



November 5, 2021

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

Dear Minister Lecce,

We look forward to making submissions to the Standing Committee on General Government on November 16, 17 or 18 on amendments to the *Ontario College of Teachers Act, 1996* set out in Bill 13.

In our October 21, 2021 correspondence, the College requested the addition of subsection 14(1.1) below in order to enhance the new “Ontario Certified Teacher” title protections in Bill 13. The additional language would prevent members of the College who are suspended for disciplinary reasons or inactive/non-practising for failure to pay fees from using the OCT designation during their suspension or period of inactivity.

We continue to support this amendment, however, to ensure that we do not inadvertently lose jurisdiction over suspended or inactive/non-practising members, we are proposing the addition a short clarification: “**for the purposes of subsection 14(6)**”. This clarifying language, we believe, will ensure that the College retains jurisdiction over suspended or inactive/non-practising members while also preventing them from using the OCT designation during the time of their suspension/inactivity. We do not intend to make specific submissions to the Standing Committee on this technical drafting change, unless we are asked to do so, however we thought it was important to formally communicate this request.

As noted, the amendment we proposed on October 21, 2021 would result in the College losing jurisdiction over tens of thousands of suspended/inactive members, since they would cease to be members under the 14(1.1) provision as currently drafted. The ‘continuing jurisdiction’ provisions of subsection 14(5) are of no assistance, since they only apply to members whose certificates have been revoked or cancelled, not suspended or inactive/non-practising. For example, if subsection 14(1.1) is left unchanged, a member who entered Suspended-Nonpayment of Fees status in 2020 and then allegedly engaged in professional misconduct in 2021, that person would no longer be a “member” for the purposes of a Discipline Committee hearing in 2022 and the College would have no jurisdiction over their 2021 conduct. Another example would be where a member was serving a 6-month Discipline Committee suspension and allegedly engaged in misconduct during their suspension (e.g. inappropriate social media posts) – under our initial subsection 14(1.1) proposal, that member would not be a “member” during the time of their suspension, and would therefore not be subject to the College’s jurisdiction in respect of the new misconduct allegations.

Membership

14 (1) Every person who holds a certificate of qualification and registration is a member of the College, subject to any term, condition or limitation to which the certificate is subject.

(1.1) Despite subsection (1), a person whose certificate of qualification and registration is suspended or inactive/non-practising status is not a member of the College during the period of suspension or inactivity for the purposes of subsection 14(6).

Resignation of membership

(2) A member may resign his or her membership by filing a resignation in writing with the Registrar.

Same

(3) The certificate of qualification and registration of a person who files a resignation is cancelled.

Expiry of membership

(4) A certificate of qualification and registration that expires in accordance with the regulations is cancelled.

Continuing jurisdiction: revocation, cancellation

(5) A person whose certificate of qualification and registration is revoked or cancelled continues to be subject to the jurisdiction of the College for professional misconduct, incompetence or incapacity referable to any time during which the person held,

(a) a certificate of qualification and registration under this Act; or

(b) an Ontario Teacher's Certificate or a letter of standing as a teacher under the *Education Act*.

Use of title

(6) *No person except a member of the College shall use the English title "Ontario Certified Teacher" or the French title "Enseignant(e) agréé(e) de l'Ontario" or an abbreviation of any of those titles to describe themselves or their profession.*

Holding out as a member of the College

(7) *No person except a member of the College shall represent or hold out expressly or by implication that they are a member of the College.*

Adding the clarifying language "**for the purposes of subsections 14(6)**" will make it clear that a member of the College whose certificate is suspended or inactive/non-practising is not a member for the purposes of title protection *only*, which is the intention of the title protection amendments in Bill 13.

Sincerely,



Dr. Derek Haime, OCT
Registrar and Chief Executive Officer

DH/JB/sr-or