO & Registrar
dpink@cpata-cabamc.ca

Appendix 1 – 2020-21 Board Remuneration

Remuneration

Thomas Conway	Board Chair	2,625.00	15,375.00	7,125.00	25,125.00	2020	2021	Total Paid '21
Doug B. Thompson	Board Member	1,375.00	8,250.00	6,050.00	15,675.00	7,585.03	15.04	7,600.07
Ruth McHugh	Board Member	1,375.00	8,250.00	6,325.00	15,950.00	2,793.70	883.21	3,676.91
Karima Bawa	Board Member	1,100.00	8,250.00	6,050.00	15,400.00	2,373.89	1,204.09	3,577.98
Jeffrey Astle	Board Member	1,375.00	9,350.00	5,225.00	15,950.00	2,375.27	715.08	3,090.35
		7,850.00	49,475.00	30,775.00	88,100.00	479.00	242.74	721.74
						15,606.89	3,060.16	18,667.05

Notes

Expenses all relate to travel for attending Board meetings and reimbursement of D&O insurance premiums paid by Board Members personally in 2020 (\$479 each)

- By law 30 states: The CEO must, at the time the College submits its annual report to the Minister, make public the amounts paid as remuneration and expenses to directors and committee members.
- CPATA did not have access to cash until January 2021 amounts owing for 2019 and 2020 were paid in 2021. The chart above presents the amount by applicable year.
- This report represents the amounts paid (cash basis) to individuals during 2021. Any amounts earned in 2021 but not paid until 2022 have been excluded and will be recorded on the 2022 report.

Amounts are presented net of refundable sales tax (GST/HST) if applicable

Appendix 2

Canadian Intellectual Property Office/ College of Patent Agents and Trademark Agents

Meeting of CEOs

3:30 – 4:30 p.m., May 30, 2022

Attendees

- Darrel Pink, Chief Executive Officer and Registrar, College of Patent Agents and Trademark Agents (CPATA)
- Konstantinos Georgaras, Chief Executive Officer (interim), Canadian Intellectual Property Office (CIPO)
- Jennifer Slabodkin, Director, Registration & Education and Deputy Registrar, CPATA
- Doug Milne, Senior Director, Policy, International Affairs and Research Office, CIPO

Agenda Items

1. Introductions

2. CPATA Update

- Current Plans and Priorities

3. CIPO Update

- 2022-2027 Business Strategy
- CIPO Fee review

4. Review of past year

- What went well/opportunities for improvement
- Outstanding issues
- Automated solution for daily information updates

5. The year ahead

- Areas for attention
- CPATA requests for information and resources
- CIPO-CPATA MOU addendum

College of Patent Agents and Trademark Agents

Statement of Operations

June 2022

	JUN. 2022	TOTAL
REVENUE		
4000 Service/Fee Income		\$0.00
4010 Licensee fees - CPATA fees	172,108.33	\$172,108.33
4011 License Fee Income - PY	12,250.00	\$12,250.00
4020 Class 2 Inactive Agent Fees	1,700.00	\$1,700.00
Total 4010 Licensee fees - CPATA fees	186,058.33	\$186,058.33
4070 Application fee income	9,900.00	\$9,900.00
4060 Certificate & Letters Fees	225.00	\$225.00
Total 4070 Application fee income	10,125.00	\$10,125.00
Total 4000 Service/Fee Income	196,183.33	\$196,183.33
Total REVENUE	\$196,183.33	\$196,183.33
TOTAL REVENUE	\$196,183.33	\$196,183.33
EXPENSES		
5500 Wages & Benefits		\$0.00
5510 Wages	26,251.78	\$26,251.78
5520 Wages - Benefits	813.05	\$813.05
5530 Wages - CPP	2,588.95	\$2,588.95
5535 Wages - QC QPIP	91.42	\$91.42
5540 Wages - EI	388.13	\$388.13
5550 RRSP Expenses	1,036.98	\$1,036.98
6000 Professional fees - Interim CEO	18,500.00	\$18,500.00
Total 5500 Wages & Benefits	49,670.31	\$49,670.31
6005 Professional and consulting fees		\$0.00
6010 Professional fees - Accounting Services	6,500.00	\$6,500.00
6200 Consulting - Admissions	26,400.00	\$26,400.00
6270 IT Consultants - Network & General	685.25	\$685.25
6290 IT Consultant - Website	1,280.09	\$1,280.09
Total 6005 Professional and consulting fees	34,865.34	\$34,865.34
6030 Legal Fees	8,612.00	\$8,612.00
6060 Translation expenses	6,159.31	\$6,159.31
6280 IT Consultant - License Systems	5,163.00	\$5,163.00
6505 Board and Committee Expenses		\$0.00
6510 Board - Remuneration	475.00	\$475.00
6520 Board - Travel	23,559.28	\$23,559.28
6610 Committees - Member Compensation	5,375.00	\$5,375.00
Total 6505 Board and Committee Expenses	29,409.28	\$29,409.28
7010 Bank fees and interest	109.95	\$109.95
7020 Credit Card Processing Fees	678.92	\$678.92
Total 7010 Bank fees and interest	788.87	\$788.87
7130 Dues and memberships	2,264.38	\$2,264.38
7135 Insurance		\$0.00
7140 Insurance - D&O	3,160.71	\$3,160.71
7150 Insurance - General Liability	123.67	\$123.67
7170 Insurance - Cyber	909.00	\$909.00
Total 7135 Insurance	4,193.38	\$4,193.38
7205 Office Expenses	204.95	\$204.95

	JUN. 2022	TOTAL
6295 Payroll provider Fees	42.00	\$42.00
7215 Office - General expenses	152.25	\$152.25
7300 Software costs - Administration	1,024.88	\$1,024.88
Total 7205 Office Expenses	1,424.08	\$1,424.08
7320 Staff Travel	2,797.75	\$2,797.75
7325 Meals and entertainment	52.87	\$52.87
Total 7320 Staff Travel	2,850.62	\$2,850.62
8000 Amortization	240.28	\$240.28
Total Expenses	\$145,640.85	\$145,640.85
EXCESS (DEFICIT) OF REVENUE OVER EXPENSES	\$50,542.48	\$50,542.48

