



April 30, 2021

The Honourable Stephen Lecce
Minister of Education
438 University Avenue, 5th Floor
Toronto ON M7A 2A5

Dear Minister Lecce,

We are writing to share the draft regulatory intent required to implement the governance and student protection amendments introduced into the Ontario College of Teachers Act in December 2020.

The regulatory intent related to governance will outline the parameters, processes and practices required to support an effective and transparent governance structure for the College. These regulations also outline the eligibility requirements, competencies and strengthened focus on the College's mandate needed for incoming members of Council, committees and the roster of panellists.

Another key deliverable in this government's agenda of student protection is the introduction of the sexual abuse prevention program. Regulations – both new and revised – are needed to make this program a requirement for new and existing teaching professionals in Ontario.

College staff have been consulting with Ministry staff throughout April on the policy intent of both sets of regulations. These elements are described in the regulatory intent documents attached to this letter and reflect the discussions with Ministry staff between April 14 and April 28, 2021.

In order to ensure the successful implementation of these initiatives within the current project timelines, the College will require the Ministry's assistance in finalizing and filing both regulations by the end of June, 2021.

The implementation of these significant changes is exciting and not without challenges. We reiterate the critical timing for many of these changes – legislative and regulatory – and thank you in advance for the focus you and your colleagues can devote to their introduction.

Sincerely,

Handwritten signature of Paul Boniferno in black ink.

Paul Boniferno
Transition Supervisory Officer

Handwritten signature of Dr. Derek Haime in blue ink.

Dr. Derek Haime, OCT
Registrar and Chief Executive Officer

Encl:

- Regulatory Intent Core Document April 14
- Sexual Abuse Prevention Program Regulatory Intent April 9

PB/DH/RL/TC/tk-ccs

Regulatory Intent – April 14, 2021 Version

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General:

1. Terms of Office

- (1) The term of office for members of Council or a statutory or regulatory committee or the Selection and Nominating Subcommittee shall be for a period of two years.
- (2) The members of Council or a statutory or regulatory committee or the Selection and Nominating Subcommittee shall be appointed by the Council or the Lieutenant Governor in Council (for non-licensee members of Council) as soon as reasonably possible after a vacancy exists.

2. Term of Office (Transitional Provision)

- (1) Half of the licensees appointed to Council and half of the licensees and non-licensees appointed to a statutory or regulatory committee or the Selection and Nominating Subcommittee by the Transition Supervisory Officer effective January 1, 2022 shall be appointed for a one-year term.
- (2) Half of the non-licensees appointed to Council by the Lieutenant Governor in Council effective January 1, 2022 shall be appointed for a one-year term.
- (3) Half of the licensees appointed to Council and half of the licensees and non-licensees appointed to a statutory or regulatory committee or the Selection and Nominating Subcommittee by the Transition Supervisory Officer effective January 1, 2022 shall be appointed for a two-year term.
- (4) Half of the non-licensees appointed to Council by the Lieutenant Governor in Council effective January 1 2022 shall be appointed for a two-year term.
- (5) Following the completion of the initial one or two-year term appointment made during the transition period, individuals appointed to future Council or a statutory or regulatory committee or the Selection and Nominating Subcommittee shall be appointed by Council or the Lieutenant Governor in Council (for non-licensee members of Council) for a two-year term.

3. Quorum at Meetings

- (1) The quorum for Council, statutory and regulatory committees or the Selection and Nominating Subcommittee shall be a majority of the number of positions on the Council or the committee.

4. Vacancies

- (1) For the purposes of this Regulation, the seat of a licensee or non-licensee on Council or a statutory or regulatory committee or the Selection and Nominating

Subcommittee becomes vacant if the individual dies, resigns or is disqualified from sitting on Council or the committee. For the purposes of this definition disqualification means removal from Council or a committee.

- (2) For the purposes of this Regulation, the resignation of a licensee or non-licensee is effective when received by the Registrar in their role as Secretary to Council (Act s. 4 (3)).
- (3) If the seat of a licensee or non-licensee on Council or a statutory or regulatory committee or the Selection and Nominating Subcommittee becomes vacant, the Selection and Nominating Subcommittee will be advised by the Registrar of the vacant position and asked to recommend an individual to Council to fill the vacancy. If the vacancy involves the seat of a non-licensee on Council, Council's recommendation will be forwarded to the Minister to fill the vacancy.
- (4) The Selection and Nominating Subcommittee shall make its determination under subsection (3) as soon as reasonably possible.
- (5) A person appointed under this section shall hold office for a two-year period irrespective of when the former Council or committee member's term would have expired.
- (6) Within 10 days of a vacancy arising, the Registrar shall,
 - (a) Notify the members of the Selection and Nominating Subcommittee that the vacancy has arisen;
 - (b) Provide the members of the Selection and Nominating Subcommittee with the information that they need in order to be able to fill the vacancy; and
 - (c) Draw the attention of the Selection and Nominating Subcommittee to its obligation to act expeditiously.
 - (d) In filling a vacancy on the Adjudicative Body of Chairs, draw the attention of Council and the Selection and Nominating Subcommittee, as the case may be, to the requirements under the Act and Regulations to ensure compliance.

5. Eligibility Criteria

- (1) A licensee is eligible to apply for a position on Council, a statutory or regulatory committee pursuant to section 4(2)(a) of the Act, if the person,
 - (a) Is a licensee of the College in good standing. Good standing means that the licensee has registered with the College, paid the annual licensee fee and has a valid license for that calendar year. The individual is authorized to teach in publicly-funded schools in Ontario.
 - (b) For a position on Council an individual must also be employed as a supervisory officer, principal or vice-principal, full time or part time classroom teacher or continuing education teacher, tenured or tenured track faculty of education member, guidance counsellor, librarian, mentor or consultant directed

to supervise or co-ordinate subjects or programs, or is on parental, sick, family or compassionate leave.

- (c) Resides in Ontario
- (d) Is not employed by or in the College and, as of the day the term would start, would not have been so employed within the immediately preceding three years.
- (e) Has not served in any single or combination of Council, statutory or regulatory committees or roster roles for more than six consecutive years and if having previously served the maximum period of six consecutive years, at least three years have elapsed since the end of the members' last term.
- (f) Is not serving on Council or another statutory or regulatory committee at the time of their appointment.
- (g) Has not held an elected, appointed or employed positions at the provincial or local level of any of the following organization for the three years preceding the appointment.

1. Association des directions et directions adjointes des écoles franco-ontariennes.
2. Association des enseignantes et des enseignants franco-ontariens.
3. Association des gestionnaires de l'éducation franco-ontarienne.
4. Catholic Principals' Council of Ontario.
5. Council of Ontario Directors of Education.
6. Elementary Teachers' Federation of Ontario.
7. Ontario Catholic Supervisory Officers' Association.
8. Ontario English Catholic Teachers' Association.
9. Ontario Ministry of Education.
10. Ontario Principals' Council.
11. Ontario Public Supervisory Officials' Association.
12. Ontario Secondary School Teachers' Federation.
13. Ontario Teachers' Federation.

