



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

Memo

Date: November 28, 2022
To: Council of the Ontario College of Teachers
From: Jason Bennett, Director
Corporate and Council Services (Interim)
Subject: Proposed Bylaw Amendment – Section 20.1

In accordance with the Notice of Motion provided at the December 8, 2022 Council meeting, Council is asked to consider an amendment to Section 20.1 (Contents of the Register) of the College Bylaws, as detailed below.

Subsection 23(2) of the *Ontario College of Teachers Act, 1996* (the Act) provides that the register shall contain,

(b.5) a notation of every decision of the Discipline Committee following a proceeding, together with a link to the decision as published on the College's website;

Section 45.1 of the Act requires all Discipline Committee decisions and reasons to be posted. The only exception to this provision is for unfounded allegations.

However, Section 20.01 of the Bylaws as drafted inadvertently creates an exception for Discipline Committee reinstatement decisions where the member has not been reinstated. It reads as follows, with the proposed amendment to the Bylaws also noted:

20.01 Subject to section 20.02, in addition to the information prescribed by section 23 of the Act, the register shall contain: ...

b. if the Discipline Committee has made a decision, or adopted a resolution, a notation stating:

vi. **if an order has been made after hearing an application under s. 33 of the Act.**

~~a member is reinstated following revocation of the member's certificate a statement to that effect.~~

It is therefore recommended that Section 20.01(b)(vi) of the Bylaws be amended so that every Discipline Committee reinstatement or variation decision (e.g., granting or denying reinstatement, granting or denying requests to remove suspensions, or making changes to terms, conditions or limitations) should appear on the College's public register, in accordance with the requirements of the Act.

Council is asked to consider the following motion:

That Section 20.01(b)(vi) of the College Bylaws be amended by deleting, “a member is reinstated following revocation of the member’s certificate a statement to that effect” and substituting, “if an order has been made after hearing an application under s. 33 of the Act,” to read:

20.01 Subject to section 20.02, in addition to the information prescribed by section 23 of the Act, the register shall contain: ...

b. if the Discipline Committee has made a decision, or adopted a resolution, a notation stating:

vi. if an order has been made after hearing an application under s. 33 of the Act.