

College of Patent Agents and Trademark Agents

Governance Policies and Practices

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Executive Summary

The College of Patent Agents and Trademark Agents Act was enacted in 2018 and an interim Board appointed in 2019. In 2022, CPATA's permanent Board assumed responsibility with five directors appointed by the Minister of Innovation, Science and Industry and four directors elected by the profession. An interim CEO was appointed in 2020 and was succeeded by a permanent CEO in January 2023.

Since its inception, the Board has committed to being a modern, independent public interest regulator. This has included the development of policies and procedures that support CPATA's Regulatory Objectives, Standards and Decision-Making Principles, reflect a strong commitment to transparency and accountability and incorporate best practices in professional regulation and governance.

The Governance Policies and Practices describe how CPATA operates, and are geared towards assisting the Board, committee members, the CEO and staff primarily, as well as licensees and the public, to understand how CPATA's work gets done. This document provides an overview of the objectives, standards, principles and regulatory approach CPATA strives to bring to its work at all levels and documents the policies and procedures that support this work and approach. Other documents and reports explain the full range of CPATA's operations, and these policies are not intended to be authoritative: the authoritative documents are the *CPATA Act*, Regulations, By-laws, and formal policies set out in the attached Appendices, among others.

While informative for any reader, the Governance Policies and Practices provide existing and new Board and committee members, the CEO and staff with a clear understanding of the foundations on which CPATA strives to carry out its work and serves as a resource to support excellence and consistency in decision-making in the public interest.

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College of Patent Agents and Trademark Agents (CPATA):

Governance Policies and Practices

Part 1: Governance Framework

1.1 The role and vision of CPATA

The Government of Canada enacted the *College of Patent Agents and Trademark Agents Act* (CPATA Act) in 2018, as part of its National Innovation Strategy¹. CPATA was created by statute effective June 28, 2021, with the purpose of regulating patent agents and trademark agents in Canada in the public interest, in order to enhance the public's ability to secure the rights provided for under the *Patent Act* and *Trademarks Act*.²

In accordance with the CPATA Act, Regulations, By-laws and Regulatory Objectives, the College is responsible for protecting the public interest by:

- setting competence standards for the profession and administering entry requirements that address those standards;
- implementing the Code of Professional Conduct established by the Minister of Innovation, Science and Industry;
- administering a fair and open process to respond to concerns about the competence or conduct of agents;
- establishing expectations for liability insurance, continuing professional development, and pro bono requirements; and,
- promoting innovation in the delivery of patent and trademark services.

In addition to the CPATA Act and Regulations³, CPATA's By-laws and policies define the mandates and processes for our regulatory programs, including entry to and continuing licensure. The Regulatory Objectives, Regulatory Standards and policies describe, among other things:

- i. what CPATA is to accomplish;
- ii. CPATA's activities and how those programs are carried out; and
- iii. how CPATA makes regulatory decisions.

CPATA's Vision is that the public have access to a globally-respected body of patent agents and trademark agents who are highly skilled, ethical, and current in their knowledge.

¹ College of Patent Agents and Trademark Agents Act S.C. 2018, C. 27, s. 247, as amended ...[the Act]

² Ibid s. 6

³ CPATA's regulations are enacted by Order-in-Council P.C./C.P. 2021-526

1.2 Regulatory Objectives

The *CPATA Act*, Regulations, By-laws, Board Policies and Registrar's Policies define the mandates and processes for CPATA's regulatory programs and activities.

CPATA's Regulatory Objectives describe what is to be accomplished in clear and measurable terms and based on key foundational principles, as follows:

To advance its role as a risk-focused, modern public interest regulator, CPATA has adopted as its Regulatory Objectives that it will strive to:

1. protect and promote the public interest in patent and trademark services;
2. protect those who use patent and trademark services;
3. promote innovation in the delivery of patent and trademark services and the protection of intellectual property rights;
4. support access to and promote competition in the provision of patent and trademark services;
5. promote the independence of the trademark and patent professions;
6. oversee the ethical and competent delivery of patent and trademark services by licensees; and
7. promote equity, diversity and inclusion in the patent and trademark professions and in the delivery of patent and trademark services.

