

What is CLEAR?

CLEAR promotes regulatory excellence through conferences, educational programs, webinars, seminars and symposia. The organization provides networking opportunities, publications, and research services for those involved with, or affected by, professional and occupational regulation. As a neutral forum to encourage and provide for the sharing of best practices, CLEAR serves and supports the international regulatory community and its vital contribution to public protection.



Membership

CLEAR's membership benefits from:

- discounted conference rates at the premier regulatory conference
- free subscription to *CLEAR Exam Review*
- discounts on CLEAR publications
- access to our clearinghouse information and referral service
- eligibility to serve on CLEAR's committees and thereby shape the regulatory agenda for coming years

Much of CLEAR's work, from the recently launched podcast and Communities by CLEAR to the development of the organization's important training programs, is funded by membership dues. You are cordially invited to consider membership and deepen your involvement with this extraordinary organization.



Upcoming CLEAR Programs

- March 25/26, 2021 - CLEAR Free Information-Sharing Webinar: Measuring strategic performance in regulation – using data to demonstrate our value
- April 22, 2021 – CLEAR Webinar: Supporting Licensed Professionals through Regulatory Proceedings: The UK Nursing & Midwifery Council’s Careline
- May 5, 2021 – CLEAR Webinar: Health and Care Professions Council supporting practitioners’ health and well-being during the pandemic
- May 12, 2021 – CLEAR Webinar: Occupational Licensing Reform in a Post-Pandemic World

Online National Certified Investigator & Inspector Training (NCIT) Basic Programming

- July 2021 offering begins July 12 – Canadian content
- July 2021 offering begins July 19 – U.S. content
- August 2021 offering begins August 16 – U.S. content

Online National Certified Investigator & Inspector Training (NCIT) Specialized Programming

- July 2021 offering begins July 23
- August 2021 offering begins August 6



Upcoming CLEAR Programs

Introduction to Regulatory Governance webinar series

- April 22 – Administrative Rulemaking
- May 20 – Professional Discipline
- June 17 – Assessing Competence

Series registrants will receive login links a few days before each module.
You can still register for modules individually.



Registration Now Open!



Roles and Responsibilities of a Board Member



CLEAR LEARNING

Board Member Training
Introduction to Regulatory Governance

Council on Licensure, Enforcement and Regulation



Session Introduction

Learning Objectives

- Upon completion of the session, you will be able to:
 - Identify the roles and responsibilities of individual board members, and the board as a whole
 - Recognize the roles of staff and how staff and board members interact
 - Summarize a code of conduct for board members and staff
 - Identify and avoid conflicts of interest
 - Evaluate board performance



Session Map

Roles and Responsibilities of a Board Member

Board Member Responsibility

Code of Conduct

Sharing Information

Building Good Relationships

Evaluation

Session Review





Board Member Responsibilities

A Regulatory Body is a Public Organization

- Entrusted to professions
- Privilege
- Instrument of government
- Privilege can be taken away



Protecting the Public Interest

- Mandated to protect the public
 - Entry to practice
 - Professional conduct
 - Continuing competency and quality assurance
- Linked to reputation



Adding Value

- Setting strategic direction
- Concentrating on:
 - Organizational well-being
 - Financial health
 - Quality of your work
- Asking probing questions
- Adherence to, and adoption of regulations
- Enabling a high performing CEO to assist and partner with the board



Asking Probing Questions

- Keep questions within boundaries of board mandate
- Ask what and why questions, versus how questions

