

English-webinar-2021-04-19

Text: Webinar for Employers of Ontario Certified Teachers

March 2, 2021 and March 3, 2021

Ontario College of Teachers

Ordre des enseignantes et des enseignants de l'Ontario

Lise: Thank you very much for joining us this afternoon. You'll note when you join the webinar that your audio was automatically muted, but we invite you to still ask questions at any time by entering your questions in the questions tab on your control panel.

My colleagues, Ryan and Stephanie, and I will be monitoring your questions and we'll also facilitate regular opportunities to ask questions during the session.

We want to assure you that we'll stay online as long as necessary at the conclusion of the webinar to ensure that all of your questions have been answered. We will also be providing you with a transcript of all the questions and answers by email in the near future.

So before we begin, I'd like to go over a few housekeeping items. You can download the PowerPoint that we'll be presenting today. Just click on the handouts tab in your control panel and follow the instructions.

And also your feedback at the end of the session is very important to us, and welcomed. So, we ask that you please complete the Presentation Evaluation that will appear on screen at the—pardon me—at the conclusion of the session.

If you experience any technical difficulties during the session, please contact GoToWebinar Technical Support at 1-833-851-8340. I've also put that information in the chat.

We are also recording today's session. So, the link to the session will be posted on our website in the near future so that those who are not able to attend will be able to access this important information.

And now I'd like to turn over the proceedings to Linda Lacroix, the Director of Investigations and Hearings. Linda?

Text: EMPLOYER REPORTING OBLIGATIONS: A REFRESHER

AND

CHANGES TO THE ONTARIO COLLEGE OF TEACHERS ACT: IMPACT ON EMPLOYERS

Linda: Good afternoon, everyone. I wanted to take this opportunity to thank you for joining us as we discuss an employer's duty to report, including obligations as they relate to fitness to practice matters on the part of members. In addition, we will provide you with some statistics in relation to board reporting.

I would like to introduce our presenters for today: Patrick Winter, Intake and Hearings Officer, Evelyn Liu, Intake Coordinator, Janice Duggan, Manager of Investigations, Bernadette Best, Investigator and Team Lead, Carly Thomson, Investigator.

In addition to the refresher on employer reporting obligations, we are also being joined by Saran Rangunathan, Policy Analyst at the College of Policy and Research Unit. He will be speaking about recent changes to the *Ontario College of Teachers Act* that will have an impact on employers.

As well, we are being joined by David Tallo, Manager, Projects and Programs with the College of Corporate and Counsel Services Department. David will be providing an update on the College's therapy and counselling program.

College staff will be available at the end of today's webinar to answer any questions that you may have. In addition, the information presented today will also be available on the College's website, as we had mentioned earlier.

On that note, let's get started.

Text: Section 43.2 of the Ontario College of Teachers Act

If you terminate, suspend or restrict the duties of a College member for reasons of professional misconduct, you must notify the College in writing within 30 days. You must report even if the member resigns while you are conducting an investigation or compiling evidence.

Evelyn: Good afternoon, everyone. In the next few slides, we'll set out the statutory framework which covers your reporting duty as the employer to the College, and this is a review of what has already been provided in previous webinars. Your employer reporting duties include an ongoing obligation to provide documentation as well as information to the College within the specified timeframe.

For some stats, in a typical year, the College will receive about 400 employer reports under Section 43.2 and 43.3 of the *Ontario College of Teachers Act*. I'll direct your attention to the slides. It states that if you terminate, suspend or restrict the duties of a College member for reasons of professional misconduct, you must notify the College in writing within 30 days. And you must report this even if the member resigns while you're conducting an investigation or compiling evidence.

We all know what constitutes a termination or a suspension of the member but sometimes there [is] lack of clarity of what constitutes a restriction of duty. So, here are some common examples. One, if you're removing a member from the occasional teacher list. Two, if there's been an administrative transfer of a member to another school for disciplinary reasons. And if you're blocking a member from teaching specific grades or specific courses, etc.

Text: Section 43.3 of the Ontario College of Teachers Act

If an employee or former employee is charged with or convicted of a criminal offence involving sexual conduct and minors, or an offence that in the opinion of the employer indicates that students may be at risk of harm or injury, the matter must be reported to the College within 30 days.

Evelyn: (Inaudible). Yeah. So slide—Section 43.3 of the *Ontario College of Teachers Act* is pretty self-explanatory. It sets out the various scenarios relating to the duty to report as they relate to certain types of criminal charges and convictions. It states that if an employee or former employee, and this language is quite important, we'll circle back to this later, if an employee or former employee is charged with or convicted of a criminal offence involving sexual conduct and minors, or an offence that in the opinion of the employer, yourself, indicates that students may be at risk of harm or injury, then the matter must be reported to the College, again, within that 30-day period. Please note that the section is written in a such that if you're aware of charges or convictions of a former employee, even if the member is no longer working for the board or working for you as the employer, there's still that obligation to report to the College.