These Regulatory Objectives provide an aspirational roadmap for all aspects of CPATA's and the Board's work and guide and support fulfilment of CPATA's mandate.

1.3 Regulatory Standards

CPATA has also adopted the following Regulatory Standards:

- i. We maintain standards for the ethical and competent delivery of patent and trademark services and enforce compliance with those standards.
- ii. We maintain up-to-date practice standards for licensees and provide guidance in applying the standards.
- iii. We maintain standards for education, training and fitness to support an admission program that is transparent and designed to deliver competent trainees that meet the CPATA's requirements for registration.
- iv. We understand the diversity of licensees and those who interact with them.

- v. We have fair processes for raising concerns about a licensee, and for examining and investigating those concerns. We support parties in the Professional Responsibility Process.

1.4 Protecting the Public Interest

For the general public:

Regulating in the public interest includes regulating in a manner that builds trust among the general public, so they may be confident we are working to strengthen the competencies of patent agents and trademark agents and helping build and support accessible, ethical and high-quality intellectual property services in Canada. CPATA's work is transparent and decisions are made on the basis of a balancing of interests and an assessment of risk to all of the 'publics' we serve.

For innovators and other clients of patent agents and trademark agents:

Regulating in the public interest includes considering the needs of those seeking access to the professional services provided by patent agents and trademark agents. Clients and prospective clients should be able to, for example, search CPATA's Registry to be able to find an agent and confirm that the agent is in good standing. We also protect those who use agency services. CPATA has created proactive processes to oversee the competent and ethical delivery of services by licensees and has developed accessible means by which clients and others can inquire about agent conduct. CPATA has transparent complaints, investigations and discipline processes so that the public, licensees and complainants understand our role and what to expect from CPATA. CPATA also has created professional liability insurance requirements as a further level of public protection.

For patent agent and trademark agent licensees:

CPATA regulates licensees. We set the standards for entry into the professions and the competencies expected of patent agents and trademark agents, and we oversee and support the ethical and competent delivery of their professional services. CPATA offers licensees ethics education and a proactive ethics inquiry process and has created an agent conduct inquiry and complaints process that helps to both resolve concerns in an efficient and informal way, as well as permit the early dismissal of complaints that do not raise concerns of professional misconduct or incompetence. Decisions made at all levels of CPATA involve a balancing of interests and evaluation of risk to all of the 'publics' we serve. When CPATA engages in setting practice standards, we regularly seek input from the professions to understand the implications and impacts that changes may have on a diverse profession practicing in diverse settings.

All decisions of the Board, committees and the CEO/Registrar are driven by consideration of relevant public interest factors. The public interest guides CPATA's operations and governance. Principles of accountability, consistency, openness and accessibility are part of this foundation.

To understand more about what it means for CPATA to consider the public interest when making decisions at any level, refer to *Appendix A: Public Interest Considerations and CPATA's Decision-Making*.

1.5 Decision-making Principles The Board has adopted decision-making principles to support excellence and consistency in decision-making across the organization. These principles are set out in Appendix B.

1.6 CPATA's Regulatory and Governance Model

CPATA is a modern, risk-based and outcomes-focused regulator. It is committed to applying 'Right Touch Regulation'⁴ to all of its regulatory activities.

CPATA has a Board of Directors composed of a majority of non-licensee directors, five committees, a CEO/Registrar and staff. The work of the Board is supported by the five committees: the Investigations Committee, Discipline Committee, Registration Committee, Governance Committee and Audit and Risk Committee. The Board's instructions are carried out by committees and by the CEO/Registrar, who employs the staff.

For purposes of these policies, unless stated otherwise, 'CEO' refers to both the CEO and Registrar, as both positions are filled by one individual.