College of Patent Agents and Trademark Agents

Statement of Financial Position

As of June 30, 2022

	TOTAL	
	AS OF JUN. 30, 2022	AS OF DEC. 31, 2021 (PP)
Assets		
Current Assets		
Cash and Cash Equivalent		
1010 RBC Chequing Account	1,441,447.96	466,824.14
Total Cash and Cash Equivalent	\$1,441,447.96	\$466,824.14
1230 Other current assets	0.00	0.00
1400 Prepaid expenses	66,097.87	24,887.91
Total Current Assets	\$1,507,545.83	\$491,712.05
Non-current Assets		
Property, plant and equipment		
1600 Computer Equipment	9,610.78	9,610.78
1605 Computer Equipment - Accum Amort	-2,883.36	-1,441.70
Total Property, plant and equipment	\$6,727.42	\$8,169.08
Total Non Current Assets	\$6,727.42	\$8,169.08
Total Assets	\$1,514,273.25	\$499,881.13
Liabilities and Net Assets		
Liabilities		
Current Liabilities		
Accounts Payable (A/P)		
2000 Accounts Payable (A/P)	90,838.31	124,743.83
Total Accounts Payable (A/P)	\$90,838.31	\$124,743.83
Credit Card		
2020 RBC Visa Credit Card	16,230.98	5,463.04
2030 RBC Line of Credit	0.00	0.00
Total Credit Card	\$16,230.98	\$5,463.04
2010 Accrued Payables	0.00	37,889.95
2015 Accrued Liabilities - Committee Remuneration	25,074.64	61,119.45
2050 GST/HST Payable	-51,425.79	25,492.05
2060 GST/HST Suspense	0.00	
Total 2050 GST/HST Payable	-51,425.79	25,492.05
Total Current Liabilities	\$80,718.14	\$254,708.32
Non-current Liabilities		
2200 Deferred Revenue - Payments Received	1,429.50	155.50
2210 Deferred License Fees	1,025,950.00	0.00
2211 Deferred License Fees - Class 2	10,200.00	
2220 Deferred Application Fees	0.00	
2250 Deferred Exam Fees	7,000.00	0.00
Total Non-current Liabilities	\$1,044,579.50	\$155.50
Total Liabilities	\$1,125,297.64	\$254,863.82
Net Assets		
Net Assets - Beginning	245,017.31	
Current year excess (deficit) of revenue over expenses	143,958.30	245,017.31
Total Net Assets	\$388,975.61	\$245,017.31
Total Liabilities and Net Assets	\$1,514,273.25	\$499,881.13

College of Patent Agents and Trademark Agents

Statement of Operations by Department
January - June, 2022

	ADMINISTRATION & OPERATIONS	BOARD & GOVERNANCE	COMMUNICATIONS & GOVERNMENT RELATIONS	REGULATIONS - COMPLAINTS	REGULATIONS - REGISTRATION	TOTAL
REVENUE						
4000 Service/Fee Income						\$0.00
4010 Licensee fees - CPATA fees	1,025,950.00					\$1,025,950.00
4011 License Fee Income - PY	12,250.00					\$12,250.00
4020 Class 2 Inactive Agent Fees	10,200.00					\$10,200.00
Total 4010 Licensee fees - CPATA fees	1,048,400.00					\$1,048,400.00
4070 Application fee income	44,622.00					\$44,622.00
4060 Certificate & Letters Fees	1,200.00					\$1,200.00
Total 4070 Application fee income	45,822.00					\$45,822.00
Total 4000 Service/Fee Income	1,094,222.00					\$1,094,222.00
Total REVENUE	\$1,094,222.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,094,222.00
TOTAL REVENUE	\$1,094,222.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,094,222.00
EXPENSES						
5500 Wages & Benefits						\$0.00
5510 Wages	166,607.27					\$166,607.27
5520 Wages - Benefits	6,276.78					\$6,276.78
5530 Wages - CPP	9,683.71	1,836.80				\$11,520.51
5535 Wages - QC QPIP	590.63					\$590.63
5540 Wages - EI	3,261.99					\$3,261.99
5550 RRSP Expenses	6,572.42					\$6,572.42
6000 Professional fees - Interim CEO	111,000.00					\$111,000.00
Total 5500 Wages & Benefits	303,992.80	1,836.80				\$305,829.60
6005 Professional and consulting fees						\$0.00
6010 Professional fees - Accounting Services	49,438.36					\$49,438.36
6020 Professional fees - Communications		3,040.00				\$3,040.00
6200 Consulting - Admissions					56,299.00	\$56,299.00
6210 Consulting - Communications			68,500.00			\$68,500.00
6230 Consulting - Human Resources	260.95	44,089.82				\$44,350.77
6270 IT Consultants - Network & General	6,608.25					\$6,608.25
6290 IT Consultant - Website	130.09		21,159.65			\$21,289.74
Total 6005 Professional and consulting fees	56,437.65	47,129.82	89,659.65		56,299.00	\$249,526.12
6015 Accounting Fees	0.00					\$0.00
6030 Legal Fees		35,733.12		92,065.77	3,225.00	\$131,023.89
6060 Translation expenses	0.00		33,600.40			\$33,600.40
6280 IT Consultant - License Systems	30,978.00					\$30,978.00
6505 Board and Committee Expenses						\$0.00
6500 Board - Meeting expenses		758.27				\$758.27
6510 Board - Remuneration		35,325.00				\$35,325.00
6520 Board - Travel	8,312.05	20,985.27				\$29,297.32
6600 Committee Expenses		5,121.44				\$5,121.44
6610 Committees - Member Compensation		19,375.00		8,900.00	3,425.00	\$31,700.00
Total 6505 Board and Committee Expenses	8,312.05	81,564.98		8,900.00	3,425.00	\$102,202.03
7010 Bank fees and interest	855.09					\$855.09
7020 Credit Card Processing Fees	47,132.00					\$47,132.00
Total 7010 Bank fees and interest	47,987.09					\$47,987.09
7130 Dues and memberships	2,741.38					\$2,741.38
7135 Insurance						\$0.00
7140 Insurance - D&O		17,526.58				\$17,526.58
7150 Insurance - General Liability		696.57				\$696.57
7160 Insurance - Mandatory Liability		1,338.75				\$1,338.75
7170 Insurance - Cyber		4,185.18				\$4,185.18
Total 7135 Insurance		23,747.08				\$23,747.08
7205 Office Expenses	1,790.34					\$1,790.34
6295 Payroll provider Fees	295.13					\$295.13
7210 Office - Furniture	1,281.16					\$1,281.16
7215 Office - General expenses	787.51					\$787.51
7300 Software costs - Administration	7,664.83	1,800.00				\$9,464.83
Total 7205 Office Expenses	11,818.97	1,800.00				\$13,618.97
7320 Staff Travel	7,438.28					\$7,438.28
7325 Meals and entertainment	76.33	52.87				\$129.20
Total 7320 Staff Travel	7,514.61	52.87				\$7,567.48
8000 Amortization	1,441.66					\$1,441.66
Total Expenses	\$471,224.21	\$191,864.67	\$123,260.05	\$100,965.77	\$62,949.00	\$950,263.70
EXCESS (DEFICIT) OF REVENUE OVER EXPENSES	\$622,997.79	\$ -191,864.67	\$ -123,260.05	\$ -100,965.77	\$ -62,949.00	\$143,958.30

CPATA Board of Directors
August 18, 2022**Re: Legislative Compliance Memo**

This memo is written to the Board of Directors of the College of Patent Agents and Trademarks Agents (CPATA) to provide an update on CPATA's legislative compliance reporting and remittance requirements.

