



Ontario  
College of  
Teachers

Ordre des  
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des enseignants  
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## **Ontario College of Teachers Mandate Registrar's Report to Council**

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## **Executive Summary**

The request by the fourth College Council for this report was very opportune. After more than 10 years of self-government, it is timely and appropriate for Council to reflect on the many ways that our first years have shaped our mandate.

No one would deny that our mandate has evolved over the last decade and that this report is very different from one that would have been made to the December 1998 meeting of Council.

This may seem counter-intuitive, because the 11 objects set out for the College in legislation are the same today as they were when the *Ontario College of Teachers Act* was passed 12 years ago. Our mandate, however, could best be described as the exercise of those objects within the contemporary context.

Our duty to serve and protect the public interest in carrying out our objects has not changed since our establishment. But it is clear that public expectations of professional self-regulators have undergone significant change.

Our mandate, therefore, is not static – it is evolutionary and contextual.

Since the Ontario legislature delegated regulatory and judicial powers to the teaching profession by passing the *Ontario College of Teachers Act*, six significant factors have affected the implementation of our mandate.

## **Regulatory Responsibilities**

The first is the scale of our regulatory responsibilities.

In 1997, the College inherited a teaching profession with just over 165,000 active members. Today, the profession is almost one-third larger, with more than 219,000 College members in good standing.

In 1998, our first full year of operation, 8,633 individuals applied for registration with the College. This year, we will receive over 60 per cent more applications – in excess of 14,000.

Ten years ago, we were still planning and piloting our accreditation program; today, we accredit 49 pre-service teacher education programs at 18 institutions, and thousands of in-service courses offered by 35 providers.

Another measure of our growth could be that we annually translate more than five times as many words as we did in our first year – a reflection of the significantly expanded

services we now provide to French-language members and francophone Ontario, as well as our much higher overall level of activity.

### **Administrative Obligations**

New administrative obligations have also significantly affected our mandate.

In 1999, the requirement for all new applicants to undergo a criminal records check was introduced. In 2000 the provincial government required the College to introduce detailed language proficiency standards for teacher applicants. Since 2006 we have been required to track and report on the certificates of our new members, their successful completion of the government's New Teacher Induction Program, which is administered by district school boards and other employers.

The College has responded quickly and professionally to these initiatives, as we did when the provincial government imposed on us responsibility for the Professional Learning Program, which required unprecedented resources, and for the Ontario Teacher Qualifying Test with its myriad administrative challenges. We responded just as efficiently when these requirements were ended.

### **Curriculum and Education Policy**

Important changes in curriculum and education policy are the third development that has played a key role in the evolution of our mandate.

Certainly the most significant of these has been the sweeping changes we are making to the Teachers' Qualifications Regulation. We called the report on our review *Preparing Teachers for Tomorrow* and that is what we as a profession are doing – on our own initiative. The involvement of thousands of our members across the province with Council members and College staff in the revision of our qualifications programs has brought home the true meaning and benefits of professional self-government for Ontario teachers in a very real, practical way.

In the same way, we have worked with teacher educators and the whole sector to develop a shared understanding of our accreditation mandate and have produced a consensus on the benefits, challenges and requirements of this important responsibility that will form the foundation of a new accreditation regulation.

The College has so far responded to the Ministry of Education's introduction of revised technological education curriculum and the demand for appropriately qualified teachers with new qualifications, and guidelines and a consequential introduction of a new schedule under our regulation.

Over the last two years we have significantly increased our involvement with Aboriginal communities as we play our part in Ontario's commitment to improve educational opportunities and outcomes for Aboriginal students.

Through our outreach activities, we are encouraging Aboriginal students to consider teaching; through accreditation, working with faculties to provide focused teacher education; through our Teachers' Qualifications Review process, ensuring that our members have access to improved in-service preparation for teaching Aboriginal students and subjects. The evolution of our involvement in Aboriginal education since 1998 is remarkable, but all these activities clearly respond to our legislated objects and duty to act in the public interest.