Text: **Section 43.3 of the Ontario College of Teachers Act Cont.**

If a member has engaged in conduct or taken action that, in your opinion, should be reviewed by a Committee of the College, you should submit a report.

Evelyn: Section 43.3 also contains what we call a catchall provision which basically states that if you're in doubt whether to report to the College, please report it to the College. It states that if a member has engaged in conduct or taken action that in your opinion as the employer should be reviewed by a Committee of the College, then please submit a report to us.

In addition, this is a reminder that you are obligated to provide a copy of your notification letter to the member at the same time that you report this to the College.

We have been asked in the past whether we notify employers of public complaints that come in against members, and under the Act, the College is only required to report the outcome of the investigation to you, but in most cases, where the matters are fully investigated, we will request information from you as the employer, and in doing so, you will inevitably become aware of public complaints against members at an earlier stage.

Text: **Section 277.40 of the Education Act**

If you terminate a member's employment following unsatisfactory Teacher Performance Appraisals, you must submit a complaint to the College.

Evelyn: Section 277.4 of the *Education Act* states that if you terminate a member's employment following an unsatisfactory TPA, or a Teacher Performance Appraisal, you must submit a complaint to the College, and this again applies even if the member resigns while they're on review status during the TPA process.

Text: **What should a report include?**

- Name and College registration number
- Summary of event that led to report
- Specifics of disciplinary action taken by employer
- Important to provide sufficient detail

Evelyn: Now that we've covered when to submit a report, let's discuss what should an employer report include. Some key information that we're looking for here includes the name and College registration number of the member, a summary of the event that has led to the report to us, the specifics of disciplinary action as taken by the employer, and it's also quite important to provide sufficient details in your report.

I'll circle back to the second bullet point where it says "Summary of event that has led to the report." What we're looking for here is enough information for us to make that initial recommendation whether an investigation at the College is necessary. We're looking for a description of the event that has led to the disciplinary action and not necessarily just a form letter to us. And if necessary, we'll follow up with employers to obtain additional information.

Text: **How to submit a report**

- By email at ih@oct.ca (preferred method)
- By registered mail or courier at:

101 Bloor Street West

Toronto ON M5A 0A1

Evelyn: How to submit a report to the College. There are two ways to submit a report to the College. One, via email and two, via registered mail. However, now more than ever, because of our limited mail capacity and the fact that registered mail can be slower and less reliable, we would strongly encourage you to submit your employer report to the College via email at ih@oct.ca. Again, that stands for investigations and hearings at OCT.ca.

Text: **Section 43.2 and 43.3 reports**

43.2(3.1) and 43.3 (1.2)

When an employer makes a report with the Registrar... the employer must

"(b) within 30 days of **filing the report**, provide the Registrar with any additional information that the employer has that relates to" the report

Same requirement applies to TPA matters (see 26 (2.2) 2).

Evelyn: I will pass it on to my colleagues at Investigations to walk you through what happens once a file moves forward to Investigations.

Bernadette: If the matter moves forward to Investigations, you will receive a letter and a checklist asking for further information. You're required to provide the College with all documentation relating to your report within 30 days of submitting your report to the College. We suggest that you start assembling the information following your report to the College to meet the 30-day timeline. When there are delays with no notice or explanation for the delay provided to the College, or general unresponsiveness, the Director of Investigations and Hearings, or the Registrar, may contact the board's Director of Education.

Let's do a quick review of the documents required by the College following an employer report.

The College requires information and documentation pertaining to a member's previous disciplinary and conduct issues.

Carly: What would such information typically include?

Bernadette: Good question. All underlying information and documentation such as principal/vice-principals' notes, witness statements or notes, investigation findings, disciplinary letters and all relevant email correspondence.

The College also requires the member's current employment status. The names, addresses and contact information for school and board staff who are involved, and those of any affected students and student witnesses are also required. Please do not send redacted documents. If a matter is referred to Investigations, the assigned investigator will redact the documents as appropriate before they are disclosed to the member who is the subject of the investigation.

For TPA matters, the College will require a copy of all of the most recent summit of reports for the member and any materials relating to the TPA process such as the principal's observation notes.

Where there's a criminal matter, the College requires information such as what the member has been charged with and/or found guilty of, or upcoming court dates, and any court documents that you have obtained.

Saran will be providing some information about members' new obligations to report criminal matters to the College later on in the presentation.