GST/HST

CPATA's HST filing frequency has been adjusted by CRA from Annual to Quarterly. We are now required to file GST/HST returns for each quarter by the end of the following month. The Return for the period of April 1 to June 30th was received by CRA on July 21 and is being processed as of August 3, 2022. The Return was filed with a refund of \$51,426.

Payroll Statutory Deductions

CPATA has employees and Board members who receive remuneration for their positions on the Board. As a result, CPATA is required to withhold and remit statutory deductions from payroll for the various federal government programs. These include Canada Pension Plan (CPP), Quebec Parental Insurance Plan (QPIP), Quebec Pension Plan (QPP), Employment Insurance (EI) and Income Tax (CRA and Revenu Quebec). CPATA is a monthly remitter for these Statutory deductions and must remit to the Canada Revenue Agency (CRA) and Revenu Quebec by the 15th of the month after the employees are paid.

CPATA is up to date with payroll remittances. New Board members have been added to the Payroll system and remuneration for Q2 was made to all Board members during July.

Annual Federal filing requirements with CRA

CPATA will be required to file a Not-for-Profit Organization (NPO) Information Return (T1044) for 2021 with CRA within 6 months of the year ending December 31, 2021. CPATA is not a taxable entity so income tax will not be required, however, the returns must still be filed. Grant Thornton has mailed the return on CPATA's behalf and confirmation will be provided once received from CRA. As of August 3rd CRA had not yet processed the Information Return.

Annual Report and Audited Financial Statements

CPATA's Annual Report has been delivered to the Minister of Innovation, Science and Industry as required by s. 25¹ of the CPATA Act. We are advised the Minister has tabled the Report in Parliament.

¹ **25 (1)** On or before March 31 of each year, the College must submit to the Minister a report on the College's activities during the preceding calendar year.

(2) The Minister must cause a copy of the report to be tabled in each House of Parliament on any of the first 15 days on which that House is sitting after the day on which the Minister receives it.

The Annual Report along with the audited financial statements were provided at the Annual General meeting in Ottawa on May 26th. The audited financial statements have been provided to RBC and ISED as is required by the terms of the Loan Agreement with RBC and the Government Guarantee.

We have also prepared a report which shows the amounts paid as remuneration and expenses to directors and committee members during 2021. By law 30 requires that this information be made public at the time the College submits its annual report to the Minister. We are delayed in posting this information.

Official Languages Act

The bilingual Licensee Portal and Online Register is expected to launch at the end of August, making all of CPATA's channels and publications fully bilingual. CPATA has been in touch with the Office of the Official Languages Commissioner to request model "Official Language Policies" and suggested employee training programs, in response to the Commissioner's recommended steps. Regarding hearings, CPATA has sought a legal opinion and hearings will be conducted in the language of preference of the person subject to the charge, with simultaneous translation for the public. Decisions will be translated into the other language for public consultation. CPATA is well on its way to full compliance with the Official Languages Act.

Acknowledgement of Compliance

By signing below, Darrel Pink, CEO & Registrar and Sean Walker, CFO (outsourced) acknowledge that the statements made in this letter are accurate and that CPATA is in compliance with all statutory legislative requirements.



Darrel Pink
CEO & Registrar



Sean Walker, CPA, CGA, CIA
CFO (Outsourced)



Licensee Insignias and the Importance of Proper Insignia Use

The new RCIC or RISIA Insignia have been developed to reinforce the image of the profession and give potential clients the assurance that you are authorized to practise. Proper Insignia usage increases brand awareness and reduces consumer confusion.

Do not use the CICC corporate logo on your website.

Download the RCIC or RISIA Insignia and before use, read the following:

Logo Use and Associated Trade-Marks Regulation – a helpful overview of your responsibilities when using the Insignia

- **Insignia Usage Guidelines for RCICs** or **Insignia Usage Guidelines for RISIAs** – detailed requirements and support to help you ensure the consistent and proper representation of the logo

Frequently Asked Questions

What is the difference between the College corporate logo and the licensee Insignia?

The College corporate logo reflects the national organization and its role as a regulatory and licensing body. **Licensees cannot use the College's corporate logo** nor the previous Council's corporate logo or RCIC Insignia.

The licensee Insignia is for use by RCICs and RISIAs. It is a similar approach to the designations used by professionals in other fields, including financial services and real estate. RCICs and RISIAs will use **ONLY** the newly developed RCIC or RISIA Insignia to show that they are a

regulated professional and a licensee in good standing with the College.

How can I know if I'm using the Insignia appropriately?

Utilizing the licensee Insignia correctly is essential for the promotion of brand awareness and recognition.

To start, only use an image of the Insignia that you downloaded from the **Login section** of our website and click on the Log in button under "Licensee Insignia". This ensures you have a high-quality image of the Insignia in the correct colour versions that are allowed. Do not edit or change the Insignia in any way.

The placement of the Insignia on a website must include your name which must be situated immediately adjacent to the Insignia, but not interfering with or in any way altering the appearance of the Insignia. Further, your name must be in the exact form as it appears on your Licensing Certificate, and the webpage must include the wording "Verify Status with the College of Immigration and Citizenship Consultants" in English or "Vérifiez le statut auprès du Collège des consultants en immigration et en citoyenneté" in French. Such wording must contain a functioning hyperlink which connects to the College Public Register webpage.

What are the permissible uses of the Insignia?

As a licensee in good standing, you may use the Insignia to advertise and promote yourself as a regulated professional and licensee of the College. You may use the Insignia on a variety of marketing and communication tools, including your letterhead, business cards, email signature block, and your website. You may also use the Insignia in your display and banners, social media, presentations, publications, and advertising to indicate that you are a licensee of the College in good standing.

Can my Agent or staff members use the Insignia?

No, the Insignia is not transferable. The Insignia shall not be used by those who are employed by RCICs, but are not themselves RCICs. It is intended for use only by licensed RCICs or RISIAs.

I found someone violating the Logo Use and Associated Trade-Marks Regulation, to whom can I report this?

Thank you for helping ensure that all licensee Insignias are used appropriately and according to the Logo Use and Associated Trade-Marks Regulation and Insignia Usage Guidelines.

Should you find someone is violating the Regulation, please send an e-mail to info@college-ic.ca noting the details of misuse, or in the case of a website or a webpage, a link where we may investigate the matter.

I have seen the College's corporate logo appearing on several websites, to whom can I report this?

