



Ontario
College of
Teachers
Defining the
Public Interest

Summary Report on Defining the Public Interest

Background

The *Ontario College of Teachers Act* includes a provision establishing a Public Interest Committee (PIC) with the legislative responsibility to advise the College Council “with respect to the duty of the College and the members of the Council to serve and protect the public interest in carrying out the College’s objects.”

This summary and the study *Finding the Meaning in the Public Interest* are the first deliverables under the work plan that was shared with the College Council in December 2007.

The Challenge

At the outset, the committee faced a critical challenge: How to define the “public interest.” The *Ontario College of Teachers Act* is very clear in one regard, that, “In carrying out its objects, the College has a duty to serve and protect the public interest.”

Further, the legislature in 2006 signalled the concept’s importance by creating the Public Interest Committee as one of several amendments to the Act.

The accompanying study, *Finding the Meaning in the Public Interest*, discusses in detail two competing views of the public interest in professional regulation. A summary of that discussion appears as part of this document, below.

The College is an integral part of the society that it serves. Educators are both leaders and members of the community. As a regulatory body responsible for one of society’s most cherished responsibilities – preparing our young people to play a meaningful role in society – the College must be driven by the statutory imperative to act in the public interest, despite the lack of legislative clarity as to what that means.

A vision of regulating in the public interest already strongly influences the College’s actions. Says Brian McGowan, then-Registrar and Chief Executive Officer, “Respect is at the heart of professionalism in teaching and public education – respect for students, each other, the public and quality learning. As a self-regulating profession, teaching holds its members to the highest standards.”

The Public Interest Committee has made it our first priority under our workplan to provide a reasonably actionable understanding of what the public interest means in the context of professional teacher regulation.

The committee believes that any definition of public interest as it applies to educators should emphasize the following elements:

- the protection of public goods from private interests
- the principle that the state exists to serve individuals
- an ethical, transparent and consistent process and commitment to the public interest
- ongoing renegotiation of social responsibilities of the profession for the public good
- a convergence of professional and public interest.

Up to now, the College has productively included major stakeholders in its policy and decision-making processes. Yet with shifting political, cultural and economic imperatives, regulators must adapt and create more ways to address a wide range of issues and to respond to Ontario’s remarkable diversity. Moving forward, the discourse needs to include more than the traditional stakeholders such as College members, government, teacher federations, university faculties and other regulators.

German political philosopher Jurgen Habermas succinctly poses the fundamental challenge facing public institutions in a democratic society: “The structures of the public sphere reflect unavoidable asymmetries in the availability of information; that is, unequal chances to have access to the generation, validation, shaping and presentation of messages.”

In the context of the regulation of the teaching profession, it is parents, students and the community at large that suffer most from these asymmetries in the availability of information.

The public interest requires effective action to involve members of the public who might otherwise remain silent because of barriers such as language and lack of exposure to Ontario’s educational system and procedures.

The recognition of students and parents as significant stakeholders will require new means of communicating and increased transparency.

The Debate

Attempting to define the public interest has vexed social scientists for decades. But it has not stopped them from trying. One, emphasizing the “public” aspect, defines public interest as “whatever the majority . . . says it is.” Another, stressing the “interest” side, defines it as comprised of “mutual interests and common concerns, including justice, domestic tranquility, common defence, general welfare and liberty.”

Perhaps the sage American journalist and social critic Walter Lippman put it best when he wrote, “The public interest may be presumed to be what [people] would choose if they saw clearly, thought rationally and acted disinterestedly and benevolently.”

But Lippman was clearly being idealistic. On most policy issues of importance, at any given time, there is no singular public with a homogenous interest, but rather a composite public with a web of interlocking and overlapping interests.

If the concept defies easy definition, most people have a sense of the public interest when they see it. Indeed, public interest is a familiar idea to most educators. Teachers of social studies courses are usually the first to formally introduce the idea to young citizens.