- (2) A non-licensee is eligible to apply for a position on Council, a statutory or regulatory committee or roster of panellists pursuant to section 4(2)(b) of the Act, if the person,
 - (a) Is not a current or former licensee of the Ontario College of Teachers
 - (b) Resides in Ontario
 - (c) Is not employed by or in the College and, as of the day the term would start, would not have been so employed within the immediately preceding three years.
 - (d) Is not serving on Council or another statutory or regulatory committee at the time of their appointment.
 - (e) Has not served in any single or combination of Council, statutory, regulatory committee or roster roles for more than six consecutive years and if having previously served the maximum period of six consecutive years, at least three years have elapsed since the end of the members' last term.

6. Application and Appointment Process

- (1) The Registrar shall administer the application process for members of Council, statutory and regulatory committees and rosters of panellists.
- (2) The Registrar shall maintain a list of all Council, statutory and regulatory committees and roster panellist positions in the College's official publication and/or in any other print or electronic medium and invite applications.
- (3) The application process for Council, statutory and regulatory committee and roster panellist positions shall be by electronic means on a form provided by the Registrar.
- (4) The Registrar shall administer the application process for members of the Selection and Nominating Subcommittee from members of Council.
- (5) All eligible applications received by the Registrar will be provided to the Selection and Nominating Subcommittee for review and recommendation to Council pursuant to section 7.
- (6) Council shall receive the recommendations from the Selection and Nominating Subcommittee and,
 - (a) For licensees and non licensees, other than non-licensees on Council, appoint members to Council, statutory and regulatory committees and the Selection and Nominating Subcommittee, and
 - (b) For non-licensees on Council, recommend Council's proposed appointments, to the Lieutenant Governor in Council.

7. Selection Criteria

- (1) The Selection and Nominating Subcommittee shall reject all applications that contravene the eligibility criteria outlined in regulation.
- (2) The Selection and Nominating Subcommittee shall assess applications against the following competencies or attributes established for service on Council, statutory and regulatory committees and roster of panellists:
 - (a) Demonstrated commitment to the College's mission, mandate and the safeguarding of students
 - (b) Familiarity with the College's legislation, regulations and policies
 - (c) Demonstrated ability to practise independent and unbiased decision making
 - (d) Independence from other memberships, directorships, voluntary or paid positions or affiliations that may present a conflict of interest
 - (e) Previous governance or board of directors' experience
 - (f) Availability to perform the College's work including any meeting or panel preparation/reading requirements, training and the like
 - (g) Demonstrated ability to make decisions quickly and efficiently based on the available information
 - (h) Computer literacy and experience working in a remote environment
 - (i) Oral and written fluency in either English or French

- (j) Residential address, to ensure adequate representation from all regions of the province.
- (k) Demographic representation (e.g., gender, diversity, inclusion)
- (l) Current or former employment as a principal, vice-principal or supervisory officer
- (m) Specialized content, knowledge and expertise in:
 - teacher education and/or experience as an educator in a faculty of education (in the case of teacher education program reviews); or
 - financial, auditing and human resources; or
 - adjudicative or complaint screening panel experience and/or applicable training

8. Council and Committee Chairs

- (1) The Selection and Nominating Subcommittee shall recommend to Council the appointment of individuals to serve as the Chair of Council and the Chair and Vice- Chair for each statutory and regulatory committee and the Selection and Nominating Subcommittee, from among the members appointed to Council or the statutory or regulatory committee or the Selection and Nominating Subcommittee.
- (a) Notwithstanding the above, pursuant to section 42(1) (d.3) and 42(3.1) of the OCTA, the Transition Supervisory Officer shall appoint the Chair of Council, the Chairs of the Statutory, Regulatory Committees and the Chairs of the Council sub-committees. The Chairs appointed to these roles shall be the first Chairs of Council, the Committees or sub-committees following the transition period.
- (2) The term of office for the Chair and Vice-Chair of each Council, statutory and regulatory committee or the Selection and Nominating Subcommittee shall be for one year.
- (3) (a) In the absence of the Chair of Council, the Chair of the Selection and Nominating Subcommittee shall act as and have all the powers of the Chair.
- (b) In the absence of the Chair of Council and the Chair of the Selection and Nominating Subcommittee, Council shall select a person from among its members to temporarily act as and have all the powers of the Chair.
- (4) (a) In the absence of a Chair of a statutory or regulatory committee or the Selection and Nominating Subcommittee, the Vice-Chair shall temporarily act as and have all the powers of the Chair.
- (b) In the absence of the Chair or Vice-Chair of a statutory or regulatory committee or the Selection and Nominating Subcommittee, the Committee shall

select a person from among its members to temporarily act as and have all the powers of the Chair.

(5) The Chair of Council and of a statutory or regulatory committee or the Selection and Nominating Subcommittee may vote at meetings of the Council or the committee they chair.

(6) The role of the Chair of Council and of the Chair of a statutory or regulatory committee or the Selection and Nominating Subcommittee shall be limited to the following duties:

(a) Leadership

- i. guide the Council or committee in carrying out its mandated responsibilities, working collaboratively with the Registrar/CEO in support of the College's mission, mandate and strategic priorities
- ii. Lead orderly deliberation and decision-making
- iii. speak on behalf of the Council or committee, stating the Council or committee position within the areas delegated to him/her
- iv. act as liaison between Council or committee and the Registrar/CEO

(b) Meeting Management

- i. call and preside over meetings
- ii. approve meeting agendas and meeting dates, ensure that meeting agendas reflect matters assigned to Council or the committee in statute or regulation
- iii. ensure that minutes are taken at each meeting, review and approve minutes at subsequent meetings and sign once approved
- iv. direct individuals who have made a conflict-of-interest declaration to leave the meeting when the issue is being discussed
- v. provide reports for inclusion to the Annual Report and to the annual meeting of members.

(c) Public Interest

In carrying out these duties, the Chair of Council and the Chair of a statutory or regulatory committee or the Selection and Nominating Subcommittee shall ensure that any action serves and protects the public interest.

(7) The Selection and Nominating Subcommittee shall receive applications from members of Council, statutory and regulatory committees or the Selection and Nominating Subcommittee interested in serving as Chair or Vice-Chair of their respective body.

(8) The Selection and Nominating Subcommittee shall assess applications against the following competencies established for service as Chair of Council and Chair or Vice-Chair of the Selection and Nominating Subcommittee:

- (a) previous experience serving as Chair of a Board and/or Committee
- (b) previous governance or board of directors' experience
- (c) demonstrated focus on the public interest
- (d) demonstrated competence in a leadership role

- (e) ability to make evidence-based decision-making quickly and efficiently.
- (f) willingness to commit to the time required.