CPATA's policies are designed to strive for high quality regulation that supports CPATA's work. Our regulatory practices and operations are modelled after those of best-in-class regulators around the world. CPATA is:

- **professionally managed:** regulation of the profession is important work and requires staff with the appropriate experience and expertise in professional services regulation.
- **national:** patent agent and trademark agent licensees are regulated at the federal level by CPATA.
- **bilingual:** CPATA operates in both official languages and carries out all activities and serves the profession and public in their official language of choice.
- **virtual:** CPATA's primary mode of doing business is digital, without physical office space. Almost all meetings are held on-line. A number of Board meetings and all discipline hearings are broadcast online and recorded.
- **open and transparent:** CPATA is clear about its purpose and open and transparent in all processes. Regulatory requirements, ethical guidance, policies, processes and decisions are

⁴ Right Touch Regulation is a regulatory decision-making approach that focuses on using the right or appropriate amount of regulation to achieve the desired results. It involves a proper assessment of risk and the implementation of regulatory action that is proportionate to the risk. For examples, see the College of Registered Nurses of Alberta www.nurses.ab.ca, and Professional Standards Authority for Health and Social Care www.professionalstandards.org.uk "What is Right Touch Regulation?".

published and CPATA reports on its performance and outcomes. Information about licensees is accessible and accurate.

- **principled:** CPATA strives to apply policies in a principled manner, proportionately, fairly and efficiently, with decisions clearly explained, including their public interest rationale.
- **proactive and proportionate:** CPATA identifies and manages risks to the public by taking a risk-based approach and focusing resources on licensees most likely to harm clients or the public.
- **fair:** CPATA promotes equity, diversity and inclusion in the patent and trademark professions with due regard to the need to eliminate unlawful discrimination and harassment.
- **compliant:** CPATA complies with its obligations under the *Canadian Human Rights Act*, the *Privacy Act*, the *Official Languages Act* and the *Access to Information Act*.
- **expert:** in developing policies and advancing its objectives, CPATA obtains expert advice as required, conducts research relevant to the matters under consideration and seeks input from interested stakeholders as appropriate.
- **collaborative:** CPATA is committed to consulting with stakeholders, so it understands the impact and results of its plans and regulatory decisions, including the policies put in place.
- **evaluative:** CPATA evaluates its governance and regulatory processes and standards so they continue to meet expected requirements.

Part 2: Governance Process and Decision-Making

2.1 Manner of Governance

The Board of Directors has the overall responsibility to see that CPATA performs the role described in the *CPATA Act*. It does so by instructing the CEO and then monitoring what CPATA is doing and most importantly, what it is accomplishing. The Board gives its primary instructions by enacting core policies which set the tone for what CPATA does and how it does it in accordance with the Regulatory Objectives, Regulatory Standards and Regulatory Principles. It also adopts annual business plans and budgets as well as a Strategic Plan. The Board's instructions are carried out by the CEO, staff and committees.

CPATA's Board has determined it will be a Policy Board. Its authority and key functions are set out in the By-laws and focus on making policy decisions that direct the organization, the CEO and committees. The term 'policies' refers to different kinds of documents, enacted by different bodies within CPATA.

Policy directions will most often involve articulating a measurable outcome or goal that will require resources to achieve. The Board then monitors CPATA's compliance with those policies, through the achievement of those outcomes or goals. These governance policies guide how CPATA operates.

The Board has the following responsibilities under the By-laws and good governance practices:

1. Oversee management of the organization
2. Determine governance, regulatory and other directional policies
3. Governance
4. Financial oversight and stewardship of CPATA's resources
5. Awareness of organizational risk and mitigation steps
6. Other responsibilities including:
 - a. Addressing matters assigned to the Board through the *CPATA Act*, By-laws and by the Minister; and
 - b. Undertaking such other matters as the Board considers necessary to achieve the purposes of CPATA.