### **Professional Self-Regulation**

The fourth factor that has contributed to the evolution of our mandate is the changes over the last decade in the field of professional self-regulation.

We have seen the bar raised significantly in terms of the transparency of the judicial system with most important court decisions now available instantly online and increasing interest to improved access via televised court proceedings.

In the light of these developments, the College reviewed our own practices for providing access to the written decisions arising from public disciplinary hearings. We found that our past practice had been inconsistent, and introduced a new protocol to ensure that we meet today's standards for access to quasi-judicial proceedings. As we exercise our regulatory authority in the public interest, justice must not only be done – we must be sure that it can be seen to be done.

In the last 10 years, we have also seen new provincial legislation that requires the legal profession and all the regulated health professions to match and in some areas exceed the transparency the College provides through our online public register.

Society's evolving standards for accountability by professional regulators were clearly expressed in the 2006 amendments to the *Ontario College of Teachers Act* that require Council members to swear an oath of office to serve and protect the public interest, and provide for the Public Interest Committee to advise Council on its public interest mandate.

### **Social and Demographic Developments**

Social and demographic developments in Ontario are a very important part of the contemporary context that shapes our mandate in 2008.

In 1998, when the College inherited a certification system that traditionally dealt with a few hundred international applicants annually, no one could foresee that we would, 10 years later, be undergoing legislated annual audits by a provincially-appointed Fairness Commissioner to ensure that our application processes are fair, transparent and barrier-free for the thousands of internationally trained teachers who now apply to us each year.

At our establishment, few would have thought that we would be called on to justify our certification requirements or registration appeals process before the Ontario Human

Rights Commission, but today this is an unremarkable fact of life for us and other regulators.

Over the last decade, we have worked with our partners in the community and the Ontario Teachers' Federation to assist our new-Canadian applicants and members to make the transition to teaching in Ontario. Like other professional regulatory bodies, we have recognized that the public interest in licensing new entrants to our profession requires more from us than issuing a piece of paper.

Ten years ago the College played a key role in drawing public attention to the demographic realities that would create a short-term shortage of qualified teachers in this province.

Today, we see a surplus of unemployed and underemployed qualified English-language teachers. However, Ontario education continues to suffer from a chronic shortage of qualified French-language teachers in both French and English-language school boards.

We continue to be concerned about the numbers of uncertified and unqualified individuals teaching in French across the province, an issue which falls squarely within our objects. So it is clearly in the public interest that we address that concern proactively by making it part of our mandate to promote teaching as a career to franco-ontarien youth, to use our accreditation authority to encourage innovative French-language teacher education programs, and to publicize opportunities in this province to French-language teachers.

### **Labour Mobility**

The sixth factor that has shaped our mandate over the last decade has been the remarkable progress in Canada and internationally on the removal of barriers to labour mobility.

Canada's premiers have set a deadline of August 1, 2009 for the implementation of barrier-free movement of professionals and trades people within Canada. It is a simple goal that carries with it complex administrative issues and some serious issues for the College and other regulators to resolve in carrying out our public interest mandate.

At the same time, the federal government's commitments under the Lisbon convention require a sea change in the credential evaluation procedures of professional licensing bodies – and for the College, further evolution in the way we exercise our authority to set qualification requirements and to certify teachers from outside Ontario, whether they are new to the profession or bring years of experience.

All of these six factors have helped to shape the initiatives and decisions of the members of four Councils, who have responded to developments that have changed the context of College decision-making in ways that few of us anticipated 10 years ago.

The constants in that context are our duty to serve and protect the public interest, and our 11 legislated objects. Those objects define the scope of the College's authority. Our mandate speaks to how we exercise our authority.

The College's goal in carrying out our mandate is to reflect the ethical aspirations of our profession and to be consultative, proactive, transparent, accountable and fair.

This review of the College mandate provides a timely opportunity to reflect on our exercise of the authority and responsibilities given to the teaching profession as we prepare to face the challenges of our next decade.