(9) The Selection and Nominating Subcommittee shall assess applications against the following competencies established for service as Chair or Vice-Chair of a statutory or regulatory committee, including the Adjudicative Body of Chairs:

- (a) adjudicative or complaint screening panel experience and/or applicable training
- (b) previous governance or board of directors' experience
- (c) demonstrated focus on the public interest
- (d) demonstrated competence in a leadership role
- (e) ability to make evidence-based decision-making quickly and efficiently.
- (f) willingness to commit to the time required.

9. Panels and Panel Chairs

(1) The Registrar shall appoint from among the committee's membership and roster membership, the members of each statutory committee panel.

(2) The Registrar shall appoint as the Chair of the panel of a statutory committee, a member of the panel.

(3) The role of a Panel Chair of a statutory committee shall be limited to the following duties:

- (a) Leadership
 - i. guide the panel in carrying out its mandated responsibilities
 - ii. ensure orderly deliberation and decision-making
 - iii. speak on behalf of the panel during a hearing, where applicable
 - iv. act as liaison between the panel, committee Chair and Registrar
- (b) Hearing or Proceeding Management
 - i. ensure that all panel members are in attendance
 - ii. call and preside over the hearing or proceeding
 - iii. ensure that there is a record of the hearing or proceeding
 - iv. direct individuals who have made a conflict-of-interest declaration to withdraw from the panel
 - v. adjourn the hearing or proceeding
- (c) Public Interest

In carrying out these duties, the Chair of a statutory committee panel shall ensure that any action serves and protects the public interest.

10. Meetings

- (1) Council shall meet a minimum of four times a year (Act 8.1) and each statutory, regulatory committee or Council subcommittee shall meet at least once a year.
- (2) Council, statutory and regulatory committees and Council subcommittees shall meet,
 - (a) when requested to do so by their respective Chair or by the Registrar and Chief Executive Officer, with due regard to the committee's mandate and approved annual budget.
 - (b) when requested in writing signed by a sufficient number of members of Council or the committee/subcommittee to constitute a quorum of the respective Council or committee.
 - (c) when requested by the Adjudicative Body of Chairs, pursuant to its authority under the Act. (to hold a hearing)
- (3) A meeting of Council, a statutory or regulatory committee or Council subcommittee may be held by any means that permits every person participating in the meeting to communicate with each other simultaneously and instantaneously.

11. Oath or Affirmation

- (1) A person appointed to Council, a committee, a roster of panellists or a Council subcommittee shall, before taking office, swear an oath or make an affirmation as follows:

I will faithfully and impartially, to the best of my knowledge and skill, perform the duties of a member of the (Council/Committee/Roster of panellists) of the College.

In so doing, I will ensure that the guiding principle in the performance of my duties is the duty to serve and protect the public interest, which is my duty as a (Council/Committee/Roster) member and a duty of the College.

I will perform the duties of my position without favour or ill will to any person or entity.

I will ensure that other memberships, directorships, voluntary or paid positions or affiliations that I may hold will not interfere or conflict with the performance of my duties as a (Council, committee, roster) member.

As a (Council, committee and roster) member, I will be respectful of management's role and their professional responsibilities. I acknowledge that I am expected to fulfill my responsibility through the (Council, committee or panel's) direction to the Registrar and CEO and recognize the Registrar and CEO's responsibility to manage affairs and functions of the College.

So help me God. (Omit this line in an affirmation.)

(2) In swearing the oath or making the affirmation, the person shall use the form provided by the Registrar.

(3) The oath shall be sworn or the affirmation shall be made before a commissioner for taking affidavits.

(4) The person appointed to (Council/Committee/Roster) shall swear the oath or make the affirmation, and present the completed form referred to under subsection (2) to the Registrar, by,

- (a) the first meeting of (Council/Committee/panel) that the person would otherwise be eligible to attend as a member; or
- (b) such other date as is determined by the Registrar, but in any event no later than one month after the meeting mentioned in clause (a).

(5) The person appointed to (Council/Committee/Roster) may not take office if he or she fails to swear the oath or make the affirmation required under subsection (1). O. Reg. 271/06, s. 1.

12. Conflict of Interest

(1) It is a conflict of interest for a member of the Council or a member of a statutory or regulatory committee or roster of panellists or a Council subcommittee to make a decision, participate in making a decision or be present when a decision is made in the execution of his or her office if,

- (a) there is an opportunity to directly or indirectly confer a benefit on the member or on any person listed in subsection (2); or any organization named in section 5(1)(g) would benefit and
- (b) the member knows or reasonably should know about the opportunity referred to in clause (a).

(2) The persons mentioned in clause (1) (a) are,

- (a) anyone connected with the member by blood relationship, marriage, common-law or adoption;
- (b) a corporation wholly owned or effectively controlled by the member; and
- (c) an employer of the member. O. Reg. 369/07, s. 3.

(3) Despite subsection (1), it is not a conflict of interest for a member of Council to approve resolutions relating to,

- (a) the remuneration of members of the Council, statutory or regulatory committees or roster of panellists or a Council subcommittee;
- (b) the indemnification of members of Council, a statutory or regulatory committee or roster of panellists or a Council subcommittee; or
- (c) the acquisition of insurance in respect of the indemnification of members of Council, the statutory or regulatory committees or roster of panellists or a Council subcommittee.

(4) A member of the Council, a statutory or regulatory committee or roster of panellists or a Council subcommittee who has a conflict of interest in relation to a decision by the Council, a statutory or regulatory committee or roster or a Council subcommittee, as the case may be, or who believes that he or she may have one, shall disclose it immediately upon becoming aware of it, to,

- (a) the Chair of Council or the applicable committee or panel, as the case may be, if the member is not the chair; or
- (b) the Vice-Chair of the Council or the applicable committee or panel, as the case may be, if the member is the Chair.

(5) If the member becomes aware of the conflict of interest before or at any meeting at which the decision is discussed, the member,

- (a) shall not participate in any discussion of the decision,
- (b) shall not vote on the decision; and
- (c) shall withdraw from the meeting for the discussion of the decision and for any vote on the decision, if requested to do so by the person to whom the member is required to disclose the conflict of interest.

(6) The Registrar shall keep a record of all disclosures made under subsection 5.

13. Disqualification and Suspension

(1) The Council shall disqualify a licensee from sitting on the Council, a statutory or regulatory committee or the Selection and Nominating Subcommittee if, at any point during the licensee's term, the licensee,

- (a) is found by the Discipline Committee to be guilty of professional misconduct or to be incompetent;
- (b) is found by the Fitness to Practise Committee to be incapacitated;
- (c) fails, without cause, to attend three consecutive meetings of the Council or of the committee for which he or she is a member;
- (d) fails, without cause, to attend half the meetings of the Council or the committee in any 12-month period;

- (e) fails, without cause, to attend a hearing of a panel of a committee for which he or she has been selected;
- (f) fails to meet the eligibility criteria outlined in Section 5 of this regulation.