2.2 Board Composition

The *CPATA Act* provides that CPATA has a Board of Directors composed of at least seven directors (currently nine), including the Chair of the Board. The Board is composed of a mixture of appointed non-licensee directors and elected licensee directors, always with a majority of non-licensees.

By order, the Minister of Innovation, Science and Industry fixes the number of directors and may fix the number of appointed directors.

Appointed directors are non-licensees who are appointed by the Minister. The term of the appointed directors is at the discretion of the Minister.

Elected directors are licensees who are elected by the profession to contribute IP subject-matter expertise to the public interest mandate of CPATA's Board of Directors. At least one elected director must be a patent agent and at least one must be a trademark agent.⁵ The directors elected from among the licensees are not permitted to be members of any organization that advocates on behalf of patent agents or trademark agents. The term of the elected directors is typically three years.

The Chair of the Board is elected from among the directors, by the directors. The Chair leads all meetings unless unavailable or conflicted, works with the CEO to set meeting agendas, acts as a key link between the CEO and the Board (although not as the CEO's supervisor) and is responsible for the annual evaluation of the CEO (delegated to the Governance Committee). On occasion the Chair of the Board speaks on behalf of CPATA and/or the Board, and is, along with the CEO, a resource for Board directors.

The Board and committees strive to maintain high standards for conduct of effective meetings (see *Appendix E for Policy on Meeting Agendas and Minutes*).

2.3 Manner of Governance

⁵ See *CPATA Act*, s. 13(4) – 19 for details re eligibility, vacancies and removal.

The Board governs in a manner that emphasizes:

- a focus on the public interest;
- a proactive, future-focused and outward vision;
- encouragement of diversity of viewpoints;
- strategic leadership;
- the clear distinction of Board, committee and staff roles; and
- collective decision-making through consensus or voting, as appropriate.

This is achieved by:

- directing its energies toward CPATA's statutory purpose, Regulatory Objectives, Standards and Principles;
- guiding and inspiring CPATA's thinking and behaviour through the provision of and adherence to clearly articulated policies;
- fostering a sense of group responsibility toward excellence and self-discipline in matters including attendance, decision-making principles and respect for identified roles;
- communicating the work of the Board and of CPATA to licensees and to outside stakeholders; and
- regularly assessing its process and performance.

2.4 Board Nominations and Elections

The requirements regarding nominations and elections are set out in the *CPATA Act*⁶ and the By-laws⁷. There are four positions for elected directors on the Board – two are to be filled by licensees who are trademark agents and two to be filled by licensees who are patent agents. The terms for elected directors are set out in the *CPATA Act*⁸. Elected Directors may hold any class or status of licence, as long as they are not suspended. Eligibility requirements are set out in s. 14 of the *CPATA Act*.

Service on CPATA's Board is an undertaking that requires commitment to public interest regulation of the patent agent and trademark agent professions. The Board's role is focused on public protection, the oversight of strategy and supporting the CEO to enable effective regulation. Although elected directors bring the perspective of practitioners and the expertise of intellectual property experts, they do not represent the interests of the professions in their role on the Board.

Details of the nominations and elections procedures are set out in *Appendix C*.

⁶See CPATA Act sections 13–19

⁷ See By-laws 9–21

⁸ See CPATA Act sections 8 and 15 for more information on terms

2.5 Election Commissioner

The By-laws provide for appointment of an Elections Commissioner responsible for independently resolving any election disputes that may arise. The By-laws also detail the nominations processes that are operationalized by staff.⁹

2.6 CPATA Code of Conduct

The CPATA Code of Conduct is attached in *Appendix D*. This Code is intended to govern the conduct of directors and members of committees, as well as employees, consultants and licensees to the extent applicable. It is the individual and collective responsibility of each director, whether elected or appointed, to strive to adhere to the principles in the Code of Conduct.

Each director when appointed/elected or reappointed/re-elected is required to sign an undertaking regarding the Code of Conduct (see *Appendix D1*), which will apply for their term in office. In addition, each director is required to declare that they are not ineligible to act as a director (see *Consent to Act as Director in Appendix D2*.)