## **Legislative, Regulatory and Policy Developments**

This comprehensive list of legislation, regulations and policies that have played a role in shaping the College mandate since 1997 help to provide a useful context to the detailed object-by-object review that follows.

### **Legislation**

- Initial Accreditation of Pre-Service Teacher Education Programs
- Establishing Framework to Implement Professional Learning Program
- Issuing Annual Reports
- Issuance and Updates of Certificates of Qualification
- Government Submissions to Standing Committees re: Bills 160 and 52
- Bill 160 (*Education Quality Improvement Act, 1997*)
- Bill 101 (*Student Protection Act, 2002*)
- Bill 52, (*Education Statute Law Amendment Act, Learning to 18*)
- Bill 78 (*Student Performance*)
- Bill 110 (*Quality in the Classroom, 2001*)
- Fair Access to Regulated Professions Act, 2006
- Cyclical Audit of Registration Practices
- Annual Fair Registration Practices Report
- Establishment of Roster of Panelists
- Reporting Mechanisms for New Teacher Induction Program

### **Regulation**

- Development of Language Proficiency Requirements
- Initial Work on Labour Mobility and amendments to Regulation 184/97
- Development of Regulations Relating to Election Matters, Conflict of Interest Issues, Terms of Office, Certificates and Certification Packages
- Development of Criminal Records Check policy for inclusion in regulation
- Concordance Regulation for Teacher Qualification (Reg 184/87)
- Development of Approval of Professional Misconduct Regulation
- Implementation of Professional Learning Program & Approval of Regulations
- Regulation 347/02 Accreditation of Teacher Education Programs
- Regulation 293/00 Election of Council Members
- Regulation 271/06 Oath or Affirmation

- Regulation 369/07 Public Interest Committee
- Teachers Qualifications Review
- Regulation Development and Approval for Ontario Qualifying Test
- Regulation 184/97 - Housekeeping and Consequential Amendments
- Accreditation Regulation Review
- Review and Consolidation of College Certificates of Qualification
- Amendments to Regulation 184/97, SOQP qualifications

### **Bylaws**

- Development of Bylaws Establishing Council and Committee Procedures and Policies, Meetings, Conflict of Interest, Remuneration, etc.
- Revised Standards of Practice/Ethical Standards for Teaching Profession
- Bylaw Amendment - Special and Ad Hoc Committees
- Bylaw - Conflict of Interest - Accreditation Panelists
- Establishment and Registration of Foundation

### **Policy**

- Establishment of Financial Framework for College Operations
- Transition to Teaching Study Initiated
- Statistical Reports on Teacher Supply and Demand
- Consultation of Council's Report to the Minister on Teacher Testing
- Development of White Paper - Growing into the Profession
- Council Member Compensation Policy Revised
- Full-time Chair - role description, full time release and compensation
- Revised Standard Procedures for Council and Executive
- Prior Learning and Assessment Recognition Policy
- Public Access to Discipline Decisions
- Public Disclosure of Information on Public Register
- Registration Appeals - Oral Presentations and Hearings
- Voluntary Privacy Code
- Professional Advisory - Sexual Misconduct
- Professional Advisory - Additional Qualifications
- Council Member Travel Policy
- External Review of the Dispute Resolution Program
- Labour Mobility - Lisbon, AIT
- Review of Business Impact - Environmental Policies and Demographics re: Membership
- Language Proficiency - Establishment of Score and Current Review
- Policy - Use of Affidavits Where Original Documentation is Unavailable

# Ontario College of Teachers Mandate Registrar's Report to Council December 2008

## Introduction

The Ontario College of Teachers (the “College”) is the professional self-regulatory body charged with the responsibility to license, govern and regulate the profession of teaching in Ontario.

The College was established in May 1997 following the recommendation of the Royal Commission on Learning for increased public accountability and improved quality and co-ordination of pre-service and in-service teacher education programs.<sup>1</sup>

The College is a statutory entity, whose powers and duties are contained within its enabling legislation, the *Ontario College of Teachers Act* (the Act)<sup>2</sup>, the regulations made under that act and its bylaws.