(2) A licensee who is disqualified from sitting on Council or a statutory or regulatory committee or the Selection and Nominating Subcommittee ceases to be a member of the Council, statutory or regulatory committee or the Selection and Nominating Subcommittee.

(3) The Council shall suspend a licensee from his or her office as a member of Council or of a statutory or regulatory committee or the Selection and Nominating Subcommittee,

- (a) pursuant to clause 29.1 (3) (complaint referral) or section 31 or 32(hearing); or
- (b) if, at any point during a licensee's term,
 - (i) the Investigation Committee refers a complaint about the licensee to the Discipline Committee or the Fitness to Practise Committee under clause 26 (5) (a) of the Act, or
 - (ii) the Discipline Committee or the Fitness to Practise Committee is directed under subsection 29 (1) or (2) of the Act to hold a hearing and determine allegations of professional misconduct, incompetence or incapacity on the part of the licensee.
- (c) A suspension of a licensee from his or her office as a member of the Council, a statutory or regulatory committee or the Selection and Nominating Subcommittee under subclause (3) (b) (i) or (ii) continues until the matter is disposed of by the Discipline Committee or the Fitness to Practice Committee

(4) A licensee who is suspended under subsection (3) from his or her office as member of Council, a statutory or regulatory committee or the Selection and Nominating Subcommittee shall not participate in any meeting or other proceeding of the Council, statutory or regulatory committee or the Selection and Nominating Subcommittee.

(5) For a member of Council who is a non-licensee, issue a report to the Minister, for referral to the Lieutenant Governor in Council, setting out details of the circumstances and stating that if the member were an individual described in clause (1) or (3), the Council would disqualify or suspend the member from the Council or the committee.

For a member of Committee or a Roster of Panelists who is a non-licensee, the provisions of this section apply.

14. Complaints Against Members of Council, Committees or Rosters

- (1) Any person may make the following complaints:

- (a) A complaint that a member of the Council, a member of a statutory or regulatory committee or Roster had a conflict of interest and failed to disclose it as required under the Conflict-of-Interest Regulation.
 - (b) A complaint that a member of the Council, statutory or regulatory committee or Roster contravened his or her obligations under the oath or affirmation set out in the Conflict-of-Interest Regulation.
 - (c) A complaint that a member of the Council, statutory or regulatory committee or Roster has or may have acted in a manner incompatible with his or her position as a member of the Council, statutory or regulatory committee or Roster including in a manner inconsistent with the College's duty to serve and protect the public interest
- (2) Unless otherwise specified, a reference to a member is a reference to a member of the Council, or a member of a statutory or regulatory committee or Roster of Panellists.
- (3) This section applies for the purposes of:
- (a) determining whether the conditions set out in this section have been met for disqualifying or suspending individuals from sitting on the Council, a statutory or regulatory committee or the roster;
 - (b) determining whether conditions set out in this section have been met to recommend to the Lieutenant Governor-in-Council that individuals be disqualified or suspended from sitting on the Council or the roster (for roster member appointed under s. 17(4)(b) of the Act); and
 - (c) setting out the rules for the removal of disqualified and suspended individuals and recommendations to the Lieutenant Governor-in-Council for the removal of disqualified and suspended individuals.
- (4) A complaint made under clause (1) shall be in writing, or in another form acceptable to the Registrar, shall contain information regarding the basis for the complaint and shall be submitted to,
- (a) the Registrar, if the complaint is against the Chair of the Council; or
 - (b) the Chair of Council and the Registrar if the complaint is made against a member of Council, or the Chair of the committee upon which the member serves, or is a Roster member of, and the Registrar, if the complaint is made against a member of a Committee or Roster.
- (5) The Registrar shall provide a copy of the complaint to the member against whom the complaint is made.
- (6) The Registrar shall investigate every complaint made under subsection (1).
- (7) Following the investigation of a complaint, the Registrar shall,

- (a) dismiss the complaint, if the Registrar determines that the complaint is frivolous, vexatious or an abuse of process; or
- (b) refer the matter and any relevant information to the Council., and/or
- (c) initiate a complaint under section 26 (1) of the Act.

(8) Where a matter is referred to the Council under clause (7)(b),

- (a) the Registrar shall provide to the member against whom the complaint is made any information that is referred to the Council; and
- (b) the member shall be given an opportunity to make representations respecting the complaint to the Council in person or in writing.

(9) Upon receiving a referral, the Council shall,

- (a) dismiss the complaint, if the Council determines that the complaint is frivolous, vexatious or an abuse of process; or
- (b) otherwise, refer the matter to the Adjudicative Body of Chairs for a hearing.

(10) Where the Council refers the matter to the Adjudicative Body of Chairs, the Council shall consider whether it is necessary to immediately suspend the member from his or her office as a member of Council or of a statutory or regulatory committee or the Roster of Panellists to ensure the integrity of the College and its processes, and if the Council determines that immediate suspension is necessary, it shall,

- (a) for a member of Council who is a licensee, a member of a statutory or regulatory committee or a member of the Roster appointed under s. 17(4)(a) or (b) of the Act, suspend the individual from the Council or a statutory or regulatory committee or Roster until the matter is disposed of by the Council or the Adjudicative Body of Chairs; or
- (b) for a member of Council who is a non-licensee, or a member of the Roster appointed under s. 17(4)(b) of the Act, issue a report to the Minister, for referral to the Lieutenant Governor in Council, setting out details of the referral and stating that if the member were an individual described in clause (10)(a), the Council would suspend the member from the Council or Roster until the matter is disposed of by the Council or the Adjudicative Body of Chairs.

(11) The determinations described in subsections (9) and (10) shall be made at a Council meeting and shall be confirmed by a majority of the votes cast at the meeting.

(12) A written record shall be made of the determinations described in clauses (9) and (10) and the reasons for the determinations.

(13) The Registrar shall give the member a copy of the written record described in clause (12).

(14) The Adjudicative Body of Chairs shall hold a hearing for every complaint referred to it from the Council under clause (9).

(15) The Adjudicative Body of Chairs shall make all reasonable efforts to hold a hearing within 120 days after the day a complaint is referred to it from the Council under clause (9).

(16) The hearing and any discussions or deliberations related to it shall be closed to the public.

(17) The person who made the complaint may give evidence and make submissions at the hearing but shall not otherwise be present at the hearing or during any discussions or deliberations related to it.

(18) In a hearing for a complaint, the Registrar shall give evidence and make submissions at the hearing, but shall not otherwise be present at the hearing or during any discussions or deliberations related to it.

(19) The member against whom the complaint is made may give evidence and make submissions at the hearing and may be present throughout the hearing but shall not be present during any discussions or deliberations related to it.

(20) After considering any evidence given and submissions made at the hearing, the Adjudicative Body of Chairs shall, by a majority vote, determine whether the member had a conflict of interest and failed to disclose it, contravened the oath or affirmation, or otherwise acted in a manner incompatible with his or her position as a member of the Council, statutory or regulatory committee or Roster, including in a manner inconsistent with the College's duty to serve and protect the public interest, as the case may be.