Each director is required to declare and disclose all information required for the Conflicts Registry (see *Appendix I*). This Registry asks Board and committee members to "... put their minds to the kinds of affiliations that might be relevant to their regulatory role" with CPATA. The Register allows those within and outside CPATA to identify potential conflicts of interest that individual directors may not recognize and helps provide a level of public transparency and accountability.¹⁰

Directors are to act in the best interests of the public rather than in their own or any particular constituency's interests. When performing their director duties, directors put aside personal self-interest and transact the affairs of the College in such a manner that promotes public confidence and trust in the integrity, objectivity and impartiality of the Board, CPATA's regulatory committees and all regulatory decision-making. Beyond the approved remuneration for directors, no director directly or indirectly receives any profit from their position, other than reasonable expenses incurred in the performance of their duties. The pecuniary interests of immediate family members or close personal or business associates of a director are also considered to be the pecuniary interests of the director. For more information, refer to the Code of Conduct at *Appendix D*.

⁹ See By-law 18(1)- (4)

¹⁰ Richler, Erica, "Conflict of Interest Registers", Grey Areas newsletter issue no. 279, June 2023.

Each director is expected to become an active participant in the Board, a body that functions as a whole. In addition to assisting in the exercise of the major duties of the Board summarized above, including any CPATA committees on which they serve, directors are responsible for exercising due diligence in the performance of their duties.

2.7 Committees

As noted above, CPATA has five committees to help it meet its mandate. There are three “regulatory” committees and two “governance” committees.

The “regulatory” committees are the Investigations Committee, Discipline Committee and Registration Committee. The Investigations Committee and the Discipline Committee are created pursuant to the *CPATA Act*. These committees are comprised of a majority of non-licensee members. The Registration Committee administers licensing requirements and is created pursuant to the CPATA Regulations.

These regulatory committees operate with a high level of independence in terms of decision-making. Each has a Skills Matrix identifying the collective knowledge, skills, experience and attributes necessary for the work of the committee.

The By-laws authorize the creation of Board committees, which are currently the Audit and Risk Committee and the Governance Committee. These governance committees make recommendations to the Board.

The CEO and Board are authorized to strike ad hoc committees or work groups to assist the CEO’s work, which may be comprised of subject matter experts or specialists from within and outside the professions.

Each committee has a staff member assigned to provide administrative and/or professional support.

The Board is authorized to set terms for committee members under the By-laws and through the applicable Terms of Reference. Each committee term of appointment is two years. A committee member may be reappointed for two further periods of two years each, to a maximum of six (6) years, unless the Board, in its discretion and under extraordinary circumstances, decides to extend the maximum length of service for any committee member. Committee members may continue to serve after the expiry of any appointment until a replacement is appointed or the Board expressly determines that a replacement will not be made. The committee recruitment and appointments process is the responsibility of the Governance Committee, which makes recommendations to the Board. When making recommendations regarding committee appointments and reappointments, the Governance Committee considers such things as a committee’s Skills Matrix, succession planning and the benefits of staggering terms to achieve an appropriate balance between experience and introducing new members.

Remuneration for committee meetings and preparatory work is set out in the By-laws¹¹ and by policies set by the Audit and Risk Committee from time to time.

Committee Chairs are responsible for setting and managing agendas for each meeting, confirming the supporting materials to be circulated and ensuring that minutes are taken and decisions accurately documented. Chairs are directed to see that committee work remains within the scope of the applicable Terms of Reference.

Committees are expected to produce regular activity reports for the Board and to prepare annual workplans (to the extent possible), in consultation with the CEO and others as appropriate, that support the Strategic and Policy Directions of the Board. The Committee Chair or designate may be asked to attend Board meetings to provide information or respond to questions. Some committee decisions are subject to privacy and confidentiality provisions in the *CPATA Act*. When regulatory committees provide reports to the Board, they will be de-identified as appropriate.