However, the College would still prefer that employers report these matters to us, since not all members may fulfill their reporting obligations. You may wish to go to the employers' area or the portal on the College website that provides further information concerning board obligations.

Also, most of you should be aware of our checklist that you received, which sets out what documentation the College is requesting from you. If you are not familiar with the checklist, please send us a note in the questions tab and we will get back to you with this information.

Janice: Hi. And I'm just going to chime in at this point and say that when you receive the checklist, we ask for the member's board discipline history. Historically, we have received letters associated with disciplinary measures taken against members. That is helpful but we would also like to receive any underlying information related to those historic investigations which led to those letters. For example, any meeting or interview notes or statements from students. And again, if the notes are handwritten and/or illegible, we would also like to receive those in a typewritten form, and the reason for that is it's just the investigator who will have to review the notes, it'll also be the Screening Committee. And before the Screening Committee sees it, it'll also be Defence Counsel. So, if they aren't able to read the material, that's why we're asking for the typewritten or legible notes.

And basically, on those previous disciplinary matters, we're asking for the same type of information that we would expect to see when you're making a report to the College under your Section 43 obligation.

Text: **Timeline for Providing Additional Info**

Section 43.2 and 43.3 reports

43.2(3.2) and 43.3 (1.3)

If, after receiving the requested information ... the Registrar requests that the employer provide the Registrar with more information that relates to the member's misconduct, charge, conviction, conduct or action, the employer shall do so within **15 days** of receiving the request.

Same requirement applies to TPA matters (see 26 (2.2) 3).

Carly: Once you have provided all of the information identified in the checklist within the 30-day timeline, the investigator will determine if any additional information is required. As indicated in the slide before you, the legislation requires that such information be provided within 15 days of the employer receiving the request. It is important and appreciated if employers advise if they will be unable to meet the deadline. There may be good reason to request an extension and the College is open to considering requests.

Text: **Employer Providing All Information to Member**

Section 43.2 and 43.3 reports

43.2(3.3) and 43.3 (1.4)

"Within 30 days of providing **additional information** to the Registrar... **the employer** shall provide **a copy of such information to the member.**"

Same requirement applies to TPA matters (see 26 (2.2) 4).

Carly: Note that any information that you send to the College as a result of the checklist or as requested by the investigator must also be provided to the member within 30 days of sending it to the College. This is a statutory obligation with which all employers must comply.

Text: **Frequently Asked Questions**

Yes, please send:

- Audio and video materials
- All handwritten notes, if not legible, please provide a typed copy as well
- Settlement agreements

Bernadette: We will now address some of the most common questions the College receives regarding our requests for information.

Any relevant audio and visual recordings must also be provided. For example, this would include video recordings of a hallway incident.

The College also requires any handwritten notes related to the complaint, such as Opportunity to Respond meetings and interview notes.

Prior to commencing an interview, please be sure to include for each set of notes provided the author of the notes, the full name and title of the individuals present at the meeting or interview, the date and time of the meeting or interview, the location of the meeting or interview, the subject matter of the interview, and please make it clear what incident or incidents you are discussing. Please also identify the date of each incident in question. This includes the month, day and year.

If the reported conduct occurred over a longer timeframe, please identify the date as best as you can, or include a broader time period such in or about the spring of 2019 or in or about March of 2019. And as mentioned, we would appreciate typed notes, or if that is not possible, please ensure legibility.

We would also like to take a moment to discuss documents which are sent to us in the form of screenshots. We often receive screenshots of electronic exchanges. For example, email threads or text messages or social media messages, and they have information missing. So, please be sure to identify how the screenshot came to your possession. For example, "On October 1st, 2018, a student named Jane Doe showed the school principal text messages she exchanged with a member. On October 2nd, 2018, the school principal then took pictures of the screenshots of Jane Doe's phone which displayed the text messages."

Settlement agreements will usually contain a provision indicating that the document can be disclosed if required by law. For example, a legislative requirement, such as that contained in the *Ontario College of Teachers Act*, is a law that requires this information. You cannot enter into an agreement, including minutes of settlement, with a member which includes an undertaking that is contrary to your reporting obligations under the *Act*. For example, you cannot agree not to report a matter to the College that is required under the *Act*. Also, you cannot agree not to continue to provide information to the College due to the ongoing reporting obligations.

Text: **Section 47(1) of The Act**

- For the purpose of carrying out its objects, the College may require the Provincial Schools Authority, a school board or any other person or body designated by the regulations to provide the College with information, including personal information within the meaning of section 38 of the *Freedom of Information and Protection of Privacy Act* or section 28 of the *Municipal Freedom of Information and Protection of Privacy Act*, in respect of members of the College.