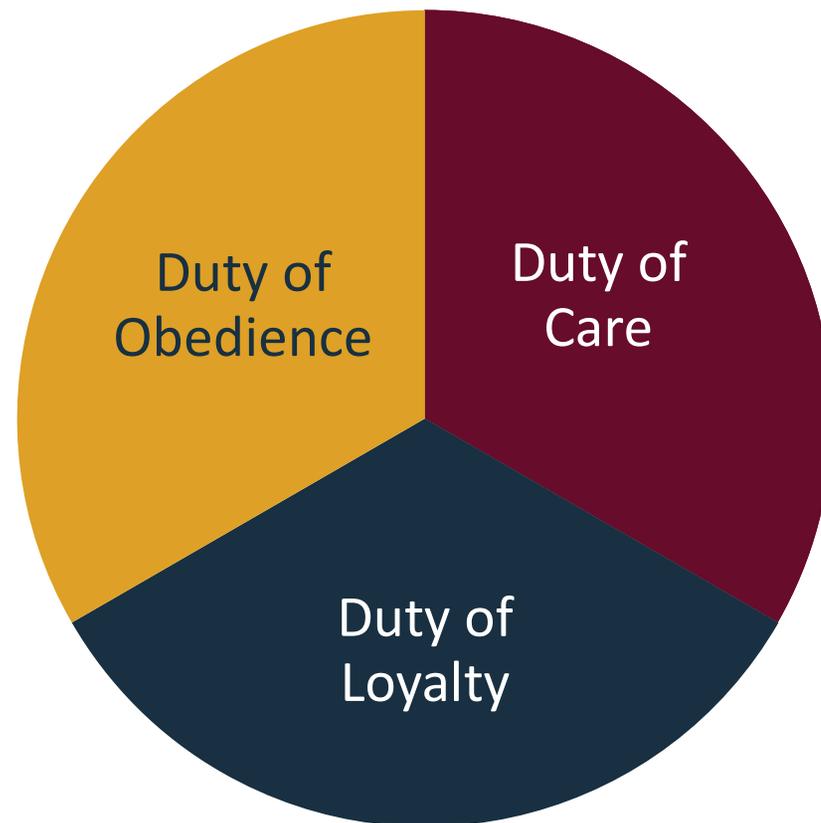
**How should we
carry out that
activity?**



**What activities
should we be
involved in?**



Duties of a Board Member



Duty of Care

- Accountable to act with due diligence towards:
 - Activities mandated by enabling legislation
 - Financial matters
 - Evaluations



Duty of Loyalty

- Alignment with the best interests of the organization
- Do you have the public's best interests in mind?
- Loyalty addresses conflicts of interest and speaking with one voice



Duty of Obedience

- To the rules and unity of command
- Are you obeying the rules as a board member?
- Rules have many forms
 - Bylaws
 - Rules of order
 - Governance policies
 - Codes of conduct



Board Member Fidelity

**General
Public**

**Licensees
and
Applicants**

**Other Board
Members
and Staff**



General Public

- Mandates from government
- Expectations
 - Qualified, competent members
 - Fairness and transparency
 - Knowledge



Licenses and Applicants



- Engagement
- Fiduciary duty
- Fairness, transparency
- Education and information



Board and Staff

- Listen and participate
- Complete assigned work
- Maintain working relationships
- Ask questions





Code of Conduct

Code of Conduct Common Themes

Be knowledgeable	Respect confidentiality	Declare conflict(s) of interest	Ask questions (respectfully)
Listen	Be objective	Attend	Speak with one voice
	Stay out of operations	Accept nothing less	



Conflicts of Interest

- Personal
 - Relationships with potential contractors
 - Relationship with person/organization before adjudication panel
- Financial
 - Pecuniary interest in a matter



Speak with One Voice

- Put the interest of the organization first
- Not a constituency-based organization
- Majority speaks
- Achieve consensus where possible
- Accept decisions made by the board



Bad Faith Decisions

- Not common
- Insurance, indemnification often protects board for decisions made
- No protection for board member where:
 - Undeclared conflict
 - Breach of confidentiality
- Reputation management