Teacher David Martinson, writing about how students learn about the concept of the public interest, observes, “Attempting to satisfactorily define the public interest has been a source of frustration for the most learned political philosophers for centuries, [yet] the secondary school social science teacher can – at a minimum – point out some of the more common fallacies and misconceptions that the public holds about the concept.”

Still, the roles that professionals have and how they fulfill them within society necessarily involve the different ways public interest is conceived within that same society. There exist two opposing analytical models of this professional-public interest relationship – the functionalist and competitive approaches.

In the functionalist model, the defining feature of a profession is that it contributes to the welfare of society in the public interest. In this view, an occupation transforms into a profession as it gains prominence as a service in which the public has an interest. This way, a profession is both an instrument and a reflection of the public interest.

The other public interest model, the competitive view, posits that a profession and society are each parties in an ongoing bargaining process. In this approach, society grants autonomy to a group of professionals in return for them behaving in a socially responsible fashion. Framed as an exchange of values, this competitive public interest model suggests a contractual arrangement between the professional and society.

Tensions between the parties is thus built into the relationship because it is an accommodation of competing interests, each seeking the most in return from the bargain. Society cannot legitimately expect a profession to take on social responsibilities without the profession seeking some benefits in return. And the profession cannot expect to reap the benefits of autonomy without accepting increased responsibilities.

Debates about what determines the public interest represent ongoing renegotiations of this basic agreement, usually spurred by two causes. On the one hand, changing conditions can make it necessary for the bargain to change. On the other hand, one or both parties may suspect the other is not living up to its side of the deal.

Often in the latter case, society’s unease comes from the information asymmetry discussed earlier. Society, having no way to be sure the profession is living up to its obligations, may seek new terms to provide such assurance, such as placing laypersons on professional governance boards.

Values identified as public interests reflect political, cultural or economic imperatives that prevail from time to time and will shift with the needs and expectations of the public.

The College and the Public Interest

It is undeniable that the public interest in education touches directly on the College. Take, for example, the College’s responsibilities in the areas of teachers’ qualifications, their professional education, the ethical leadership they provide in the education system and their role in helping to shape broad concepts of citizenship and society.

Although the term public interest provides no operational rule or test, public regulators such as the College often are faced with juggling conflicting criteria to determine what is best for the broader public that it serves.

While the College seeks a better understanding of its public interest role, it should be noted that it already incorporates public interest measures and methods within its core policies and practices.

- Standards of practice that express principles that describe the knowledge, skills and values inherent in Ontario’s teaching profession. The standards articulate the aspirations of the profession and a shared vision that guides the daily practices of College members.
- Ethical standards describing beliefs and values that guide College members in their professional roles. The four ethical standards of Care, Respect, Trust and Integrity express the core ethics of teaching.
- A professional learning framework that encourages College members to pursue ongoing learning in accredited programs designed to reflect the profession’s ethical standards and standards of practice.
- Transparency and accountability consciously deployed to alleviate asymmetries in access to information. Examples include: annual reports, public Council meetings with regular committee reports, open discipline hearings with publicly accessible hearing schedules and discipline decisions, the College’s magazine *Professionally Speaking/Pour parler profession* and a regularly updated web site.

Next Steps

The Public Interest Committee will focus through the lens of this understanding of the public interest as we proceed with the next steps in our work: a review of public policy and recent legislation relating to transparency in the regulatory context.

We look forward to the discussion and debate that we expect our examination of the public interest will stimulate with the College Council.

In carrying out its objects, the
College has a duty to serve and
protect the public interest.

For additional information:
Ontario College of Teachers
101 Bloor Street West
Toronto ON M5S 0A1

Telephone: 416-961-8800
Fax: 416-961-8822
Toll-free in Ontario: 1-888-534-2222
E-mail: info@oct.ca
www.oct.ca



Ontario
College of
Teachers

Ordre des
enseignantes et
des enseignants
de l'Ontario