(21) If the Adjudicative Body of Chairs determines that a member had a conflict of interest and failed to disclose it, contravened the oath or affirmation, or otherwise acted in a manner incompatible with his or her position as a member of the Council, statutory or regulatory committee or Roster of Panellists, including in a manner inconsistent with the College's duty to serve and protect the public interest, as the case may be, the Adjudicative Body of Chairs may,

- (a) request the Council to reprimand the member in writing;
- (b) for a member of Council who is a licensee, a member of a statutory or regulatory committee or a member of the Roster appointed under s. 17(4)(a) of the Act, request the Council to,
 - (i) suspend the individual from the Council, statutory or regulatory committee or Roster of Panellists for a period of at least 30 days but not more than 90 days,
 - (ii) if the individual had been suspended from his or her office, continue the suspension for a period of at least 30 days but not more than 90 days, or

- (iii) disqualify the individual from sitting on the Council, statutory or regulatory committee or Roster of Panellists; and
- (c) for a member of Council who is a non-licensee, or a member of the Roster appointed under s. 17(4)(b) of the Act, request the Council to issue a report to the Minister, for referral to the Lieutenant Governor in Council, setting out details of the determination under subsection (1) and specifying what action described in clause (b) it would take if the individual was a person described in clause (b).

(22) The Registrar shall inform the individual of the Adjudicative Body of Chair's determination under clause (20) and any request under clause (21) within 10 days of the determination and request, if any.

(23) The Council shall act on the requests, if any, made to it under clause (21) if the time for submitting a notice of appeal under clause (24) has passed and no notice is submitted

(24) An individual against whom a determination under clause (20) or request under clause (21) is made may, within 10 days after receiving notice of the determination or request, submit a written notice of appeal to the Council.

(25) The Council shall hold a hearing for every appeal submitted to it under subsection (24) within 30 days of receiving the notice.

(26) Clauses (16), (17), (18) and (19) apply to the hearing of the appeal.

(27) After considering any evidence given and submissions made at the hearing before the Adjudicative Body of Chairs or at the hearing of the appeal, the findings of the Adjudicative Body of Chairs and any other information that the Council finds relevant, the Council shall, by a majority vote,

- (a) uphold, vary or rescind the determination under clause (20), and
- (b) determine whether to do anything requested under clause (21).

(28) For greater clarity, any reference to a member of Council who is a licensee, a member of a statutory or regulatory committee or a member of the Roster appointed under s. 17(4)(a) of the Act includes a member appointed by the Transition Supervisory Officer under s. 65(2) of the Act.

(29) If a member is suspended or disqualified from Council, they are also suspended or disqualified from serving on any subcommittees of Council.

Committees:

15. Adjudicative Body of Chairs

(1) The Selection and Nominating Subcommittee shall recommend that Council appoint the Chairs and Vice-Chairs of the following committees as members of the Adjudicative Body of Chairs:

1. The Fitness to Practise Committee.
2. The Discipline Committee.
3. The Registration Appeals Committee.
4. The Investigation Committee.

(2) Following Council's appointment of statutory committee Chairs and Vice-chairs, the Selection and Nominating Subcommittee shall recommend that Council appoint additional individuals to the Adjudicative Body of Chairs to ensure an equal membership of licensees and non-licensees.

(3) The Selection and Nominating Subcommittee shall recommend that Council appoint the Chair and Vice-Chair of the Adjudicative Body of Chairs pursuant to section 8.

(Note Section 15(3) OCTA Council members ineligible to serve on Statutory Committees)

16. Investigation Committee

(1) The Investigation Committee shall be composed of fourteen individuals.

(2) The Selection and Nominating Subcommittee shall recommend that Council appoint seven licensees and seven non-licenses to the Investigation Committee.

(3) A complaint to be considered and investigated by the Investigation Committee under section 26 of the Act shall be considered and investigated by a panel of the committee selected for the purpose in accordance with section 17 of the Act by the Registrar.

(4) If a panellist's term of appointment to the committee or to the roster of eligible panellists for the committee ends before the panel's decision is given to the member, but after the member enters their plea or the first piece of evidence is received, the panellist's term is deemed to continue for the purpose of participation in the panel decision.

(5) A panel may exercise all the powers and carry out all the duties of the committee with respect to the complaint before the panel.

17. Discipline Committee

- (1) The Discipline Committee shall be composed of twenty-two individuals, who are also members of the Fitness to Practise Committee
- (2) The Selection and Nominating Subcommittee shall recommend that Council appoint eleven licensees and eleven non-licensees to the Discipline Committee.
- (3) A hearing on matters directed or referred to the Discipline Committee under section 26, 29 or 33 of the Act shall be conducted by a panel of the committee selected for the purpose in accordance with section 17 of the Act by the Registrar.
- (4) If a panellist's term of appointment to the Committee or to the roster of eligible panellists for the committee ends before the panel's decision is given to the member, but after the member enters their plea or the first piece of evidence is received, the panellist's term is deemed to continue for the purpose of participation in the panel decision.
- (5) A panel may exercise all the powers and carry out all the duties of the Committee with respect to the matter before the panel.

18. Registration Appeals Committee

- (1) The Registration Appeals Committee shall be composed of six individuals.
- (2) The Selection and Nominating Subcommittee shall recommend that Council appoint three licensees and three non-licensees to the Registration Appeals Committee.
- (3) A request for review under section 21 of the Act or an application for variation under section 22 of the Act shall be decided by a panel of the Registration Appeals Committee selected for the purpose in accordance with section 17 of the Act by the Registrar.
- (4) If a panellist's term of appointment to the committee or to the roster of eligible panellists for the committee ends before the panel's decision is given to the member, but after the member enters their plea or the first piece of evidence is received, the panellist's term is deemed to continue for the purpose of participation in the panel decision.
- (5) A panel may exercise all the powers and carry out all the duties of the committee with respect to the matter before the panel.

19. Fitness to Practise Committee

- (1) The Fitness to Practise Committee shall be composed of twenty-two individuals who are also members of the Discipline Committee.

(2) The Selection and Nominating Subcommittee shall recommend that Council appoint eleven licensees and eleven non-licensees to the Fitness to Practise Committee.

(3) A hearing on matters directed or referred to the Fitness to Practise Committee under section 26, 29 or 33 of the Act shall be conducted by a panel of the committee selected for the purpose in accordance with section 17 of the Act by the Registrar. O. Reg. 392/01, s. 5.

(4) If a panellist's term of appointment to the committee or to the roster of eligible panellists for the committee ends before the panel's decision is given to the member, but after the member enters their plea or the first piece of evidence is received, the panellist's term is deemed to continue for the purpose of participation in the panel decision.

(5) A panel may exercise all the powers and carry out all the duties of the committee with respect to the matter before the panel. O. Reg. 392/01, s. 5.