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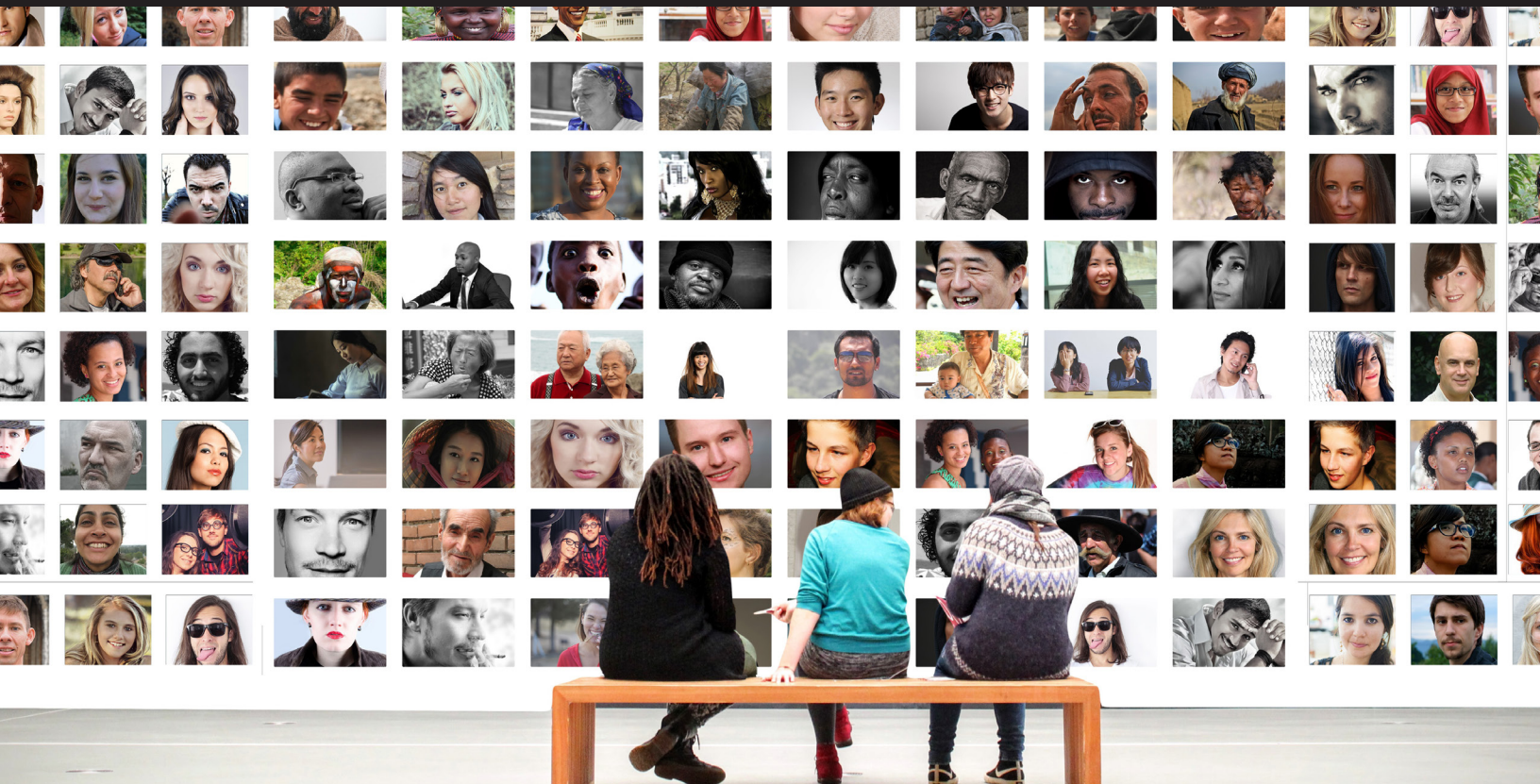
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Session Briefs from
**CNAR INTERACTIVE
DIGITAL EVENT**
2020



Diversity & Inclusion

Session 1:

The Role of the Regulators and Systemic Racism



Zubin Austin

Professor and Koffler Research Chair at the Leslie Dan Faculty of Pharmacy, and the Institute for Health Policy, Management, and Evaluation at the Faculty of Medicine / University of Toronto

Zubin Austin is Professor and Koffler Research Chair at the Leslie Dan Faculty of Pharmacy, and the Institute for Health Policy, Management, and Evaluation at the Faculty of Medicine, University of Toronto. His research focuses on the professional and personal development of the health workforce. He has published over 200 papers and authored 4 reference textbooks including the recently-published *Communication in Interprofessional Care: Theory and Applications*. In 2017, in recognition of the societal impact of his research, he was installed as a Fellow of the Canadian Academy of Health Sciences, one of the highest honours for health researchers in Canada. He is also the only University of Toronto professor ever to have received both the President's Teaching Award for sustained excellence as an educator and the President's Research Impact Award for the significance of his research. He has been named undergraduate Professor of the Year by students on 20 separate occasions.



Shamira Madhany

Managing Director, Deputy Executive Director / World Education Services

Shamira Madhany joined WES in 2018 after more than two decades of public service. She has extensive experience working with licensing bodies, settlement agencies, and higher education and post-secondary sectors in Ontario. She served as the chief architect of several government programs that enable highly skilled immigrants to obtain employment in their fields. Shamira played a key role in the launch of WES Canada in 2000 during her tenure at the Ontario Ministry of Citizenship and Immigration as Provincial Lead, Access to Professions and Trades. She is a guest lecturer at Queen's University and University of Toronto School of Public Policy, and serves on the board for Windmill Microlending.



Jan Robinson

Registrar CEO / College of Veterinarians of Ontario

Jan Robinson is the Registrar and Chief Executive Officer of the College of Veterinarians of Ontario, a position she began in 2012. A leader in profession-based regulation, Jan has more than 25 years of experience providing vision and direction to regulatory and public policy organizations. Jan's key contributions include the development of a framework to establish governance excellence, implementing an accountability, risk and evidence-based approach to regulation at all levels of the organization, and leading legislative change that promotes public access and safety. As well as providing leadership at the CVO, Jan's interests include the global mobility of professionals, developing cultures that support quality outcomes, and promoting agile legislative and standard setting frameworks.