## Professional Self-Regulation in General

A self-regulating organization is the licensing entity responsible for setting educational, technical and ethical standards. Generally speaking, the power of self-government has two aspects: (i) the power to license; and (ii) the power to discipline. Thus, self-governing entities act as gatekeepers to, and regulators of, the profession.

In carrying out its regulatory duties, the self-regulating organization is responsible for setting and maintaining standards of competency and conduct, supervising members, and enforcing those standards by disciplining those members who fail to adhere to them. Once a person has been admitted to a profession, the self-governing entity has an ongoing obligation to the public to ensure that its members remain competent, and continue to meet professional and ethical standards.

The power to admit a person to a profession may not be exercised as a means of protecting the economic welfare of that profession. Rather, the self-governing entity has a responsibility to the public to ensure that licensed individuals are qualified and qualified individuals are licensed.

In carrying out their regulatory activities, professional self-regulators have an overriding statutory duty to serve and protect the public interest.<sup>3</sup> The granting of the power to regulate a profession is a “delegation of both legislative and judicial functions, and can only be justified as a safeguard to the public interest.” Although the power allows the grantee to determine who should be admitted to a particular profession, it cannot be exercised in the interests of the profession. As the Supreme Court of Canada said, it

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<sup>1</sup> *For the Love of Learning: Report of the Royal Commission on Learning* (1994); <http://www.edu.gov.on.ca/eng/general/abcs/rcom/full/royalcommission.pdf>.

<sup>2</sup> S.O. 1996, c. 12.

<sup>3</sup> See *ibid.*, s. 3(2).



would be difficult to “overstate the importance in our society of the proper regulation of our professions.”<sup>4</sup>

It is the obligation to protect the public interest that sets a professional regulator apart from other organizations such as professional associations. All self-regulating organizations have as their fundamental and primary objective in carrying out their licensing and disciplining functions the protection of the public interest. They protect the public against improper acts by their members by exacting a range of penalties, including revocation. They also protect the public by differentiating non-members who cannot provide any “assurance of competence, integrity, confidentiality or independence.”<sup>5</sup>

In contrast to self-regulating organizations, professional associations are voluntary membership-driven organizations, and are dedicated to furthering the economic, employment, professional and political interests of their members and advocating on their behalf. As a general rule, they neither discipline nor license their members.

### **The Changing Nature of the Professional Self-Regulatory Landscape**

A key component of self-regulation is public accountability, which is why professional regulators are expressly statutorily bound to carry out their regulatory activities in the public interest.<sup>67</sup> Both openness and transparency are linked to accountability. Accountability, in turn, means holding decision-makers responsible for their decisions. It entails making clear how and why decisions are made and is measured by whether, and if so, the extent to which, institutions are meeting the needs of the group they were intended to serve.

Accountability ensures that decisions are made fairly, consistently, independently, impartially and in accordance with clearly defined and understandable standards.

Openness, transparency and accountability are not new concepts. However, the extent to which these principles are emphasized and the degree to which the actions of those in charge are scrutinized, whether in the media, in court, or through formal inquiries, have changed.

Transparency, openness and accountability have been at the heart of recent provincial and international legislative reforms applicable to many professional regulators and oversight bodies. The legislative measures were designed to increase both the accountability of regulators and the transparency in the way in which regulators carry out their regulatory activities with the intent of increasing public confidence in their ability to regulate their respective professions efficiently in the public interest. Some of these changes increased the regulators’ powers, granting them additional disciplinary powers. In marked contrast, however, some changes significantly curtailed the regulators’ jurisdiction or subjected them to increased oversight. Often, in those cases, concern had been expressed over the

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<sup>4</sup> *Rocket v. Royal College of Dental Surgeons (Ont.)* (1990), 71 D.L.R. (4<sup>th</sup>) 68 at 80.

<sup>5</sup> *Fortin v. Chretien*, [2001] 2 S.C.R. 500.

<sup>6</sup> *Royal Commission Inquiry into Civil Rights* (1968), Vol. 3, p. 1181.