20. Standards of Practice and Education Committee

(1) The Standards of Practice and Education Committee shall be composed of four individuals.

(2) The Selection and Nominating Subcommittee shall recommend that Council appoint two licensees and two non-licensees to the Standards of Practice and Education Committee.

(3) The duties of the Standards of Practice and Education Committee shall be limited to:

- (a) The cyclical review and approval of professional learning requirements for licensees and policies to support the ongoing promotion of continuing competence by licensees of the College.
- (b) The review, approval and promotion of ethical and practice standards for licensees.
- (c) The review and approval of teacher education pre-service and in-service policies.
- (d) The review and approval of new and revised Additional Qualification (AQ) policy guidelines
- (e) The approval and issuance of new and revised professional advisories to guide licensee practice.

21. Accreditation Committee

- (1) The Accreditation Committee shall be composed of four individuals.
- (2) The Selection and Nominating Sub-Committee shall recommend that Council appoint two licensees and two non-licensees to the Accreditation Committee.
- (3) An Accreditation Committee member will not be a member of the Accreditation Appeal Committee.
- (4) The duties of the Accreditation Committee shall be limited to:
 - (a) determine if programs of professional education qualify under O. Reg. 347/02 for accreditation;
 - (b) determine if accredited programs of professional education qualify under O. Reg. 347/02, for renewal of accreditation;
 - (c) grant accreditation, with or without conditions, to programs of professional education that qualify under O. Reg. 347/02 for accreditation;
 - (c) determine, at the direction of the Registrar and in the circumstances permitted by O. Reg. 347/02, if accredited programs of professional education and accredited programs of additional qualification continue to qualify for accreditation; *
 - (v) carry out any duties assigned to it under Part IV of O. Reg. 347/02**

* includes additions to programs and circumstances of a substantial change to a program of professional education (s.19, s.20 and 21 O. Reg. 347/02)

** reviews of substantial change to an additional qualification, (s.32 and s.33 O. Reg. 347/02)

Accreditation Panels

(5) Duties of an Accreditation Panel

5.1 The duties of an Accreditation Panel are:

- (a) to conduct reviews of programs of professional education on the direction of the Registrar, and
- (b) to act in an advisory role to the Accreditation Committee by,
 - (i) reporting to the Committee on its findings on reviews of programs of professional education * and
 - (ii) making recommendations to the Committee with respect to the accreditation of the programs the panel reviews. O. Reg. 347/02, s. 7; O. Reg. 247/16, s. 2.

*Recommending that section 33 of the Accreditation regulation should be revoked. No need for a panel for a substantial change re an AQ or AQ provider

Accreditation Panel Composition

5.2 The composition of each Accreditation Panel for a review of a program of professional education must have at least four members.

The Registrar shall:

- (a) appoint one licensee from the Accreditation Committee Roster of panellists who is currently working in the Ontario Education System
- (b) appoint one non-licensee from the Accreditation Committee roster of panellists
- (c) appoint one licensee or one non-licensee from the Accreditation Committee Roster of panellists who has expertise or experience in teacher education program evaluation or who is or was an educator in a faculty or school of education
- (d) ensure at least one member of the panel must be a person nominated by the permitted institution whose program is under review by the panel unless the permitted institution fails to nominate a person
- (e) ensure that at least one member of the panel has appropriate expertise in the specialized area of the program as required

5.3 Any one member of the accreditation panel may fulfill more than one of the requirements listed above.

5.4 The Registrar shall appoint one of the members of the panel as Chair of the panel.

5.5 In the circumstance where an institution has more than two programs with harmonized renewal dates, the Registrar may appoint up to two additional panel members from the Accreditation Committee roster of panellists who have the appropriate expertise in specialized area of the programs under review.

5.6 A permitted institution may nominate up to five persons, from whom one shall be selected by the Registrar, to serve on the Accreditation panel to review a program provided by the institution.

5.7 If the language of instruction of the program to be reviewed by the panel is English or French, the Registrar shall appoint to an accreditation panel only persons who are fluent in the language of instruction.

5.8 The Registrar shall not appoint a person as a member of an accreditation panel if

the person is:

- (a) an employee of the permitted institution whose program is under review by the panel, or
- (b) is under contract to provide professional services to the permitted institution

Further, every member of an accreditation panel shall comply with such conflict-of-interest guidelines as the College may establish by bylaw.

- 5.9 If the term of office of a member of a panel who participates in a review of a program of professional education expires before the panel issues its final report under section 13 or 33, the term of the member shall be deemed to continue for the purposes of participating in the report.

Accreditation Panels – Addition of Programs (s.19) and Substantial Change (s.21)

- 5.10 The Accreditation Committee shall direct the Registrar to establish an accreditation panel to conduct a review of a proposed addition to a program of professional education that could include a new area of study, a new language of instruction or a new component to prepare persons to be teachers. The panel will submit a panel report to the Accreditation Committee in order for the committee to grant or deny an addition to a program.
- 5.11 The Registrar may establish a panel for the purposes of considering whether a permitted institution has substantially changed the character, duration or components of a program of professional education, and direct the panel to find whether there is reason to believe the permitted institution has done so and to submit a panel report to the Accreditation Committee.

The Registrar may appoint, from the Accreditation Committee roster of panellists, at least two persons to a panel established for the above purposes:

- One licensee
- One non-licensee

- 5.12 If the program under review by the panel is a program that includes a specialized area, the Registrar may appoint at least one additional panel member with the appropriate expertise from the Accreditation Committee roster of panellists.

22. Accreditation Appeal Committee

- (1) The Accreditation Appeal Committee shall be composed of four individuals.

(2) The Selection and Nominating Sub-Committee shall recommend that Council appoint two licensees and two non-licensees to the Accreditation Appeal Committee.

(3) The mandate of the Accreditation Appeal Committee shall be limited to:

- (a) deciding appeals of decisions issued by the Accreditation Committee in respect of programs of professional education; and
- (b) deciding appeals of decisions issued by the Registrar or Accreditation Committee in respect of programs of additional qualification.
- (c) Considering applications of a delay in an accreditation decision by the Accreditation Committee in the case of a program of professional education or the Registrar in the case of an additional qualifications

(4) A person who is a member of the Accreditation Committee may not be a member of the Accreditation Appeal Committee.

(5) If a person's term of appointment to the Committee ends during a proceeding but before the Accreditation Appeal Committee issues its decision in respect of the matter, the person's term shall be deemed to continue for the purposes of participating in decision.

23. Selection and Nominating Subcommittee

(1) The Selection and Nominating Subcommittee shall recommend that Council appoint three members of Council who are not licensees and two members of Council who are licensees to the Selection and Nominating Subcommittee.

(2) The Selection and Nominating Subcommittee shall recommend that Council appoint a member of the Selection and Nominating Subcommittee as Chair and as Vice-Chair of the subcommittee pursuant to section 8.