Session 2:

Braiding Two Worlds: Developing Culturally-Responsive Regulatory Practices in an Era of Truth and Reconciliation



Anna-Marie Nielsen

Manager of Accreditation / Ontario College of Teachers

Anna-Marie Nielsen, OCT, B.Sc., B. Ed., M. Ed joined the Accreditation Unit in 2015 as a continuation of her educational trajectory from classroom teacher, to consultant, to Ministry of Education pedagogical content developer, to program officer. During her 30-year career, she has worked on a variety of science, numeracy and technology-related initiatives at the school, board and provincial levels. Internationally, Anna-Marie has had the opportunity to lecture at James Cook University in Cairns, Australia where she facilitated courses at the Faculty of Education on Patterning and Algebraic Reasoning. In her current role as the Manager of Accreditation with the Standards of Practice and Accreditation Department, Anna-Marie navigates between Faculties of Education, accreditation panels and the Accreditation Committee through all stages of the accreditation process. She facilitates accreditation reviews for the 50+ initial teacher education programs offered at 18 permitted institutions in the province of Ontario.



Carmelina Martin

Program Officer / Ontario College of Teachers

Carmelina Martin's career as an educator spans over two decades. Involved in a variety of provincial, national and international projects; including shaping policy for dance, curriculum writing and reviewing, writing and implementing in-service teacher education courses at York University, a presenter at UNESCO on Arts and Learning and the daCi conference in Taiwan, a panelist for the National Roundtable in Ottawa for Teacher Education in the Arts, founder and director of Pulse Ontario Dance Conference and a recipient of the Ontario Premier Teacher of the Year Award in 2011.

In 2018 Carmelina joined the Ontario College of Teachers as a Program Officer in the Accreditation unit and began her graduate studies in education at York University.



Marg Raynor

Program Coordinator / The Tecumseh Center for Aboriginal Research and Education

Marg is a Métis grandmother and educator, descended from French voyageurs and Ojibway women. She serves as the Brock University's Coordinator for a B.Ed. program, offered in partnership with the Oshki-Pimache-O-Winhe Education Institute. The B.Ed. program involves on-site and distance learning throughout Northern Ontario. She teaches several courses within the program which focus on cultural approaches to education. Marg holds a M.Ed. degree from York University. Her teaching career spans kindergarten to post secondary, but Indigenous education is her passion. She is active in her community and has served on the executive of the Georgian Bay Métis Council and the Georgian Bay Native Friendship Centre, as well as on the Aboriginal Advisory Committee of the Simcoe County District Board of Education. In her personal life Marg is a beadwork artist and active musician, performing at area festivals. She lives with her family in Perkinsfield, ON.

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Introduction

Addressing diversity and inclusion within many different social and professional realms is an ever-evolving discussion that has come to the forefront more than ever in Canada in response to the Truth and Reconciliation Commission of Canada's (TRC) calls to action, as well as the historical human rights movements in support of Black Lives Matter that took place in July and August of 2020. The question of where change in values, mandates, and practices within regulated professions – both throughout licensing and accreditation process, as well as in the field – is one that is significant and pressing. Both "*The Role of Regulators and Systemic Racism*" and "*Braiding Two Worlds: Developing Culturally-Responsive Regulatory Practices in an Era of Truth and Reconciliation*" panels addressed where the role of regulators and the prioritization of diversity and inclusion can and must meet.

There is no immediate and single solution for implementing culturally-responsive practices or eliminating racial discrimination and inherent bias. However, these two panels uncovered three commonalities in their approach that have seen incremental and noticeable change, thus making the experience of all stakeholders within regulated professions more positive, inclusionary, and comfortable.

First: the recognition of the need for inclusion and representation on both sides of protocols and processes; this means leadership and participants should represent diverse identities and inform diverse cultural contexts. Second: organizations must implement distinct discourse and education in order to create *empathetic and intentional action* that confronts personal and systemic bias. Third: organizations need to consider claiming responsibility beyond the scope of a regulator's mandates, expanding accountability for upholding the dignity of all stakeholders within regulated professions - beyond accountability solely for the public interest. With each of these notions working together, proper representation can lead to a relational approach to accreditation and licensing processes; as such, a mutually beneficial relationship between serving a regulator's mandate, as well the dignity and needs of diverse stakeholders throughout, is possible.

It must be clear that such recommendations do not adjust the standards and expectations of those entering regulated professions; it is not an issue of easier treatment. It does, however, curate a more understanding and comfortable experience for diverse people who are seeking licensing or accreditation that ultimately benefits all stakeholders.



A decorative graphic on the left side of the page consists of a grid of colored dots in various colors (black, white, yellow, orange, green, blue, purple) arranged in a pattern that resembles a stylized human figure or a series of interconnected nodes.

Theme 1: The need for inclusion and representation on both sides of protocols and practices

In order to achieve true diversity and inclusion, it must begin with representation. A leadership and staff that reflects the diversity of the world and stakeholders alike must be demonstrated. This can be achieved either throughout diversifying those in decision-making and leadership roles, or on a case-by-case basis where knowledge holders of specific cultures can inform protocols and processes that occur in different cultural contexts.

In the past, moving towards a “colour blind” society was held as an ideal and the principle of neutrality is valued within the role of regulators; however, it is clear now that colour blindness and neutrality do not function in support of diversity and inclusion. Shamira Madhany (Managing Director, Deputy Executive Director of World Educational Services) highlighted the necessity of labels that are responsive to the different needs of racialized individuals. ***Such labels must work to consider identity as a value to be recognized and respected - as opposed to something to be stereotyped, discriminated against or ignored.***

In order to achieve equity, groups that are in need of extra support - or simply support beyond the realm of normalized culture and ethics - need to be identified. This risk of stereotypes or weaponization of labels comes when diversity is not reflected in leadership and staff of those implementing and creating policy that affects a wide realm of people. As such, it is essential to ensure collaboration between knowledge holders and diverse peoples whose identity and communities can inform how regulators’ practices can become culturally responsive and distinct to the needs of diverse people.

It seems conversation of diversity and inclusion tend to gravitate towards discussing the plight and experience of those who have been socially and systemically disenfranchised. Madhany assures that it is equally - if not more important to turn the conversation inward - towards the realm in which many regulators work. Identifying where diverse representation is lacking in the role of regulators reveals where one can actively address what causes disenfranchisement in their field. ***It is suggested to reflect on leadership within boards, councils and appointments, to be critical of representation, and to question whether improving diversity grants the ability to implement change beyond tokenism.*** In addition to paying attention to who is represented in powerful roles, ***diverse representation must be reflected in who has the power to choose who fills such roles.*** Lastly look inwards at managers, how they are trained to treat people, as well as how they make staff and stakeholders feel, depending on identity.

When addressing issues of diversity and inclusion, it is essential to have greater internal awareness as regulators. Be critical of who makes decisions and notice whether the impact of certain decisions is felt differently by racialized individuals. Working towards functional equity

and diverse representation within organizations will translate into a more comprehensive treatment of applicants.