<sup>7</sup> *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, Schedule 2, *Health Professions Procedural Code*, s. 3(1).

ability of various professional self-regulators to separate their regulatory activities from activities that might best be described as advocacy.

For instance, the *Health Systems Improvement Act*, Bill 171 sets minimum standards for the information that all Ontario health care professions must provide to the public on their public registers about disciplinary decisions against their members and allows professional colleges to share previously confidential information with other bodies in the public interest. A new provision has been added, which allows a health college to confirm whether it is investigating a member. No other information about an investigation can be disclosed.

The *Access to Justice Act, 2006* amended the enabling legislation of the Law Society of Upper Canada (LSUC). It requires LSUC to maintain a register of its members, which would include a record of all terms, conditions, limitations and restrictions imposed on licences as well as all suspensions, revocations, abeyances or surrenders of licences. In the law society's view, this new requirement indicates the increased importance of providing information about members, and failure to provide that information is inconsistent with LSUC's duty to act in the public interest,

These government-initiated legislative interventions have reflected the growing sophistication of the public. There is no longer the same unquestioned deference to the opinions of highly educated professionals, and the public's expectations of professional self-regulators have changed.<sup>8</sup> The public expects that regulators will carry on their activities openly and transparently, and that they will be accountable to the public.

Regulators are also expected to respond to the changing professional needs of their members so that they are better equipped to meet the challenges they face or will be faced with – such as the need to become familiar with technological advances or with changes in the particular professional environment in which the professional practises.

### **College Activities**

Because public expectations of professional self-regulators have changed considerably in the 11 years since the College was established, the role that the College assumed as the regulator of the teaching profession in Ontario when it was first established has evolved in response. It is no coincidence that the College's 2007 annual report was entitled *A Commitment to Transparency* and the 2009 *Member's Handbook* features the phrase "Teaching in an Era of Accountability" on the front cover.

Its role has also changed in response to the changing nature of education, which, in turn, has a significant impact on what is expected of teachers in the classroom.

The College remains responsive to the profession's needs through a variety of means – for instance, regular monitoring of developments in education and professional self-regulation across Canada and internationally; extensive consultations with education

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<sup>8</sup> *Trust, Assurance and Safety – the Regulation of Health Professionals in the 21<sup>st</sup> Century*, Secretary of State of Health, February 2007, p. 16, para. 10;

stakeholders, members and the public; surveys (annually and in relation to specific issues or projects); participation in external task forces, committees, and professional regulators' consortia; and regular meetings and updates with Ministry of Education officials.

Many of the College's initial activities were related to building the College and dealing with corporate-management issues and the day-to-day functioning of the College – for instance, developing (and amending) bylaws related to Council terms, elections and Council meeting protocols and procedures. But much of the important groundwork was laid during that time to support the College's future activities as regulator of the teaching profession.

For example, the *Teachers' Qualifications Regulation* (Regulation 184/97) took effect on May 20, 1997, enabling the transfer of teacher education and certification functions, as well as 300,000 certified teacher records, from the Ministry of Education to the College. Regulation 184 has been amended significantly several times in response to changing needs of the teaching profession.

The *Professional Misconduct Regulation* (Regulation 437/97), which sets out specific instances of professional misconduct, became effective in 1997, and forms the basis of each investigation into alleged professional misconduct. It, too, has been amended, in response to self-initiated and external reviews.

The College's official publication, *Professionally Speaking/Pour parler profession*, was launched in May 1997. The magazine is one of Canada's top 50 magazines in English-language readership.

As public policy evolves, so too do the legislation, regulations and bylaws governing the College. This evolution required that the College be responsive to these changes from an operational perspective to ensure that we are meeting our obligations as a self-regulator. It also means that the College must monitor current processes and procedures to ensure that they reflect what is expected of a professional self-regulator, and that it consider new processes and procedures that respond to newly identified requirements.

This paper outlines the College's 11 objects and identifies the changes that have taken place over the years in every area.