Carly: Section 47(1) of the *Act* permits the College to request personal information about members as defined under provincial and municipal Freedom of Information legislation. Under Section 48(1) of the *Act*, the College is required to keep such personal information confidential and not communicate the information to any other person, subject to certain exceptions including the administration of the *Act*.

We're going to pause here and break for questions. If you have any questions about this reporting obligation, please send them to the questions tab.

Stephanne: Good timing. The one question that was asked has been retracted because you've already answered it.

Carly: The Ontario College of (inaudible). Is there a question, Stephanie?

Stephanne: No. I was just going to say I think you're good to continue.

Text: **Frequently Asked Questions**

Please also send personal health information:

Subsection 2(1) of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* defines personal information to include:

Information relating to the education or the **medical, psychiatric, psychological**, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved. (emphasis added)

Carly: Okay, thank you.

Bernadette: The *Ontario College of Teachers Act* specifies that the College can require employers to send personal information to the College as defined in MFIPPA and FIPPA. These two privacy acts define personal information as including information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved. Therefore, if you have medical, psychiatric or psychological reports relating to the concerns which prompted you to notify the College, these must be disclosed as part of your duty to report.

Text: Relevance of Medical/Psychiatric/Psychological Information

Under Section 26(5) of the Act, the Investigation Committee may direct that the matter be referred, in whole or in part, to the Fitness to Practise Committee.

The Fitness to Practise Committee makes findings whether a member suffers from incapacity.

How does the Fitness to Practise make this determination?

The Act states the following: The Fitness to Practise Committee may, after a hearing, find a member to be incapacitated if, in its opinion, the member is suffering from a physical or mental condition or disorder such that the member is unfit to continue to carry out his or her professional responsibilities or that a certificate held by the member under this Act should be made subject to terms, conditions or limitations.

Proposed amendments to Section 26 of the Act.

Carly: The Investigation Committee will require medical, psychological, psychiatric information in order to determine whether the matter before it should be referred to the Fitness to Practice Committee. This information may include medical, psychiatric

and psychological reports as well as any documentation relating to a member's application for short- or long-term disability relating to a member's capacity to teach.

Should the matter be referred to the Fitness to Practice Committee, it will require the same information in order to determine the matter before it. If you are in doubt whether the member's conduct raises fitness-to-practice issues, report the conduct as professional misconduct. The Investigation Committee can always refer the matter to the Fitness to Practice Committee if appropriate.

Part of the recent changes to the *Ontario College of Teachers Act* gives the Investigation Committee the authority to make inquiries into a member's capacity to teach. If after inquiries, the Committee believes on reasonable and probable grounds that the member is incapacitated, it can require the member to attend medical assessments. If the member declines to attend medical assessments, the Investigation Committee can direct the Registrar to suspend the member's certificate until the member complies.

In 2019, the College's Investigation Committee referred 15 matters to the Fitness to Practice Committee. In 2020, it referred eight.

Text: When submitting information to the College on matters related to Incapacity and Fitness to Practise:

DO:

- Include information from the treating practitioner to support the position that the Member has a physical or mental condition affecting the Member's conduct
- Provide the practitioner with a specific account of the alleged conduct and have the practitioner reiterate the conduct/allegations in the documentation
- Have the practitioner explain the link between the member's conduct and the member's physical and mental condition
- Have the practitioner include the timeframe he or she has been treating the member, including timing in relation to incident
- Include the practitioner's explanation as to whether the member still requires treatment or if the issue is resolved.
- Ensure a practitioner is clearly providing a diagnosis
- Include documentation directly from the health care professional who made the diagnosis
- Ensure the practitioner is legally authorized to make the diagnosis and preferably is a regulated professional.

Bernadette: The resource from which this slide and the next slide originates is available by contacting the Manager of Investigations, Janice Duggan, at the College. Her email address will be provided at the end of the presentation.

This is a quick reference of do's and don'ts on submitting information to the College regarding matters to incapacity and fitness to practice. I'll give you a few moments to review the do's when submitting information to the College on these matters.

Text: **When submitting information to the College on matters related to Incapacity and Fitness to Practise:**

DON'T:

- Simply restate the member's description of a physical or mental condition, without
- providing supporting documentation from a practitioner
- Rely on a report from a professional who is only discussing the findings of other practitioners
- Provide a report from an unqualified practitioner
- Assume the Investigation Committee will refer the matter to the Fitness to Practise Committee based on assurances that relevant information will be provided after the referral.
- Rely on documentation from a practitioner which does not clearly provide a diagnosis.

