



Memorandum

Date: April 3, 2007

To: Deans, Faculties of Education
General Secretaries, OTF and Affiliates
Directors of Education
Principal Organizations
Supervisory Officer Organizations
Trustee Organizations
Ministry of Education
Various other education stakeholders

From: Brian P. McGowan, Registrar and Chief Executive Officer

Subject: **Accessibility of College Discipline Decisions**

In response to questions that have been raised with us recently, the College has initiated a review of our procedures for providing public access to Discipline Committee panel decisions following public hearings.

Discipline Hearings are open to the public unless closed by order of a panel of the Discipline Committee, in accordance with the provisions of the *Ontario College of Teachers Act*. A recent legal opinion provided to the College advised that, in instances where a Discipline Hearing is open to the public, the reasons and decision that come out of the public Discipline Hearing should be accessible to the public.

Discipline Committee panels have the authority to order publication of summaries of their decisions, following a finding of professional misconduct, in our official publication, *Professionally Speaking/Pour parler profession*. Our procedures for this are well established. In some cases, Discipline Committee panels make an order of no publication and in some cases they order publication, but without the name of the member.

From time to time, the College receives requests for access to decisions of Discipline Committee panels. Recently some of these requests have been for copies of decisions where the Discipline Committee ordered either no publication at all or publication without the member's name. As a result of these requests, it has become clear that there has been some inconsistency with respect to the College's practices in this area.

As Registrar, it is my intention to develop an effective procedural framework for complying with the College's obligation to give public access to decisions of the Discipline Committee that is transparent, consistent and understood by College stakeholders and the public.

The review of this aspect of our regulatory function is intended to identify effective practices in this area. We are planning to meet with College stakeholder representatives in May and June to provide the historical background and public interest context, to identify our legal obligations, and to gather feedback on effective practices.

We plan to move this review forward in a timely way. We will consult with College stakeholders and the public and seek advice from our Council. By October 2007, we expect to be in a position to ensure that the College is following clearly articulated effective practices regarding access to decisions of the Discipline Committee.

We will be in touch very shortly to provide details of our information sessions and to confirm attendance. We will also provide additional information with respect to our operating procedures during the period of our review. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Brian P. McGowan".

Brian P. McGowan
Registrar and Chief Executive Officer

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BPM/kb-exec-admin