## **College Legislative Objects**

Subsection 3(1) of the College's Act establishes its objects. The objects, in turn, define the College's role and direction, and prescribe its activities. In other words, the objects establish the framework for the College's mandate as a professional self-regulator. In carrying out the activities under each of these objects, the College is statutorily obligated to serve and protect the public interest.

### **Object 1. To regulate the profession of teaching and to govern its members.**

The first object is general in nature and encompasses a wide variety of regulatory activities.

## Submissions in Response to Proposed Legislation in the Area of Education

Since its establishment, the College has been active as the regulator of the teaching profession. The College routinely monitors provincial, federal and international legislative developments. It has, for instance, submitted many briefs to government standing committees in response to draft legislation that would have a significant impact on education in general and on the College's role as regulator, in particular – Bill 160 (*Education Quality Improvement Act, 1997*); Bill 101 (*Student Protection Act, 2002*); Bill 52 (*Education Statute Law Amendment Act (Learning to Age 18), 2005*); Bill 78 (*Education Statute Law Amendment Act (Student Performance), 2006*); and Bill 124 (*Fair Access to Regulated Professions Act, 2006*). The College was vocal in expressing its concerns with the impact of the various pieces of legislation on teachers and students, and more importantly, identifying both gaps in the proposed legislation and the ways in which the proposed legislation undermined the College's accountability to serve and protect the public interest.

In the case of Bill 160, the College Council advised the government that permitting uncertified and unqualified persons to teach in Ontario classrooms would not be in the public interest. This advice led to the withdrawal of sections of the bill that would have permitted the use of paraprofessional instructors in publicly funded schools.

The final version of Bill 52 was revised to some extent to reflect the College's concern that "equivalent learning" opportunities available to students would not be taught, assessed or supervised by certified members of the College.

### Ad Hoc Committee on College Governance

The former Minister of Education developed a series of discussion papers that were prepared for the Education Partnership Table. *Revitalizing the Ontario College of Teachers*,<sup>9</sup> released on March 18, 2004, was third in the series of papers. This particular paper was intended to address a number of areas identified by the Minister, and included the public's perception of the profession of teaching, and the structure and makeup of the College's governing Council. In response to this initiative, the College formed the Ad Hoc Committee on College Governance to consult with College members, education partners and the public. The committee commissioned research and prepared a response to the Minister of Education. College members, as well as stakeholder, regulatory and community groups were invited to attend sessions and make presentations in six communities across Ontario. The committee also accepted written submissions. In total, the committee received 71 presentations.

The final report, *Ontario College of Teachers Governance: Advice to the Minister of Education*, was presented to the Minister in October, 2004. The report's recommendations included: that Council be composed of 33 members – 23 elected and 10 government appointees; that the minimum number of French-speaking Council members be increased to four elected and two appointed; that provincially elected leaders

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<sup>9</sup> <http://www.edu.gov.on.ca/eng/general/elemsec/partnership/revitalizing.html>

and those employed by provincial stakeholder organizations be ineligible to seek election to or accept a public appointment to the College Council.

The government's response was the introduction of Bill 78, which received Royal Assent on June 1, 2006 and which amended, among other legislation, the College's Act.

The amendments: (i) required conflict of interest provisions to be prescribed by regulation; (ii) required elected and appointed Council members to swear or affirm an oath of office to serve and protect the public interest in carrying out the College's objects; (iii) increased the number of elected Council members from 17 to 23; (iv) limited the number of consecutive years a Council member could serve on Council; and (v) established a Public Interest Committee, having the purpose of advising the Council with respect to the duty of the College and the members of the Council to serve and protect the public interest in carrying out the College's objects.

These amendments required the Registrar to provide three opportunities for candidates to communicate with members, and required a complete overhaul of the election and nomination procedures. To encourage maximum participation in the College's election process, the College established an online voting system and expanded the number of opportunities for candidates to communicate with voters in both *Professional Speaking/Pour parler profession* and on the College's web site.