Decisions by committees are made by consensus, or by majority vote when required.

2.8 Complaints against Board or Committee Members

CPATA holds Board directors, committee members, the CEO, staff and consultants to consistent high standards of conduct.

Each Board director and committee member is responsible for holding themselves accountable for complying with the Code and these policies. Board directors and committee members additionally have a responsibility to hold each other accountable for complying with the Code. Board directors or committee members may consult with the Chair of the Board for advice concerning another Board director's or committee member's compliance with the Code of Conduct.

A clear and open process for responding to concerns about Board directors' or committee members' compliance with the Code or these policies is set out in *Appendix E*.

Part 3: The Board's Relationship with the CEO and Staff

3.1 Role of the CEO and Registrar

¹¹ See By-laws Schedule 2

In accordance with the *CPATA Act*¹² and By-laws¹³, the CEO and Registrar are responsible for management, operations and initial regulatory decision-making. At CPATA, one individual fills both roles.

The CEO provides leadership for CPATA's programs and operations and sees that they contribute to meeting the objectives set out in the Board's Strategic Plan. The CEO performs the functions and duties normally associated with the office of chief executive officer, including:

- putting into effect all policies and procedures established by the Board or a committee;
- counselling and assisting the Board and any committee in the development, adoption, implementation and advancement of CPATA's various activities and its Regulatory Objectives, Standards and Policies;
- engaging employees and directing personnel in the ongoing administration of approved policies and programs;
- executing documents on behalf of CPATA; and
- performing such other functions and duties as may be assigned by the Board.

The Registrar performs the duties and responsibilities conferred by the *CPATA Act*, Regulations, By-laws and Policies approved by the Board or the CEO. To support the Regulatory Objectives, Standards and Principles, the Registrar establishes regulatory policies, procedures and forms for all relevant programs, which are called Registrar's Policies. The *CPATA Act* authorizes the Registrar to delegate some decision-making.

The Registrar makes regulatory decisions about individual licensees or applicants, including admissions, ongoing compliance, annual renewals and inquiries/complaints and expressions of concern, driven by public interest factors. The Registrar also makes decisions about setting procedures for regulatory transactions, including required processes, supporting forms and documents and required timelines or deadlines. Processes for these decisions are circumscribed by Board-level policy decisions, including the Regulatory Objectives, Standards and Principles and the By-laws.

In the normal course of operating as a regulator, licensees and applicants may find themselves negatively impacted because of a provision of the *CPATA Act*, Regulations, By-laws or policies. Examples include failure to pay annual fees or other amounts owing to CPATA, failure to make some form of application in time or in the required form and failure of a qualifying examination. These breaches may be technical (such as timeliness) or substantive (such as failing to pass an exam). In evaluating how to respond to this type of breach, the Registrar is guided by CPATA's commitment to using the public interest and risk as a basis for decision-making as well as CPATA's commitment to 'right touch regulation', which includes being proactive, principled and proportionate.

¹² See *CPATA Act* s. 23

¹³ See By-laws 36, 38

The CEO also develops and maintains positive external relationships to advance CPATA's activities nationally and internationally. This includes:

- building a broad base of understanding for the work of the organization among the professions, government, key stakeholders, the media and the public;
- building and nurturing collaborative relationships and strategic alliances with stakeholders, partners and others; and
- taking part in events as appropriate to promote the reputation of CPATA and improve awareness of its mandate, mission and programs.

3.2 Executive Expectations of the CEO

The Executive Expectations of the CEO help the Board exercise appropriate oversight, promote accountability and foster flexibility, innovation and creativity by the CEO and staff to benefit CPATA's purpose. They help protect CPATA from risk while encouraging the CEO to improve processes and identify new responses to the needs of CPATA in a strategic manner.

