



Ontario's Teaching Regulator
L'organisme de réglementation
de l'enseignement en Ontario

Memo

Date: September 28, 2023

To: Council of the Ontario College of Teachers

From: Elaine Lajeunesse, Chair
Selection and Nominating Subcommittee

Subject: Report of the Selection and Nominating Subcommittee

Subcommittee Meeting Dates

Since its last report to Council on March 21, 2023, the Selection and Nominating Subcommittee met on May 24, June 20, July 27 and September 20, 2023. The subcommittee also met on August 21, 2023 to conduct interviews of candidates for Council positions.

Summary of Work

Council Competency Matrix

At the May, June and September meetings, subcommittee members made recommendations to modernize terms and definitions reflected in the Council competency matrix, and to provide greater clarity on the qualifications of Ontario Certified Teachers (OCTs). The subcommittee's recommended revisions are reflected in Attachment 1 to this report. If approved, the changes will also be reflected in the matrices for committees and rosters.

Proposed Regulatory Amendments

At the May 24, 2023 meeting, the subcommittee received a legal opinion regarding appointment terms and the six-year service limitation as outlined in O. Regulation 563/21 (the Regulation) and the *Ontario College of Teachers Act* (the Act). Guidance was requested to inform the subcommittee's recommendations for future appointments.

Section 5(4) of the Act requires that a person who has served six consecutive years in a governance role may not be reappointed until at least three years have passed. The Regulation stipulates that all appointments shall be for a two-year term, with the exception of non-OCTs who are appointed for a term as set out in their Order in Council. Legal counsel was asked if Council could appoint an OCT to Council for a term of less than two years if that person still had room left under their six-year cap (e.g. if they had served for only five years).

Legal counsel concluded that Council should not appoint a person to a two-year term if the two-year period would put them in breach of the Act. The subcommittee determined that it will follow the advice provided and ensure that no appointments for Council or committee positions are recommended that would cause a person to exceed the six year consecutive service limitation.

The subcommittee subsequently identified concerns regarding the requirement as set out in the Regulation that Council subcommittee appointments must also be made for a two-year term. Non-OCT members of Council are currently appointed by the Lieutenant Governor under an Order in Council for a three-year term, all of which began on January 1, 2022. As a result, those members of Council would have only one year of eligible service remaining after December 31, 2023 and could not be reappointed to a subcommittee for a further two-year term. This restriction would mean that no Council subcommittees could be duly constituted after December 31, 2023.

Following the receipt of additional legal advice, the subcommittee is recommending that amendments be made to the Regulation as outlined in the briefing note that is provided as Attachment 2 to this report.

Appointment and Reappointment Recommendations

The subcommittee developed a multi-step process to inform its recommendations for appointments and reappointments to Council, committee and roster positions as well as for chair and vice-chair positions. As a first step, all individuals who are eligible for reappointment were asked to confirm their willingness to continue serving in a governance role.

Subcommittee members also developed a brief survey that did not evaluate service but asked for affirmation of a recommendation for reappointment. The surveys were distributed to the Chair of Council, Council members, committee chairs and vice-chairs, committee members, independent legal counsel (where applicable) and senior staff. The results of the surveys were reviewed at the September 20, 2023 subcommittee meeting.

The subcommittee addressed the need to fill two current vacancies on Council and one pending vacancy that will arise in January 2024. As a first step, a completed competency matrix for Council was reviewed to identify any possible gaps. The Chair of Council and the Registrar also shared information received from the French-language education sector that requested representation on Council to better communicate current concerns within the French-language school system. Subcommittee members acknowledged the concern but when reviewing applications for Council positions received through the College's web portal, also noted that no applications had been received from eligible, qualified OCTs employed within the French-language school system.

In total, 120 applications for a position on Council were received via the College's online application portal. The subcommittee identified 12 non-OCTs and 8 OCTs whose applications and resumes were provided to an external executive recruitment firm for initial screening and evaluation. The ratings and comments from the recruitment firm were reviewed at the July 27, 2023 meeting, and the subcommittee invited 2 non-OCTs and 3 OCTs to participate in interviews that were conducted virtually on August 21, 2023.

Recommendations for Council's consideration are reflected in Attachment 3a to this report and supporting resumes are included as Attachment 3b.

At the September 20, 2023 meeting, the subcommittee finalized recommendations for new appointments and reappointments for committee, roster and committee chair and vice-chair positions, as outlined in Attachment 3a to this report.

Draft Policy

At the May meeting, the subcommittee endorsed a proposal to work with an external consultant to develop a policy regarding the verification of Indigenous kinship. Subcommittee members had indicated concerns with a recent trend related to Indigenous identity fraud and the College's obligation as set out in the Act to appoint at least one person to Council who identifies as Indigenous.

On September 20, 2023, the subcommittee met with the consultant to review and revise a draft policy that it is pleased to recommend for Council's consideration at the October 5, 2023 Council meeting.