Jan Robinson (Registrar & CEO of College of Veterinarians of Ontario) pointed out the fact that because there are larger obstacles blocking influence over the voices brought to councils or boards is all the more reason to focus on the committee and panel levels. Diverse representation can and must be implemented from individual behavior to policy recommendations. While conversations are being had about such issues, it is not enough. The active listening and learning from those who represent differing cultures in order to inform culturally responsive practices is essential. Robinson reported that, in her experience, progress beyond workplace conversations is still lacking. For example, there are many conferences addressing diasporas and immigration in Canada, however these conferences host a very low number of regulator attendees. Diverse representation in leadership, as well as listening to those with the lived experience that you do not have, are necessary steps to important and practical change.

These values were demonstrated and put into practice throughout the Ontario College of Teachers' (OCT) integration of the TRC's calls to action with regard to how they conducted their accreditation process when working with indigenous communities. The mandate of the OCT involves reviewing and accrediting programs of professional education. As such, Ontario regulation 34702 (The Ontario College of Teaching Act) covers who is on the panel of accreditation reviews, as well as what the panel needs to review. It does not, however, instruct how site visits and interviews must occur, which is an integral piece of implementing culturally-responsive protocols and processes. Thus, the OCT asked themselves: who needs to be invited to have input on how site visits and interviews should be carried out in order to uphold the relevant TRC calls to action and the dignity of Indigenous teaching program providers going through accreditation reviews?

In order to develop culturally-informed processes that enable the work of accreditation reviews within Indigenous communities, it was clear that Indigenous scholars, knowledge keepers and elders were those who would best inform Indigenous community site visits and interviews. With this understanding, a gathering led by an Indigenous elder was created, called the **"Indigenous writing collective."** This gathering had the intention of elevating Indigenous voices – without interference – in the discussion of how regulation requirements for teacher education programs can be satisfied in Indigenous communities.

Through this consultation, three main action items were formed. First, the disclosure statement read before all panels was adjusted. It was rewritten in response to being notified of triggering or offensive phrases previously used in regard to consent and identity of Indigenous people. The new disclosure statement was implemented immediately and proved more appropriate in Indigenous and non-Indigenous settings.



Second, putting into effect participant guidance from elders and stakeholders in institutions OCT works with before and after site visits. Gaining knowledge and awareness of local culture and contexts in advance prompted a more comfortable experience throughout site visits.

Third, implementing a culturally appropriate name for the interview process. Where interviews have an interrogative connotation, rebranding this protocol as a “**conversation circle**” with agreed upon discussion parameters and allowing the conversation to be led by elders, proved to provide the space and safety for necessary information to be shared in a more positive experience.

Reflection and Inquiry



How do we braid the **transactional** nature of accreditation prescribed in regulation with a **relational** approach to accreditation reviews?



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Where neutrality is no longer an option it is important to lean into the principle of equity in terms of representation in order to foster an inclusive and comfortable experience of licensing and/or accreditation in diverse settings. This can manifest in a variety of ways, though it has been proven mutually beneficial in the instance of the OCT, not only including but **supporting** the leadership and guidance of those who represent the communities in which they come into.

Marg Raynor (Program Coordinator at The Tecumseh Center for Aboriginal Research and Education) shared her experience with the three-pronged adjustments that OCT invested in as mutually beneficial. She felt she was given a voice throughout the Indigenous writing collective. Compared to her previous experience, the entire accreditation review process felt less isolated and less stressful, while maintaining the same goal of demonstrating an effective and important teaching program. It is clear that representation in preparation for the role of regulators is an important and actional value for diversity and inclusion.


Theme 2: Discourse and education creates empathetic and intentional action

Following proper representation, an important step towards true diversity and inclusion is adapting a relational approach to all practices. This is a natural subsequent action to increased representation. Specifically, taking on a position of learning within roundtables and conversations led by BIPOC individuals provide insight into cultures different than one's own. As such, the need for open and diverse discourse - as well as diversified education - is necessary in creating empathetic and intentional action that addresses issues of diversity and inclusion. With these incremental efforts to create a space of mutual learning and collaboration with the goal of creating inclusive practices, personal change and recognition of individual bias can influence recognition. Only then can organizations unlearn collective bias in the workplace and impact the role of regulators.



Raynor offered a wonderful depiction of this principle of a relational approach to regulation, as well as the acknowledgement of many different ways of life. Truth and reconciliation can be understood as restoring the balance of original treaties. One treaty that was shared between Indigenous peoples and Dutch Europeans settlers in 1613 was displayed on a beaded wampum belt. This treaty was formed in response to the question of how two societies could coexist. It was agreed upon that these two communities would treat each other as “brothers” who do not interfere with their distinct and different ways of life. While it is apparent throughout history this agreement was not honoured, its original principles were ones of friendship, peace, and longevity. **The principle of friendship can be revisited and understood to inform incorporating collaboration and relational approaches to licensing and accreditation processes.**

In addition to adapting conversation circles and cultural preparation for engaging with Indigenous communities, the purposeful listening and shift towards co-constructing site visits, as well as collaboration on formatting interviews in culturally responsive ways, demonstrates the effort to act in a way that upholds the spirit of friendship and respectful coexistence.



As the three aforementioned adjustments made by the OCT mentioned earlier improved representation on both ends of the process, Raynor asserted the changes led to a sense that the process was a partnership, as opposed to someone outside your program looking for fault. Such steps accompanied by tokens of appreciation – such as offering gifts to students and participating in tobacco offerings – created a “tangible degree of unity” highly reminiscent of the spirit of the wampum belt treaty.

While the needs of accreditation reviews are still met, the process of collecting such information can be done in a relational rather than hierarchical manner. It is recommended that other regulatory panels engaging with Indigenous communities begin by reflecting on the fact that ***there are two different worlds of culture; both need to acclimatize to the other in order to interact in a respectful manner.*** Listening, asking questions, and learning etiquette from elders are substantial actions that can transform a stressful and, at times, triggering experience into one of friendship that produces mutually beneficial results. It is important to remember a relational approach does not mean to give away control; it allows for the sharing of power that “gets the job done” with a new ideology of teamwork. When taking into consideration the TRC’s calls to action in a regulatory system, the OCT found that information revealed to the panel was articulated more openly and authentically, with less stress and fewer resources required throughout the process. As a result, regulators benefited from the collection of more salient evidence and enabled them to produce a well-rounded image of the program, thus presenting a fulsome and more informed recommendation to the decision-making body.