(3) The Chair of the Selection and Nominating Subcommittee shall serve as the Chair of Council (Acting) in the absence of the Chair.

(4) In addition to the duties outlined in section 15.2(4) of the OCTA, the duties of the Selection and Nominating Subcommittee shall be limited to:

- (a) Reviewing and assessing the competencies and attributes of applicants relative to the Council, statutory, regulatory committee, the Selection and Nominating Subcommittee and roster positions available.
- (b) Recommending annually to Council a candidate or candidates for appointment or reappointment as Chair of Council from among the members of Council.

- (c) Recommending annually to Council a candidate or candidates for appointment or reappointment as Chair and Vice-Chair for each statutory and regulatory committee or the Selection and Nominating Subcommittee from among the members of each committee.
- (d) Recommending to Council licensees for appointment or reappointment to Council, statutory and regulatory committees or rosters of panellists or the Selection and Nominating Subcommittee.
- (e) Recommending to Council non-licensees for appointment or reappointment to Council prior to recommending the nominations to the Lieutenant Governor in Council.

24. Roster of Eligible Panelists

- (1) The Selection and Nominating Subcommittee shall recommend candidates to Council for appointment to a roster of panellists for each of the committees identified in section 15(1) of the Act as well as the Accreditation and Accreditation Appeal Committees.
- (2) An equal number of licensees and non-licensees shall be appointed to each roster of panellists.
- (3) A licensee is defined as anyone who is a member of the Ontario College of Teachers, regardless of their membership status other than those who are cancelled, expired or revoked.
- (4) Members of Council or any statutory or regulatory committee are not eligible for appointment to a roster.
- (5) Individuals who are appointed to a roster are eligible to serve on no more than one roster at any point in time, other than the roster of panellists for the Discipline and Fitness to Practice Committees.
- (6) The Registrar shall establish application procedures for rosters of panellists with the names of candidates meeting the eligibility requirements provided to the Selection and Nominating Subcommittee for their consideration.
- (7) The Registrar shall ensure that appointed candidates complete the appropriate training and orientation to be conducted for roster members before individuals perform duties or exercise powers under the Act.
- (8) All persons appointed to the roster of panellists for the committees established under subsection 15(1) of the Act, the Accreditation Committee shall, in the performance of their duties, comply with the provisions of the Act, the regulations made under the Act and the bylaws of the College as well as the Code of Conduct applicable to the roster.

- (9) Council shall disqualify or suspend a roster member from serving on a roster of panellists pursuant to the Complaints Against Members of Council, Committees or Rosters provisions of this regulation.
- (10) The duration of a roster member's term of office shall be up to two years, with a maximum of six consecutive years of roster service.
- (11) Roster member remuneration for LGIC appointments to Council will be subject to the remuneration guidelines established by Management Board Guidelines or in the case of licensees, the release provisions contained in section 46 of the Ontario College of Teachers Act.
- (12) Roster member remuneration for Licensee appointments to Council and licensee and non-licensee appointments to Committees and panels will be subject to the remuneration policies outlined in College by-law.
- (13) Prior to participating on a panel, roster members must swear an oath or make an affirmation pursuant to Ontario Regulation 72/97. The Registrar shall become a Commissioner of Oaths for this purpose.

Draft By-law Insertion -

25. Audit and Finance Subcommittee

- (1) The Selection and Nominating Subcommittee shall recommend that Council appoint three members of Council who are not licensees and two members of Council who are licensees to the Audit and Finance Subcommittee.
- (2) The Selection and Nominating Subcommittee shall recommend that Council appoint a member of the Audit and Finance Subcommittee as Chair and as Vice-Chair of the subcommittee.
- (3) The Audit and Finance Subcommittee shall:
 - (a) monitor and report to Council on the financial activities of the College and shall recommend to Council an annual budget, the appointment of an auditor and the annual audited financial statements.
 - (b) act as the Audit Committee of the College for the purposes of reviewing the annual audit scope, audit fees and audit findings.

26. Human Resources Subcommittee

- (1) The Selection and Nominating Subcommittee shall recommend that Council appoint three members of Council who are not licensees and two members of Council who are licensees to the Human Resources Subcommittee

(2) The Selection and Nominating Subcommittee shall recommend that Council appoint a member of the Human Resources Subcommittee as Chair of the Subcommittee.

(3) The Human Resources Subcommittee shall:

- (a) advise Council on the process for hiring the Registrar and Chief Executive Officer.
- (b) conduct the annual performance review for the Registrar and Chief Executive Officer.

Regulatory Intent Framework – Sexual Abuse Prevention Program (“SAPP”)

1. General Policy Intent
2. Proposed Draft Regulatory Amendments to the *Teachers' Qualifications* Regulation:
 - 2.1 Section 4: Ontario Faculty of Education Graduates;
 - 2.2 Section 6: Internationally Educated Teachers (IETs);
 - 2.3 Section 6.1: Previous Certificate Cancelled Due to Resignation;
 - 2.4 Section 6.2: Previous Certificate Cancelled Due to Expiry;
 - 2.5 Section 11: Requirements for a General Certificate of Qualification and Registration;
 - 2.6 Section 12: Incomplete Requirements;
 - 2.7 Section 14: Transitional Certificate of Qualification and Registration;
 - 2.8 Section 19: Contents of Certificate.
3. Proposed Draft Regulation;
4. Proposed Amendments to the Public Register and Certificates;
5. Proposed By-Law Amendments.

1. General Policy Intent:

Section 47.2 of the *Ontario College of Teachers Act*, 1996, SO 1996, c 12 (the “Act”) mandates a sexual abuse prevention program.

The SAPP will entail legislative changes. *O. Reg. 176/10: Teachers' Qualifications* (“TQR”) would likely require amendments to sections 4, 6, 11, 12, 14, and 19. Moreover, a stand-alone regulation—similar to *O. Reg. 271/19: Proficiency in Mathematics* (“MPT”) and *O. Reg. 266/06: New Teacher Induction Program* (“TIP”)—may also be needed for current and future licensees.

The program would target three distinct licensure groups:

1. New licensees:
 - a. Ontario Faculty of Education Graduates;
 - b. Internationally Educated Teachers (IETs).
2. Inactive licensees:
 - a. Expired Teaching Certificates;
 - b. Cancelled Teaching Certificates;
 - c. Resignation from the College.
3. Active licensees:
 - a. Certificates of Qualification and Registration (CQR) including Transitional Certificates;
 - b. Certificates with Terms, Conditions, or Limitations (TCLs);
 - c. Successful Labour Mobility Licensees;
 - d. Retired Licensees;
 - e. Licensees Suspended for Non-payment of Fees.

Program completion or incompletion would be indicated *via* a notation (1) on all licensee CQRs and (2) on the public register as compliance measures.

New licensees would be required to complete the SAPP as a pre-requisite to being certified. The SAPP requirement would be inviolable for new licensees much like the stipulation to pass the MPT has been mandated. In the same vein, inactive licensees would equally be required to complete the sexual abuse e-modules in order to be eligible for re-instatement.