#### **Privacy Issues**

While increasing emphasis has been placed on the level of transparency in the decision-making processes of professional self-regulators, regulators now face another issue – the privacy interests of members, applicants and third parties, and protection of their personal information. Identity theft, which has been referred to as “*the crime of the 21<sup>st</sup> century*,” has been the subject of considerable recent attention from the federal and provincial privacy commissioners.

Much of the information collected in connection with the College's regulatory activities, such as information collected during the membership application process, from a registration appeal, from an investigation into allegations of misconduct, incompetence or incapacity, or during discipline or fitness proceedings, is “personal information” within the legal meaning of that phrase.

The College, its staff, all Council and committee members, including appointees are subject to a statutory duty of confidentiality with respect to information learned in the course of their work. As a result of recent amendments to the *OCTA*, elected and appointed members of Council are required by s. 4.1 of that Act to swear or affirm an oath of office.

College staff employment contracts also contain confidentiality provisions, and staff throughout the College receive training with respect to the proper handling of members' personal information, with particular training given to staff in Membership Records, Client Services, and Investigations and Hearings.

Notwithstanding these statutory provisions and training measures, the College sought other ways to protect its members' personal information, and continues to monitor legal and other developments in this area.

#### **Use of Social Insurance Numbers**

During the College's 2006 election, a small number of members raised concerns about the College's use of members' social insurance numbers to gain initial access to their Members' Area account and ballot. A Council member also expressed a similar concern during the November 2006 Council meeting.

After an internal review of this practice, the College decided that it was appropriate to provide a second option for online account creation. Consequently, members can now call Client Services, validate their identity and obtain a personal identification number that can be used as a replacement for the SIN.

The College recently sent letters to over 48,000 members who do not have member accounts, informing them of the option of using a PIN to establish a member account. Of these members, about 1,300 were prompted to establish a Members' Area account, although only about 100 opted to use a PIN to do so; the remainder used their SIN.

#### **Introduction of a Voluntary Privacy Code**

Prior to the enactment of federal privacy legislation on January 1, 2004, which applies to many organizations that collect, use and disclose personal information in the course of commercial activities, the College began to consider the impact of the proposed legislation and its possible application to the College in its role as a regulator and employer. It was ultimately determined that the College, as a professional regulator, was not subject to the federal privacy legislation insofar as its regulatory activities were concerned. As part of its commitment to protecting confidential information, however, the College voluntarily developed a privacy code that conformed to the federal legislation as part of its comprehensive plan for collecting, using and disclosing confidential member and applicant information. In addition to the code, the College developed an online form to request access to documents and has included a FAQ section in that portion of its web site.

Council adopted the College's privacy policy on September 29, 2005. Following adoption of the policy, the College, along with most other provincial professional self-regulators (such as the health colleges and the Law Society) applied to Industry Canada for investigative body status. The College was added to the list of investigative bodies through publication in the Canada Gazette, Part II on July 12, 2006.

Stakeholders, members and the public were informed about the developments on this front. The adoption of this code has led to thousands of annual requests from members for copies of documents in their files that the College retains.

Consistent with the requirements of the privacy code, the College is continuing to review its document retention and storage policies and practices to ensure that confidential documents are stored securely, retained only for as long as necessary given the purpose for which they were collected, and disposed of in a manner that ensures their confidentiality.

#### **Changes to the Public Register**

As part of its statutory mandate as a professional regulator to serve and protect the public interest, the College is required through s. 23(2) of its legislation to maintain a register to which members of the public have access. Both section 23 and the College's bylaws determine what information is contained in the public register. It includes information such as the names, class of certificate of qualification and registration and additional qualifications, as well as terms, conditions and limitations imposed thereon and a notation of every revocation, cancellation and suspension of a certificate of qualification and registration. The public register does not, however, contain personal information about the members, such as business or residence phone numbers, place of business or residence, age, family or marital status, or social insurance numbers.

To fulfill its mandate, the College must be able to identify members correctly and provide members, employers and the public, including parents of students, with accurate information with respect to the content of the public register. The College must ensure that information it receives from and about applicants and members is matched to, and placed in, the correct file and on the public register.