Where in the OCT’s instance the adjustment was one of restoring an equilibrium through a relation approach, this principle can be applied more broadly by adding a human or “heart” element to a traditionally technical issue. In the past, a regulator’s job was to ensure that professional requirements were fair – in tandem with holding an ideal of neutrality; therefore, identifying and describing certain people in racialized terms was heavily avoided. However, when equity is recognized as a more valuable ideal than neutrality, the recognition and normalization of acknowledging the distinct needs of BIPOC individuals challenges such strictly technical processes. With this step beyond neutrality, the acknowledgement – as opposed to suppression of individual value systems and bias that informs each individual’s lens within the workplace – must be analyzed in order to properly unlearn internalized stereotypes and become intentional with the words and actions taken. As explained by Madhany, this process is necessary for steps towards diversity and inclusion; regulators need to become intentional with the policies written and conscious of initial impressions of each person they encounter.

This specific effort to understand how discrimination can manifest in systems asks individuals and staff to be **courageous** when coming across human or systemic bias and speak out. Racialized individuals prove less likely to receive jobs within regulated professions – regardless of the fact they are highly skilled. This is one instance where education and discourse with diverse people can translate into empathetic and intentional action

- as opposed to allowing subconscious bias dictate the treatment of people. This begins with working personally through bias in order to develop a more inclusive nature.

Recommended as steps in the direction of a greater culture of inclusion and equity is three-fold: First, one must think outside the box and incubate ideas, such as bridging programs. Second, people need to forgive themselves for having implicit bias and engage in difficult conversations - even when worried about being perceived as uninformed. Third, one must step outside their personal experience box and become intentional in thinking differently than their implicit bias. In the workplace, this personal action can manifest in the way policies are written and how protocols are practiced. With empathetic and intentional thought and action, incremental change will occur more naturally than larger or daunting attempts to eliminate discrimination immediately. As stated by Anna-Marie Nielsen (Manager of Accreditation at the OCT) a relational approach is ***"right, just, and promotes enduring goodwill;" such approaches begin with discourse and listening to those from diverse backgrounds, as well as education beyond diversity and inclusion courses that have an ending point.***

Theme 3: The need to consider responsibility beyond regulatory mandates

Finally, it is significant to understand the implications of having a diverse and relational approach work in tandem with transactional processes. It seems that taking on responsibility beyond the mandate of a regulator's mission is necessary for upholding the dignity of all stakeholders within regulated professions - particularly within the accreditation or licensing process. While a regulator's role on paper is technical in its approach and serves the good of the public, the process itself must move beyond simply collecting what is needed to make informed decisions. ***A balance must be found between the transactional/technical mandate and the human interactions/relational aspects that come to the forefront in the process of collecting information.***

It is clear that values of impartiality and fairness are not functioning in favour of a diverse space. Extending empathy on a personal level is needed within regulators' conversations and actions - specifically when prioritizing diversity and inclusion. ***Sensitization at a regulatory level can help bridge the gap between relation and transaction, human and mandate.*** Correcting the bias in a generalized process that normalizes a dominant culture, neglects others. Traditionally, the regulator community's mantra is "all competent individuals will be licensed, and all licensed individuals are competent;" however, this mantra is not reflected in reality, nor does it address individual experiences. Generalized rules and regulations remove the human aspect of interaction. While a main duty for regulators is to maintain high standards of practice in regulated professions and serve the public interest by doing so, it has been demonstrated through OCT's case that braiding the public interest with fairness and equity is a more respectful and beneficial approach to regulation for all stakeholders.

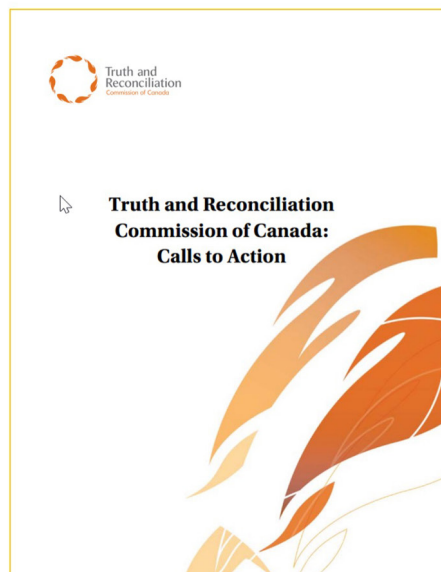
Responding to the TRC's calls to action applicable to regulatory work demonstrates the acceptance of a responsibility towards the comfort of those going through a review - in addition to the responsibility of conducting the review itself.

The critical question for OCT was, *"How do we braid the transactional nature of accreditation prescribed in regulation with a relational approach to accreditation reviews?"* This question made the requirements needed to be found throughout the review process and how the review process is conducted distinct entities. Thus, the former tended to be technical and maintain high standards, while the latter adjusted itself towards a friendship based, culturally-responsive manner. Ultimately, the transaction between the college and the provider of educational programs remained the same; however, when questioning *how this transaction should be conducted, the responsibility of upholding the dignity of those involved is gained.*

There seemed to be an overall agreement that properly prioritizing diversity and inclusion; extending the accountability and responsibility of regulators beyond their mandate; and taking a more 'heart'-centred and inclusive approach to the work of regulators are recommended. But where does this responsibility end?

Dr. Zubin Austin's (Professor and Koffler Research Chair at the Leslie Dan Faculty of Pharmacy, and the Institute for Health Policy, Management, and Evaluation at the Faculty of Medicine at the University of Toronto) pointed out that even if regulators take steps to eliminate discrimination within their roles, racialized people are still most likely to hit ceilings in diversified workforces. Does diversifying those who are registered where the role of the regulator ends? Should they have a stake in the accountability for where people end up within their respective fields? How they are treated in these professions?

Responding to the TRC Calls to Action



Action #57 Professional Development and Training for Public Servants

Action #63 Education for Reconciliation

Presently, regulators hold finite roles; the function of professional cultures differ greatly. When extrapolating the principle of infusing an empathetic approach into regulation, perhaps this principle can be extended to monitoring the integration of racialized people into their professions. It must be questioned whether remaining silent on issues traditionally beyond the scope of a regulator - though directly linked to stakeholders in regulated professions - becomes negligent.

Madhany prompted the consideration of the impact of becoming licensed and securing a job reflective of one's skills in regard to internationally educated professionals. While at the core, regulation is used to assess the credentials of an individual, often neglected is the sacrifices of lifestyle and identity it takes to move to a different country and seek a job in their original field. The erosion of self-confidence and loss of generational opportunities that those who are internationally educated face if unable to fulfill their capabilities and apply their education in a new country, is an experience in which regulators should empathize.

It is this empathy that should drive the desire to create a more inclusive nature to licensing programs and eliminate inherent bias that has led to the discrimination of racialized people when it comes to being recognized as highly skilled individuals. Accepting responsibility for people -and their lived experiences – who are facing review panels and licensing regulations, in addition to the responsibility to verify standards set to protect the public interest, is significant and necessary in the movement towards merging diversity and inclusion values with the role of regulators.