Bernadette: And here, you'll find a list of items the College requests that you do not do when submitting information to the College on matters related to incapacity and fitness to practice.

Again, the PowerPoint presentation will also be made available to you.

Text: **Frequently Asked Questions**

Please **do not** send:

- Redacted documents
- Password protected documents
- Illegible documents

Carly: When the College requests documents from employers, it's essential that we receive the documents in their truest form, without redactions. Oftentimes, we receive employer disclosure packages with student names, ages and grades or contact information redacted. We also request similar contact information about the parents of the student witnesses if the student witnesses are minors.

Please only send unredacted documents. We require this information for the purposes of our investigation. Additionally, the College sometimes receives employer disclosure packages without the student witness contact information. Please ensure it is included in your disclosure package.

Some employers have voiced concerns regarding confidentiality over this type of information. We want to assure you that this information remains confidential. However, this information is important for the purposes of our investigation in the event that we need to communicate with student witnesses or their parents.

Providing unredacted documents is also important because the College has a disclosure obligation to the member during the investigation process, which allows the member to provide a complete response and full answer and defence to the complaint against him or her.

Please be advised that the College does not disclose student witness and/or student victim contact information. However, we do disclose student witness and victim names.

When conducting a board investigation, please do not give members and/or witnesses assurances of confidentiality. You will be required to provide the College with all interview notes and contact information as part of your statutory duty of disclosure. As previously stated, the College is obligated to disclose all information to the member during the course of its investigation. Therefore, any assurances of anonymity cannot be given to the alleged victims or witnesses.

Also, please do not send password-protected documents to the College. The College email system is secure and confidential. And as an aside, the College does not require hard copy disclosure packages. We would prefer to receive an electronic version of the disclosed material.

Text: **Points to Note:**

Timelines in Act remain the same regardless of :

Employer closure periods, such as the months of July and August

Any ongoing grievance/arbitration

Bernadette: Please note here again that the timelines specified in the *Act* remain the same regardless of your academic calendar or closure period.

Carly: What about if there's an ongoing grievance or arbitration for the member?

Bernadette: The legislation does not allow the College to delay an investigation when there's an ongoing grievance or arbitration.

Text: **Frequently Asked Questions**

Do I have to report when an employee goes on a medical leave of absence?

In and of itself, no. An employer's reporting obligations under section 43 of the Act are triggered due to a suspension, restriction of duties, or termination of a member's employment for reasons relating to professional misconduct. Where the member goes on a medical leave of absence in the course of an investigation and you are uncertain whether the member's conduct constitutes professional misconduct, please report the matter to the College.

Do I have to submit a report to the College when a member is assigned to home pending the outcome of an investigation by the employer?

It is not necessary to report that a member has been assigned to home pending an investigation. However, if the investigation concludes and the member faces a disciplinary restriction of duties as defined in section 43.2 of the Act, the matter must be reported at that time.

Evelyn: All right. We will cover some additional frequently asked questions. The number one being “Do I have to report when an employee goes on medical leave of absence?” In and of itself, the answer is no. An employer’s reporting obligation under Section 43 of the Act are triggered only due to suspension, restriction of duties or termination of a member for reasons relating to professional misconduct. However, where a member goes on medical leave of absence in the course of an investigation and you as the employer are uncertain whether the member’s conduct would constitute professional misconduct, then please report the matter to the College.

The second question: “Do I have to submit a report to the College when the member is assigned to home pending the outcome of an investigation by the employer?” The answer is no, it’s not necessary to report that the member has been assigned to home pending an investigation. However, once the investigation concludes and if the member faces a disciplinary restriction of duty as we have previously discussed, under Section 43.2 of the Act, then the matter must be reported at that time.

Text: **If an employee goes on medical leave during a board/school investigation regarding their conduct, am I required to report this to the College?**

Yes, as this may have relevance to how the Investigation Committee chooses to deal with the Member, e.g. referring the matter to the Fitness to Practise Committee.

What is the employer's reporting obligation when a third party investigator is hired to conduct an investigation of a member?

The College receives employer notifications where a third party investigator has conducted the investigation. In some of those situations, the employer has entered into an agreement with the third party investigator that permits the investigator to have "ownership" of its underlying investigation product. While the employer will provide the third party investigator's final report, it is not able to provide the underlying investigation materials (e.g., interview notes) because of the agreement signed with the investigator.

Evelyn: “If an employee goes on medical leave during a board school investigation regarding their conduct am I required to report this to the College?” So, in this case, yes, as it may be relevant to how the Investigation Committee chooses to deal with the member. Perhaps they would refer the matter to the Fitness to Practice Committee for fitness concerns.