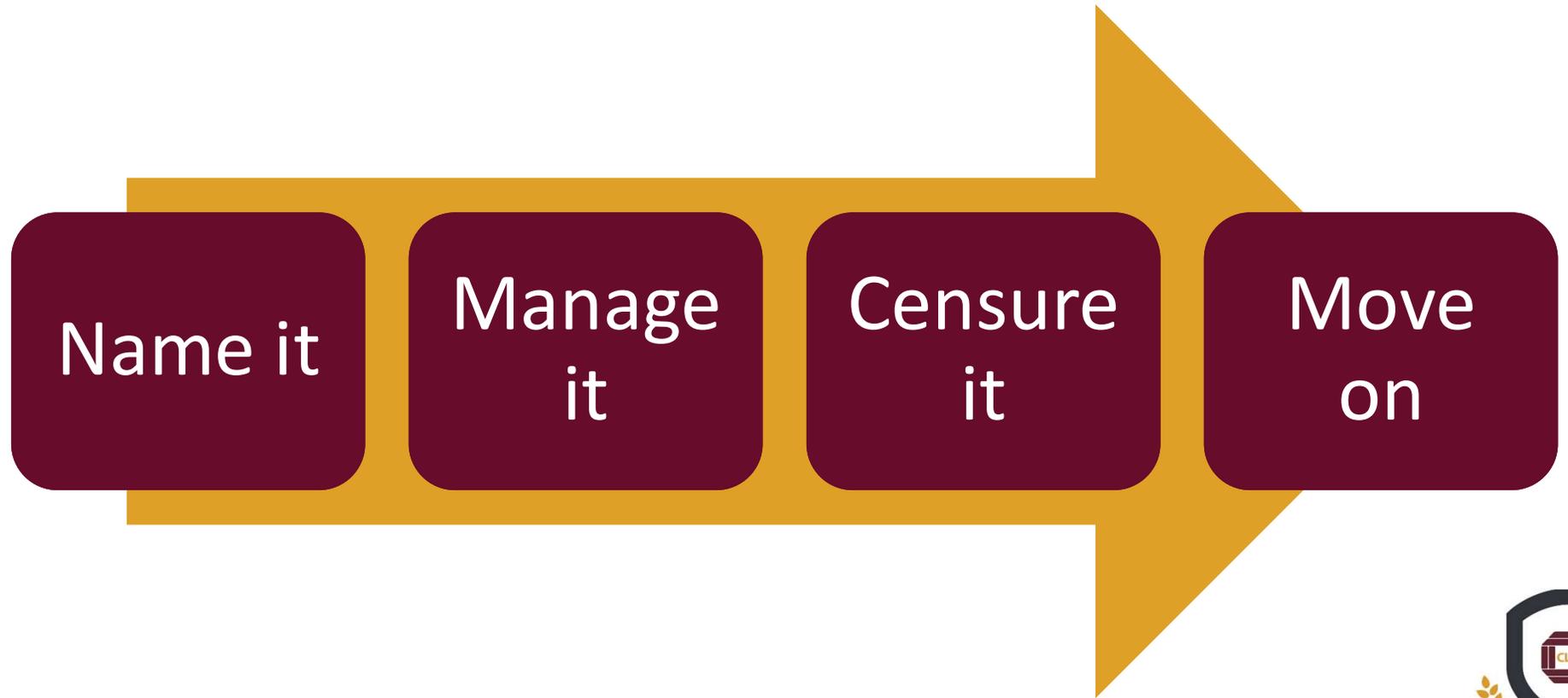


Best Practices Regarding Conflicts of Interest

- Know the policy
- Declare conflict
- Seek advice from Chair, CEO or Committee Chair
- Leave the room; include departure in minutes
- Train board members to encourage declaration



Handling a Disruptive Member





Sharing Information

Public Information

- Laws
- Decisions taken under statute
- Governance (by choice)
- Exception to public information
 - In camera meetings
 - Executive session meetings



Benefits of an Informed Public

- Increased public confidence
- Increased public trust
- Enables members of public to exercise rights
- Ensures quality of service
- Increased knowledge of inner workings of regulation



Benefits of an Informed Profession

- Knowledge of the rules of regulation
- Integration of standards into practice
- Decreased confusion between regulatory and professional organizations
- Increased engagement in policy making



Communication Tools

- Choice of media is dependent on:
 - Audience
 - Issue
 - Strategy
 - Budget
- Strive for informed and engaged public, members, and board members





Building Good Relationships

Building and Maintaining Strong Relationships

- Strong stakeholder relationships lead to an influential governing voice
- Identify stakeholders and their strategic fit within the organization
 - Internal – board members, staff, licensees
 - External – government, consumers, academia, other professions
- Attend to the relationship with your stakeholders



High Performing Organizations



One Staff Person

- Board hires CEO
- CEO hires staff
- Staff works under CEO direction





Evaluation

Evaluating Board Performance

- Meeting evaluation
- Annual evaluation
- Self evaluation
- Peer evaluation



Measuring and Reporting



- Defining indicators of success
- Linked to public reporting
- Identify gaps and opportunities for improvement





Session Review

Session Review

- Responsible to many
- Governance, not operations
- Partners in leadership
- Build public trust



Learning Objectives Review

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