Conclusion

While these themes provide insight and actionable steps towards creating a more equitable regulation process, it is equally significant to understand that progress is not static. The treaty described earlier that promoted friendship, peace, and longevity was known to be a 'living treaty.' This depicts the expectation for individuals and communities to evolve; as such, ongoing discourse and education is needed. Continuous re-evaluation of how diversity and inclusion can be prioritized and become fundamental to thought and action is required. In this spirit, Robinson cautioned not to "get caught in action that leads to inaction," such as limited courses or producing one report and checking the box. In order to create change beyond empty promises or diversity tokenism, there is a need for the acknowledgment and humility of unlearning bias and expecting continued change in the future. However, turning a spotlight inward and being critical of representation, upholding the spirit of brotherhood when engaging with diverse cultures, and being intentional and empathetic along with procedural throughout regulation, are important steps when confronting the push and pull of progress.



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LSB backs huge cut in time limit for complaining to Legal Ombudsman

26 July 2022

Posted by [Nick Hilborne](#)



Phillips:

The Legal Services Board (LSB) has, after “very extensive debate”, backed a cut in the time limit for complaining to the Legal Ombudsman (LeO) from six years to only one year.

LeO’s governing body, the Office for Legal Complaints (OLC) has estimated that 30-40% of complaints are currently made after a year.

The LSB also agreed that complaints should be dismissed where there has been no “significant loss” or where there has been “undue delay” in complaining.

The OLC [consulted on a series of changes](#) to its scheme rules earlier this year, saying they would provide the flexibility to resolve cases more quickly, against a background of complaints piling up at the start of the process.

Another change would give LeO discretion to dismiss or discontinue a complaint if they considered it would not be a proportionate use of the ombudsman’s time to investigate the complaint.

Further, while currently any party unhappy with the findings of an investigation can ask for an ombudsman to make a final determination, in future this would be limited to where the disagreement was either based on new facts or evidence which may have a bearing on the investigator’s findings, or it would be fair and reasonable to issue a determination.

In a paper for last week's LSB board meeting, which approved the changes, the oversight regulator said the OLC aimed to "reduce the wait time and improve the experience of consumers seeking redress".

The OLC said that, by investigating more cases and collecting better data, LeO would have "greater insight into systemic issues" facing the legal profession.

However, the LSB acknowledged the change could be "detrimental" to some consumers, which had been raised as a concern by the Legal Services Consumer Panel.

The existing rule requires complaints to be brought within six years of the act or omission or three years from the date the complainant should reasonably have known there was cause for complaint. The new rule would limit the time for complaining to one year in either event.

LeO would be able to extend the time limits where it would be "fair and reasonable" to do so, rather than just in "exceptional circumstances".

There would also be a discretion to consider a complaint from someone who had not suffered significant loss, distress or inconvenience.

Having "interrogated" the changes to the OLC scheme rules, the LSB said it was "satisfied that the OLC has considered properly how it will mitigate adverse impacts on consumers through the appropriate use of discretion, which we expect to be applied consistently".

The OLC estimated that 30-40% of complaints were currently brought after a year, 20-30% after 18 months and 15-20% after 24 months.

The LSB commented: "We expect the change to drive the behaviour of complainants to complain earlier, rather than to significantly reduce the case load of the Legal Ombudsman. We will closely monitor information the OLC shares with us on the impact of this change."

On the 'significance' test, the LSB said "a number of" other ombudsman schemes "specifically state that they reserved the right to dismiss cases if they were not satisfied or persuaded that the customer had suffered a significant impact/detriment".

It added: "We expect the OLC to be transparent in its publications on the data gathered through its tracking and monitoring work and would expect the OLC to set out a clear rationale for the timescale for its comprehensive review of all the proposed changes."

In her blog on the meeting, LSB chair Dr Helen Phillips said: "Having an effective system for complaining when legal services go wrong is central to public trust and consumer confidence."

Dr Phillips said that after a "very extensive debate" on the risks of moving to a one-year time limit the LSB board "consented to the proposal, and indeed the whole package, but asked for robust monitoring and evaluation to be put in place".

LSO reaches important milestone in investigation into leaked bar examination questions

BLOG/ Law Times/ Canadian Lawyer/ online/ by Annabel Oromoni/ posted July 15 2022

The Law Society of Ontario has notified several candidates that they breached the LSO rules and regulations as part of its ongoing investigation into cheating on the November 2021 barrister and solicitor licensing examinations.

Candidates were informed based on information and evidence obtained through the investigative process and the results and recommendations of a forensic analysis of the November 2021 licensing examinations conducted by testing security experts.

Further investigation is underway into other individuals, and the LSO is notifying candidates who do not require further analysis based on the evidence.

Law Times previously reported that after the Law Society of Ontario discovered a potential leak of assessment questions, the regulator rescheduled the March and June exams and cancelled online assessments for the 2022-23 licensing cycle.

The LSO is also suing NCA Exam Guru and its principal, Aamer Chaudhry, for allegedly providing documents to clients that would allow them to cheat on licensing exams. Without authorization, the regulator alleges that the company obtained and provided to those enrolled in its preparation courses documents containing questions from the licensing examinations. The company also shared documents containing answers to questions.

"The Law Society's investigation into licensing examinations is firmly rooted in protecting the public interest and ensuring the integrity of the licensing process and the legal professions," said Diana Miles, the LSO chief executive officer. "Public confidence and trust in the licensing process is paramount. As regulator, our actions are focused on upholding our public service mandate."

Notified candidates can respond to investigators, should they choose to do so. The regulator says they may face a range of outcomes based on its mandate to protect the public interest, maintain the integrity of the licensing process and public confidence in the legal professions.

Outcomes under consideration include:

- Deeming the results of the November 2021 barrister and/or solicitor licensing examinations to be void: The candidate will receive a "Fail" result for the voided examination, which will count as an examination attempt.
- Deeming registration in the Law Society's licensing process to be void: All previous examination attempts and the completion of any form of experiential training, such as articling, may be voided, and individuals with cancelled registration will no longer be candidates in the LSO's licensing process.
- Licensing hearing: The candidate's licensing application may be referred to the Hearing Division of the Law Society Tribunal.

In assessing appropriate outcomes, the LSO says it will consider a candidate's written submissions, evidence provided by the investigative team, the forensic analysis, and the individual's sincerity and cooperation with the investigation into cheating.

The LSO says that it will share information about specific candidates under investigation with other Canadian law societies in keeping with its public interest obligations.

"Licensing examinations are an integral aspect of ensuring the entry-level-competence of lawyers and paralegals in Ontario. The Law Society is committed to ensuring that its licensing examinations are administered fairly, defensibly, in the public interest, and are free from improper behaviour, unlawful activity, and misconduct."

The investigation into misconduct in the licensing examination process remains ongoing.