Carly: “What is the employer’s reporting obligation when a third party investigator is hired to conduct an investigation of a member?” So the College receives an employer notification where a third party investigator has conducted the investigation. In some of those situations, the employer has entered into an agreement with the third party investigator that permits the investigator to have ownership of its underlying

investigation product. While the employer will provide the third party investigator's final report, it is not able to provide the underlying investigation materials, for example, the interview notes, because of the agreement signed with the investigator.

Text: The College views these type of agreements as invalid in terms of employer reporting obligations. (Please see sections 43.2(3.2) and 43.3(1.3) of the Act.) The employer has an obligation to provide information requested by the Registrar. By entering into these agreements, the employer is contracting out of a statutory obligation, which is not permissible.

Please consider carefully the implications to your obligation to provide information requested by the Registrar when entering into third party investigation agreements

Carly: So the College views these types of agreements as invalid in terms of employer reporting obligations. The employer has an obligation to provide information requested by the Registrar. By entering into these agreements, the employer is contracting out of a statutory obligation which is not permissible. Please consider carefully the implications to your obligation to provide information requested by the Registrar when entering into third party investigation agreements.

Text: **FOR ANY QUESTIONS, PLEASE CONTACT**

Patrick Winter

Intake/Hearings Officer

pwinter@oct.ca

416-961-8800 | 1-888-534-2222

Extension 441

Janice Duggan

Manager of Investigations & Hearings

jduggan@oct.ca

Carly: Now, if you have any questions following the webinar, please feel free to contact Patrick Winter or Janice Duggan, and their contact information is on the screen for you.

Linda: Thank you very much to our presenters for all this information. If anyone has any questions that you would like to ask verbally or where you see the electronic hand, please do so. We'd like to hear from you. And there's also the question tab if you want to type those in.

Text: QUESTIONS?

Linda: While you're thinking and writing all these questions down, I also want to add that to support you moving forward, this PowerPoint presentation can be downloaded. It's in the handout tab on your control panel, and the presentation is also available, or will be available on the College website in the near future as it will be digitally transcribed.

Lastly, but most importantly, we will have an online survey on the GoToMeeting platform. Please complete the survey, as your feedback is important to us and will assist us in planning future webinars.

If there are no questions at this time, I would like to turn the presentation over Saran.

Text: Bill 229 - Overview

Saran: Thanks, Linda. I will now do a very high level, very brief overview of some of the new amendments that have been introduced into the *Act*, into our governing legislation of the *Ontario College of Teachers Act* at the end of last year. It really represents the most significant changes to our governing structure in the College's history and I'll be giving you that overview of the transition and some other elements that have been previously mentioned.

Please feel free to ask questions in the chat and I'll try and answer them as best as I can. Some of the questions I may not be able to answer as this is a—the implementation is in process but I'll try the best as I can, the best I can.

So, if I could just get to the next slide, please, Lise. Thanks.

Text: **Bill 229 – Overview**

- Protect, Support and Recover from COVID-19 Act, 2020 – Bill 229
- Royal Assent received on December 8, 2020
- Governance reforms largely based on College governance review

Saran: Thanks so much.

So the *Protect, Support and Recover from COVID-19 Act* or Bill 229 received royal assent on December 8th of last year. Bill 229 introduced numerous governance reforms as I mentioned (inaudible). These governance reforms were largely based on a College-initiated review completed by a governance consultant in November of 2018. The College's Governance Committee and Council reviewed and improved modified versions of the recommendations in the governance consultant's report.

I'll just flip to the next slide.

Text: **Bill 229 – Overview**

Governance Reforms

- 37 member Council to 18 member Council
- Selection instead of election
- Council members cannot serve on statutory committees

Saran: And we'll go through some of the major elements of the governance reforms. The College will be transitioning from a 37-member Council (23 elected members and 14 publicly appointed member) to an 18-member Council with nine College members and nine non-College members. There will also no longer be an election. A new

selection and nominating subcommittee will provide recommendations for Council to choose the nine College members, and the government will choose the other nine non-College members.

Members of Council also cannot serve on statutory committees such as the Investigation, Discipline and Fitness to Practice Committees. The selection and nominating subcommittee will recommend candidates for those committees to Council and the composition will be equal numbers College and non-College members. So, that's a very high level overview of those governance changes.

Text: **Bill 229 - Overview**

Transition

- Transition began on February 1, 2021
- Establishment of roster
- New Council and committees will take over from TSO once transition period ends

Saran: In terms of the transition, on February 1st of this year, so just a few weeks ago, the governance-related amendments to the College's *Act* took effect and a transition period officially began with Council and committees being dissolved as of this date. Transition supervisory officer, Paul (inaudible), has been appointed to manage the transition and he has all powers of Council during the transition. The College is establishing a roster to help ensure the public protection and (inaudible) the College continues to be fulfilled during the transition. So, investigation and discipline proceedings will continue.