Generally speaking, the CEO is responsible for seeing that no practice, activity, decision or organizational circumstance is imprudent or violates the *CPATA Act*, Regulations, other applicable legislation, policies, professional ethics or commonly accepted business and management practices.

The CEO is responsible for adhering to the Executive Expectations of the CEO summarized in *Appendix G*.

3.3 Complaints Against the CEO

CPATA sets high standards for the conduct of the Board, committees, the CEO, staff and consultants. However, there may be occasions when someone may object to how the CEO conducts themselves. Having a transparent, principled, proportionate and fair process for receiving and resolving such concerns is essential for maintaining trust and respect for the organization.

The process for addressing complaints regarding the conduct of the CEO is set out in *Appendix H*.

Part 4: Board Orientation and Evaluation

4.1 Board Orientation and Professional Development

Following each Board election, all new directors are required to attend or participate in an orientation program which will include information about:

- CPATA's governance and organization structure;
- the roles and responsibilities of the Board;
- the roles and responsibilities of the CEO and staff;
- CPATA's budget;
- CPATA's committees;
- CPATA's Strategic Framework;
- CPATA's commitment to equity, diversity and inclusion; and
- plans for Board and committee professional development.

Directors and committee members are required to participate in various professional development programs that are designed to orient, educate and equip them for their governance and regulatory responsibilities. In the event a member is unable to participate in a program, the CEO will take steps to record programs and make them available. New Board directors and committee members may be expected to review some of these prior education programs as part of their orientation and professional development.

4.2 Board Performance and Evaluation

The directors collectively, operating as the Board, recognize their shared responsibility to monitor CPATA's performance and to measure and account for its results. In addition to the annual performance evaluation of the CEO, CPATA's performance will be assessed by the Board, through a systematic process of evaluations that may include some or all of the following, as appropriate:

- (1) evaluation of the Board's effectiveness to identify strengths and weaknesses in governance structures and processes and to suggest priorities for further attention;
- (2) directors' self-assessments to help individual directors and the Chair of the Board assess the 'added value' that each director brings to CPATA, whether each director has met the expectations set by the Board, whether each director continues to be committed to serving on the Board and whether each director has complied with the requirements of the Code of Conduct;
- (3) one-on-one meetings between each director and the Chair of the Board to assess individual director's perspectives on Board and corporate performance; and
- (4) development of a system that demonstrates the impact of outcomes of CPATA's regulatory mandate, including effectiveness of all regulatory processes, decision-making and the communication and implementation of regulatory decisions.

The Board is encouraged to seek to address matters of compliance with all governance policy requirements among themselves where appropriate, as respectful and timely dialogue is encouraged as a way to deal with these matters. Board directors may also seek the assistance of the Chair of the Board, Chair of the Governance Committee or the CEO or an appropriate neutral colleague to discuss and deal with an issue.

Part 5: Strategic Planning

5.1 Strategic Plan Development and Implementation

The Strategic Plan assists the Board in determining the initiatives and projects to be undertaken during a proscribed period and in identifying the policy agenda for committee work. Through a strategic planning process, the Board approves its priorities and receives periodic reports on how CPATA is progressing on these priorities. The plan is monitored and revised as necessary through a process that involves fact-based consideration of such things as:

- CPATA's Regulatory Objectives and success toward measurable goals and outcomes for the previous planning period;
- regulatory and program activity reports;
- an environmental scan, including operational and regulatory risks;
- examination of licensee demographics and practice issues;
- analysis of budgets, financial results and trends; and
- identification of ways to continue improving and innovating as a modern, best practices regulator.

5.2 Annual Workplans

It is the responsibility of the CEO to work with staff to develop and monitor an Annual Workplan that identifies the recurrent work and non-recurring projects and initiatives that will support CPATA's ability to achieve the goals set out in the Strategic Plan. This Workplan will identify the key steps, milestones, timeframes, assigned resources and expected outcomes for each specific goal. The Workplan will be formatted in a way to facilitate regular reporting to the Board on progress made or any delays.