Active licensees would be subject to a stand-alone regulation mandating the SAPP. Moreover, although labour mobility licensees would not be required to complete the SAPP requirement as a pre-requisite to certification under the provisions of the *Ontario Labour Mobility Act* a notation would be properly entered on the public register and their certificates indicating completion or incompletion of the SAPP, as with all licensees.

2. Proposed Draft Regulatory Amendments to the *Teachers' Qualifications* Regulation

The following draft amendments to the *Teachers' Qualifications* Regulation would be required to implement the SAPP certification requirements:

2.1 Section 4: Ontario Faculty of Education Graduates

Application requirements, applicant completed program of professional education in Ontario

4. (3) An applicant described in subsection (1) or (2) shall submit to the Registrar in such manner as the Registrar directs,

- (x) evidence satisfactory to the Registrar that the applicant has completed the sexual abuse prevention program educational requirements in subsection 47.2(3)(a) of the *Ontario College of Teachers Act*, 1996, SO 1996, c 12

2.2 Section 6: Internationally Educated Teachers (IETs)

Application requirements, applicant certified by a teacher regulatory authority outside Canada

6. An applicant for a certificate of qualification and registration who at the time of application holds or previously held a certificate, licence, registration or other form of official recognition granted by a teacher regulatory authority outside Canada that attests to the person being qualified to practise the teaching occupation in an elementary or secondary school, shall submit to the Registrar in such manner as the Registrar directs,

- (x) evidence satisfactory to the Registrar that the applicant has completed the sexual abuse prevention program educational requirements in subsection 47.2(3)(a) of the *Ontario College of Teachers Act*, 1996, SO 1996, c 12

2.3 Section 6.1: Previous Certificate Cancelled Due to Resignation

Reapplication requirements, previous certificate cancelled due to resignation

6.1 (3) An applicant described in subsection (1) or (2) shall submit to the Registrar in such manner as the Registrar directs,

- (x) evidence satisfactory to the Registrar that the applicant has completed the sexual abuse prevention program educational requirements in subsection 47.2(3)(a) of the *Ontario College of Teachers Act*, 1996, SO 1996, c 12

2.4 Section 6.2: Previous Certificate Cancelled Due to Expiry

Reapplication requirements, previous certificate cancelled due to expiry

6.2 (3) An applicant described in subsection (1) or (2) shall submit to the Registrar in such manner as the Registrar directs,

- (x) evidence satisfactory to the Registrar that the applicant has completed the sexual abuse prevention program educational requirements in subsection 47.2(3)(a) of the *Ontario College of Teachers Act*, 1996, SO 1996, c 12

2.5 Section 11: Requirements for a General Certificate of Qualification and Registration

Applicants under s. 4 (1) or 6

11. (1) The Registrar may grant to an applicant under subsection 4 (1) or section 6 a general certificate of qualification and registration if the Registrar has satisfactory evidence that the applicant has,

- (x) completed the sexual abuse prevention program educational requirements in subsection 47.2(3)(a) of the *Ontario College of Teachers Act*, 1996, SO 1996, c 12

2.6 Section 12: Incomplete Requirements

Applicants under s. 4 (2) or 6 — incomplete requirements

12. (1) The Registrar may grant a general certificate of qualification and registration to an applicant under subsection 4 (2) or section 6 who has not completed the requirement set out in clause 11 (2) (b), (3) (c), (4) (c), (5) (b) or (5.1) (b), as the case may be, if the Registrar has satisfactory evidence that,

- (x) the applicant has completed the sexual abuse prevention program educational requirements in subsection 47.2(3)(a) of the *Ontario College of Teachers Act*, 1996, SO 1996, c 12

2.7 Section 14: Transitional Certificate of Qualification and Registration

Applicants under s. 4

14. (1) The Registrar may grant to an applicant under section 4 a transitional certificate of qualification and registration, valid for six years, if the Registrar has satisfactory evidence that the applicant has not previously held a transitional certificate of qualification and registration and the applicant has,

- (x) completed the sexual abuse prevention program educational requirements in subsection 47.2(3)(a) of the *Ontario College of Teachers Act*, 1996, SO 1996, c 12

2.8 Section 19: Contents of Certificate

An amendment to section 19 would be required to allow for the SAPP notation to be properly listed on a certificate of qualification and registration.

Contents of certificate

19. (1) Every general, transitional or temporary certificate of qualification and registration shall be issued in the form prescribed by the by-laws, and shall indicate,

- (x) whether the applicant has completed the sexual abuse prevention program educational requirements in subsection 47.2(3)(a) of the *Ontario College of Teachers Act*, 1996, SO 1996, c 12

Reinstated certificates

19.1 Unless otherwise directed by an order of the Discipline Committee or the Fitness to Practise Committee, a certificate of qualification and registration issued pursuant to subsection 33 (6) or (14) of the Act shall,

- (x) indicate whether the applicant has completed the sexual abuse prevention program educational requirements in subsection 47.2(3)(a) of the *Ontario College of Teachers Act*, 1996, SO 1996, c 12

3. Proposed Draft Regulation

A new regulatory provision would be required to support the SAPP, particularly with a view towards compliance for active licensees. The following draft regulation may be amenable:

1. (1) This Regulation sets out, for the purposes of subsection 3(a) of section 47.2 of the *Ontario College of Teachers Act*, 1996, SO 1996, c 12, the elements of the educational requirements for the sexual abuse prevention program.

(2) The following new licensees shall participate in the educational requirements for the sexual abuse prevention program set out in the *Act* as a pre-requisite to certification or re-instatement:

1. New licensees from accredited Ontario Faculty of Education programs.
2. New licensees from other international jurisdictions outside Canada.
3. Inactive licensees in Ontario seeking re-instatement who have expired teaching certificates, cancelled teaching certificates, or who have resigned from the College.

(3) A notation will be entered on the public register and licensee certificates indicating completion or incompleteness of the sexual abuse prevention program educational requirements for all licensees, including licensees who already possess a certificate of qualification and registration; certificate with terms, conditions, or limitations; retired licensees; and licensees suspended for non-payment of fees.

4. Proposed Amendments to the Public Register and Certificates

Licensees would have the following notation(s) on (1) the public register and (2) their CQRs:

- : Complete – Sexual Abuse Prevention Program – Educational Requirements
- : Incomplete – Sexual Abuse Prevention Program – Educational Requirements

5. Proposed By-Law Amendments

The College By-laws would be amended to provide for the notation to be listed on a licensee's profile on the public register indicating whether the licensee has completed or not completed the SAPP. The following draft amendment may be amenable:

“A notation will appear on the public register and licensee certificates indicating completion or incompleteness of the sexual abuse prevention program educational requirements in subsection 47.2(3)(a) of the *Ontario College of Teachers Act*, 1996, SO 1996, c 12”