Regulations and by-laws will also need to be developed or modified to implement the governance reforms. And finally, once a new Council and new committees have been established and various governance reforms have been implemented in accordance with the *Act*, the transition period and the TSO's appointment will end.

Text: **Bill 229 - Overview**

Other Amendments

- New reporting obligations
- Retroactive revocation
- Sexual abuse program
- Public posting of Discipline Committee decisions

Saran: So, lastly, just covering some of the other amendments that are in Bill 229, so some of these recent changes. Bill 229 introduced new requirements that College members report offences as well as charges, bail conditions or other restrictions to the College. So, they'll have to include various levels of detail such as the nature of the offence, the relevant courts, status of any appeal, and many other kind of details that information will be provided about. But the(?) just highlighting for you that there

are these new reporting obligations and as mentioned previously, these are different than your employer reporting requirements (inaudible) that must be made directly to the College. These are reporting requirements for(?) College members to make directly to the College.

As a result of Bill 229 amendments, the College has also revoked the certificates of individuals who the Discipline Committee found to be guilty of an act of professional misconduct consisting of, or including, sexual abuse of a student or a prohibited act involving child pornography, and did not have their certificates previously revoked.

Affected individuals have been sent notices informing them of the revocation of their certificates and, when applicable, school board employers have also been notified. The public register has been updated to reflect these revocations. The College's *Act* has also been amended to include new mandatory sexual abuse prevention program, which is similar to the program found in the governing legislation for health regulators. This program will be in effect—is in our *Act* as a proposed amendment. The program will include measures aimed at preventing and dealing with sexual abuse of students and will require education and guidelines for College members, training for College staff and the provision of information to the public. Discipline Committee decisions will also remain permanently available on the College's website. So some of you may have gone to our website and seen our discipline decision list, and in the past, if certain requirements were met, some of those decisions would be pulled off of the website. Now, with the new amendments, (inaudible) result of Bill 229, all those Discipline Committee decisions that appear on our website will remain on our website. So, they will not be removed.

And with that, that is the end of this very high level overview of the transition that we're currently going under and some of the other Bill 229-related amendments. With that, I'll open up if there are any questions. I don't know if Lise, Stephane or Ryan saw any questions. If not, we can move over to David's presentation. Okay, so seeing that, I think I'll hand it off to David. Thank you very much.

Text: Funding for Therapy and Counselling

David: All right. Thanks so much, Saran, and good afternoon, everyone. I'm happy to be here carrying the anchor of the relay of presentations we're providing today. As well, I'm very happy to be talking to you for the next five to seven minutes about a program that the College has been developing over the last 18 months or so relating to providing funding for therapy and counselling. My main goal today is to, first of all, make you aware of the program. And my hope is that through your awareness that that's something that could be then sent on to those who may be most in need of access to this. My hope as well is to hear your good ideas and create a dialogue. We are looking at various ways to improve the information flow about this program and to raise overall sector aware, and I would be grateful, even were they offline discussions, to continue those conversations and look for opportunities. So, let's keep those two pieces in mind as I go through some of the information.

Text: Funding for Therapy and Counselling

- What it is
- Why we are presenting to you

David: And to our next slide, I'll just highlight that since last year and January 1, 2020, the College has had in effect a program that provides funding for therapy and counselling, and this is something that is now created in our legislation and regulations and it's fully funded by the College to provide for funding for victims of sexual abuse, child pornography or prescribed sexual acts by a member of the College. This is a program that's very similar to programs that other health-regulated professions offer under their own legislation and is designed and carried out as a compassionate measure for victims.

Text: Funding for Therapy and Counselling

- \$17,370, available to help cover claimants costs for therapy and counselling
- Applies to member sexual abuse, prohibited acts of child pornography, or other prescribed act
- After January 1, 2020

David: Jumping to the next slide. The specific funding totals \$17,370 that could be accessed or is available to help cover a claimant's costs for therapy and counselling, again based on allegations made to the College of member sexual abuse, child pornography or prescribed sexual acts. We have further definition around the acts themselves and, because of how the legislation is written, those would have to have occurred after January 1st, 2020.

Text: Funding for Therapy and Counselling

- Students and their parents, guardians and siblings

David: Jumping to the next slide. That figure that I've showed on the screen of \$17,370 is available to a [sic] individual, a victim, a student victim or—and/or to members of their families. So, this could be accessed as a total pool of \$17,370 by either the student, their parents or guardians and/or siblings. And the payment and reimbursement of these funds is really administered like many of our health insurance programs, where either reimbursements based on claims could be provided, assuming that those are eligible. Or direct funding and payment to a therapist or counsellor could be arranged through the program. So there are a few avenues that can be accessed.