Motions Referred to Council

The Selection and Nominating Subcommittee recommends:

1. That Council approve the proposed revisions to the Council competency matrix, as outlined in Document 61, Attachment 1.
2. That Council request that the Minister of Education amend O. Reg. 563/21 (General) as recommended in Document 61, Attachment 2.
3. That Council approve the recommendations for Council, committee and roster member appointments and reappointments, as outlined in Document 61, Attachment 3.

Subcommittee Mandate/Duties

The mandate and duties of the Selection and Nominating Subcommittee are outlined in the attached Appendix 1.

Future Meeting Dates

The subcommittee will meet again in March 2024.

Subcommittee Members

- Elaine Lajeunesse (Chair)
- Douglas Gosse, OCT (Vice-Chair)
- Abena Buahene
- Tammy Webster, OCT

Appendix 1

Subcommittee Mandate/Duties

Per Section 5.05 of the College Bylaws, the Selection and Nominating Subcommittee shall:

- Carry out the duties prescribed in section 15.2 of the Act; and
- Carry out the additional duties prescribed in section 14 of Regulation 563/21 (General).

Per the *Ontario College of Teachers Act*:

- 15.2 (4) The Selection and Nominating Subcommittee shall,
- (a) review and assess applications of persons who have applied to be appointed to the Council under clause 4 (2) (a), and based on the review and assessment, prepare a list of nominees who may be appointed to the Council under that clause;
 - (b) review and assess applications of persons who have applied to be appointed to the Council under clause 4 (2) (b), and based on the review and assessment, prepare a list of nominees for the Lieutenant Governor in Council to consider for appointment to the Council under that clause;
 - (c) review and assess applications of persons who have applied to be appointed to a statutory committee or regulatory committee, and based on the review and assessment, prepare a list of nominees who may be appointed to such a committee;
 - (d) recommend persons for the positions of Chair of Council and of each regulatory committee, and for Chair and Vice Chair of each statutory committee;
 - (e) review and assess applications of persons who have applied to be appointed to the roster of eligible panellists under clause 17 (4) (a), and based on the review and assessment, prepare a list of nominees who may be on the roster; and
 - (f) carry out any other duty prescribed by the regulations. 2020, c. 36, Sched. 33, s. 9.

Per Ontario Regulation 563/21 (General):

14. (1) In addition to performing its duties of the Selection and Nominating Subcommittee under the Act, the subcommittee shall,

- (a) prepare a list of nominees composed of members of the statutory committees for the Council to consider for appointment to the Adjudicative Body of Chairs as additional members referred to in paragraph 3 of subsection 15.1 (1) of the Act;
 - (b) if requested by the Minister, prepare a list of nominees for the Lieutenant Governor in Council to consider for appointment to a roster under clause 17 (4)(b) of the Act; and
 - (c) prepare a list of nominees for the Council to consider for appointment to subcommittees of Council, including the Selection and Nominating Subcommittee.
- (2) The Selection and Nominating Subcommittee shall not consider an application from a person for appointment to the Council, a statutory committee, regulatory committee, roster or subcommittee of the Council if the person does not meet the eligibility criteria for that position.
- (3) The Selection and Nominating Subcommittee shall consider, as applicable, the following selection criteria when reviewing and assessing applications for appointment to the Council, a statutory committee, regulatory committee or roster or a subcommittee of the Council, including the Chairs and Vice-Chairs of such bodies:
1. Demonstrated commitment to the College's mission, mandate and the safeguarding of students.
 2. Familiarity with relevant legislation and policies.
 3. Demonstrated ability to practise independent and unbiased decision-making.
 4. Independence from other memberships, directorships, voluntary or paid positions or affiliations that may present a conflict of interest.
 5. Previous governance or board of directors experience.
 6. Availability to perform the duties of the position, including completing training, attending meetings and preparing for hearings, proceedings and other matters before a panel.
 7. Demonstrated ability to make evidence-based decisions efficiently.
 8. Computer literacy and experience working remotely.
 9. Oral and written fluency in either English or French.
 10. Experience as a principal, vice-principal or supervisory officer.
 11. Specialized knowledge, expertise or experience,
 - i. in teacher education, or as an educator in a faculty of education,

- ii. in financial, auditing and human resources,
 - iii. in adjudication, or
 - iv. in complaint screening.
- (4) When preparing the list of nominees or recommendations for appointment to the Council, a statutory committee, regulatory committee or roster, or the Selection and Nominating Subcommittee, as the case may be, the Selection and Nominating Subcommittee shall consider including on the list,
- (a) persons who reflect the diversity of Ontario;
 - (b) persons who reside in different regions of Ontario; and
 - (c) persons who reflect the composition of Ontario's education system, including persons employed by,
 - (i) English-language public boards,
 - (ii) French-language public boards,
 - (iii) English-language separate boards, and
 - (iv) French-language separate boards.