



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

Memo

Date: September 22, 2023
To: Council of the Ontario College of Teachers
From: Anna-Marie Nielsen, OCT
Director, Standards of Practice and Accreditation
Subject: Professional Advisories Update

Professional Advisories are critical in providing advice and guidance to members with respect to their professional practice. They enable the College to engage with both the membership and the public in responding to:

- a member's need to understand an aspect of professional practice
- a member's need to know how the regulator views certain conduct
- a panel's need to understand the standards of the profession at a discipline or fitness to practice hearing
- the public's need to understand what members are (or are not) expected and/or obligated to do.

The purpose of this update is to:

- 1) draw attention to Council's June 2021 policy on Professional Advisories (see attached);
- 2) introduce the 2023-2027 revision schedule for existing Professional Advisories;
- 3) provide an update on the development of a new Professional Advisory; and
- 4) explain changes to the approval authority resulting from the change in governance structure.

Professional Advisories – Policy

Council's June 2021 policy summarizes the phased approach to support consistency in the research, development, approval and distribution of Professional Advisories.

Advisory topics may be identified by any number of interested and affected individuals. In most cases, the relevancy of the topic is influenced by a perceived need and in the absence of readily available guidance in the subject area.

Cyclical Review and Updating of Current Advisories

Council's Professional Advisories policy (2021) states:

A process will be developed for the regular review of existing professional advisories so that they remain current and relevant to College members and the public. As part

of this review, a College work group will be formed and additional consultations with members and other stakeholders will be held where necessary.

College staff endorse the need for an accountable and transparent process for the review of existing Professional Advisories. A working group was formed to develop a manageable renewal schedule, given the resources required to engage in this type of review, and that allows for revisions pertaining to:

- currency
- accuracy
- terminology
- case law, legislative, regulatory amendments, etc.

College staff appraised the nine Professional Advisories on the [College website](#) and organized them by date of last renewal. Certain Professional Advisories (e.g. Duty to Report and Supporting Students' Mental Health) were prioritized for review, given identified needs and relevance in the sector. The goal is to review two advisories per year as follows:

Renewal Year		Professional Advisory
2023	Q3-Q4	Additional Qualifications: Extending Professional Knowledge
	Q4	Safety in Learning Environments
2024		Responding to the Bullying of Students Duty to Report (Abuse/Neglect of Children and Youth)
2025		Supporting Students' Mental Health Use of Electronic Communication and Social Media
2026		Professional Misconduct of a Sexual Nature Professional Boundaries
2027		Anti-Black Racism New PA

Status of Professional Advisory on Additional Qualifications

Council originally approved a Professional Advisory on extending professional knowledge through additional qualifications in 2008 with an update in 2016. This advisory was selected as the first one to be reviewed in this cycle given that seven years has elapsed since its last review and the revisions were primarily operational. The revisions reflect the current additional qualification system and will be brought to the Standards of Practice and Education Committee meeting in December 2023.

New Advisory on Professional Responsibility to Uphold Human Rights and Combat Hate and Intolerance *

At its March 21, 2023 meeting, Council endorsed the development of a new Professional Advisory to confirm members' understanding of their professional responsibilities to uphold human rights and combat hate and intolerance. An inter-departmental staff workgroup is now working on the development of this newest Professional Advisory. (** The name of the advisory will be determined as part of the research and consultation phase. For now, the working title pertains to members' obligations to uphold human rights and combat hate and intolerance.*)

In keeping with the College's established process, here is an update on the development of our newest Professional Advisory:

Research

Extensive research has been conducted to by the workgroup to help determine the following:

- how Ontario Certified Teachers (OCTs) may be held legally accountable for engaging in conduct that promotes hate and intolerance (including the Ontario College of Teachers Act, the Criminal Code of Canada, the Charter of Rights and Freedoms and the Ontario Human Rights Code);
- the College's historical cases from 2015-2023 regarding incidences of discrimination, intolerance and racism that resulted in disciplinary action;
- Canadian case law (legal precedents) that provide insight into what constitutes systemic or institutional discrimination and how it applies to the classroom; and
- the role and responsibilities of OCTs to counter hatred and intolerance in learning environments.

Focus Groups

An integral part of the advisory's development process is to assess what information is needed to support members. This part of the process includes holding focus groups, which for this advisory will include participation of parents, members and subject matter experts.

The workgroup has been in communication with different external research groups to identify a focus group facilitator to aid in this part of the process. A potential partner has been identified based on fit, experience and overall understanding of the College's mandate.

External Consultant

Staff are consulting with a variety of different equity, diversity, inclusion and belonging subject matter experts to find an external consultant who would:

- provide advice and guidance during the overall development of the advisory;
- work closely with the College's internal writer to help shape the writing of the advisory; and,

- act as a third-party spokesperson for the advisory, speaking specifically to why the advice provided in the advisory is critical for members and students (this would be similar to other consultants hired for previous advisories, including how to support students mental health).

A potential partner, who has worked with the College previously on the Additional Qualification (AQ) guideline: *Addressing Anti-Black Racism to Change Pedagogy and Practice*, has been identified and selected.

Next Steps

The workgroup will finalize the partnerships with both the focus group facilitator and the external consultant. From there, the focus group questions will be developed and facilitated.

Changes in Advisory Approvals Process

Prior to the College's governance restructure in 2021, responsibility for the development of Professional Advisories resided with the Executive Committee, as primary stewards of the research and drafting process, and then with Council as the ultimate approval authority.

Under the current regulations and Council's June 2021 policy on Professional Advisories research and drafting oversight, along with final approval authority, reside solely with the Standards of Practice and Accreditation Committee.

Ontario Regulation 563/21 (General) provides as follows:

Standards of Practice and Education Committee

27. (1) The Standards of Practice and Education Committee is established.

* * * *

- (4) The duties of the Standards of Practice and Education Committee are limited to,
- (a) reviewing and approving professional learning requirements for members of the College;
 - (b) reviewing and approving policies to support the ongoing promotion of continuing competence by members of the College;
 - (c) reviewing, approving and promoting ethical and practice standards for members of the College;
 - (d) reviewing and approving policy guidelines for programs of additional qualification; and
 - (e) ***reviewing and approving professional advisories to guide the practice of members of the College.*** [emphasis added]

While the Professional Advisory policy provides that:

4. Approvals Process

The Standards of Practice and Education Committee will be provided with regular updates on the advisory development process and an opportunity for interim reviews of the advisory document. The final draft of the advisory will be produced, incorporating feedback received during the public consultation phase and provided to the committee for final review and approval.

End.