Text: Funding for Therapy and Counselling

- Direct costs
- Prescription drugs and other medicinal substances
- Indirect costs
 - Transportation, accommodation, meals, child care, translation services

David: If a person is approved, the program provides for a range of different reimbursements or payments. First of all, direct costs for therapy or for counselling. As well, prescription drugs or other medicinal substances can be reimbursed through the program. The program also provides for the payment of indirect costs, and these

would be costs that are related to obtaining or to seeking therapy and counselling and could cover everything from transportation, accommodation, meals, childcare or translation services. And those fall under normal guidelines of reasonable and customary costs.

Text: Funding for Therapy and Counselling

- Distinct from complaints, prosecution

David: This is a program dealing with the most sensitive subject and those who are in the most need, and for that reason, it's one that we are handling very carefully in the administration where it is treated very distinct from our work and our administration in dealing with complaints or the prosecution of complaints. And we, as a College, have established, in everything from design in the program to operating it, established firewalls between the processes. So, the files and the management or carriage of any of the reimbursement claims are handled completely separately from the administration of work through investigations and hearings.

As well, we do keep information about the specific nature of the claims or reimbursements confidential.

Text: How to help

- OCT: challenges to contact
- You / other allies help for awareness
- Within role, program information, direct to College

David: The real goal, again, for today is to let you, as potential touchpoints and as staff who may be dealing with students, who may be able to avail themselves, to let you know that this exists. And it's really our hope that we could use you as allies and champions of the program to simply direct those who may be able to access it to us through the College's website, through all of the materials that we prepare and even through just simply dialling it(?) in to our main switchboard. Anyone who is interested in learning more information about eligibility all the way through to reimbursement of funding for therapy and counselling could be put in touch with the right people. And we hope to be able to get that information out as wide and as broadly as possible.

We as a [sic] organization really have faced some challenges in getting this information out simply because, in some cases, the College may not have direct contact with a student victim or with their families. So, we are, again, looking to allies to be able to share this information and at least be aware that the program exists and is out there, and we hope that within your roles that you could then refer those who may be eligible to the College.

Text: How to help

- Your advice on how to get this information to those that can use it

David: All of our contact information, again, is available through the website and in the materials, and we do hope that you'll be able to share this information both within

your organization's resources and with any staff who may potentially benefit from being able to share it.

I'll pause there to see if there are any questions that are coming in through chat or through our moderator. And just ask Lise if anything is coming in?

Okay. And the last piece I would say is this, too, is something that we hope to use in bettering the program and if those of you who are working in this area have advice on how to even further reach those potential recipients of funding, our contact information, again, is available through the materials. And I would love to be able to have those conversations and hear suggestions and good ideas.

I will conclude on that note and wish everyone a good afternoon.

Text: Ontario College of Teachers

Ordre des enseignantes et des enseignants de l'Ontario

Lise: Thank you, David. So we'll give it another minute or two. If there are any other questions, please feel free to put them into the chat before we close out the webinar.

David, there is a question for you. Have we lost David?

Stephanne: Lise, it seems like David's already signed off.

Lise: Okay.

Stephanne: So I guess to answer the question, we can definitely take that back and send you a response, Stefanie.

Lise: Thank you, Stephanie.

Stephanne: Oh, I do see that David is back on. David, did you want to unmute yourself? There was a question for you.

David: Oh, thanks very much and sorry about that, I was just disconnected.

Lise: No worries. So the question for you is "School board labour relations staff who investigate sexual misconduct are also in need of support. Would they qualify?"

David: Thanks for the question. And unfortunately, they would not qualify for specific funding under the program. It is very carefully prescribed and laid out in legislation that it would be designed specifically for victims of those prescribed areas or those prescribed acts that I listed. Namely, sexual abuse, prescribed sexual acts or—yes, prescribed sexual acts under the legislation, and child pornography, and specifically for victims or those members of their family. And it's something we've explored the edges of and had similar requests even from members about receiving similar funding, but it is something that is, instead, very narrowly focussed on student victims of those acts by members of the College.

Lise: Thank you, David. Okay, I don't see any other questions so I think we will conclude the webinar for today. Once again, the handouts—the copy of the slide show is available in the handout section and as you exit the webinar today, you will be asked

to fill out a survey. Please do so. Your feedback is very helpful in helping us plan for future sessions.

So thank you again for joining us today and I hope you enjoy the rest of your day.