The College was one of the first regulatory bodies in Ontario to make its public register of members available through its web site, [www.oct.ca](http://www.oct.ca). Like the College, some other Ontario professional regulators have provided access to their public registers through the Internet. In cases where the regulator's register was not publicly accessible, the organization would provide information over the phone. In the case of Ontario's regulated health professions, however, that approach is no longer acceptable. As a result of changes to their legislation, all regulated health professions must now provide online access to their respective public registers, and are required to include considerably more detailed information about their member than most had been providing previously.

Communications staff have also been working with Investigations and Hearings to finalize a comprehensive set of notations for the public register and printed certificates. These will ensure that the intentions of the Discipline and Fitness to Practise panels are communicated in a consistent way in simple language transparent to educators and public alike.

#### **Professional Designation for Teachers**

The idea of a professional designation for teachers, similar to that granted to other professionals such as nurses, engineers and accountants, was first considered by the College's Council at its September 2007 meeting.

During the summer of 2008, the College conducted a multi-part consultation process, which included telephone surveys, focus group sessions, and an online survey. In total, the College surveyed over 5,000 members of the College and the public. Eighty per cent of the respondents supported the idea of a professional designation, and believed that teaching is a profession, comparable to the professions of medicine, engineering and accounting, all of which have their own professional designation. Over 90 per cent of the respondents felt that professional designations held by these professions had an impact on the respect accorded them by society.

Based on the results of the consultation, Council passed a motion at its September 25, 2008 meeting, calling for an amendment to the College's legislation that would incorporate the designation into the legislation and ensure the protection of its use.<sup>10</sup> The professional designation will be registered under federal trademark legislation. The College is currently working on the detailed implementation and communication plan.

## **Object 2**

### **To develop, establish and maintain qualifications for membership in the College**

There have been significant developments in the areas of professional self-regulation that underline the need for professional self-regulatory bodies to be able to respond to changing expectations in their roles as regulators of a profession. In other words, regulators must not only conduct their operations transparently and fairly; they must also be flexible and willing to adapt existing, and to adopt new, policies and procedures to reflect new expectations.

This is especially applicable to regulators' registration processes. There has, for instance, been an evolving awareness that the College must do more to recognize the breadth of teaching and/or teaching-related experience that internationally educated teachers bring with them when they apply for Ontario certification.

This change in thinking has been reflected in recent legislative initiatives and amendments to the College's own Act. The *Fair Access to Regulated Professions Act*, for instance, compels regulators to make information publicly available on the documentation of qualifications that must accompany an application, and what alternatives to the documentation may be acceptable to the regulated profession if an applicant cannot obtain the required documentation for reasons beyond their control.

The 2006 *Education Statute Law Amendment Act (Student Performance)* obligates the College to establish, through regulation, standards, practices and procedures to ensure that decisions with respect to applicants are understandable, fair, and transparent, and are enacted with due regard for individual circumstances.

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<sup>10</sup> The proposed amendments read as follows:

14(1.1) An individual shall not use the designation "Ontario Certified Teacher" or the French title "Enseignante agr ée de l'Ontario" or "Enseignant agr ée de l'Ontario" or an abbreviation of any of those designations, unless he or she is a member of the College in good standing.

51.1(1) Every person who contravenes subsection 14(1.1) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and not more than \$5,000 for a subsequent offence.



As well, there has been an increase in national and international policy development in the area of mutual recognition of credentials and qualifications to ensure barrier-free mobility of professionals and educational credentials.

The College has also had to respond to changes in federal legislation in the area of criminal records, and is actively pursuing amendments to that legislation.

#### **Fair Registration**

Transparency is a foundational piece of the provincial government's *Fair Access to Regulated Professions Act, 2006*.<sup>11</sup> The intent of the Act, which received royal assent on March 1, 2007, is to ensure that registration practices for the professions are transparent, objective, impartial and fair.

The *Fair Access to Regulated Professions Act*:

- sets out a general duty of fair registration practices
- sets out specific duties in the Fair Registration Practices Code
- provides for the appointment of a Fair Registration Practices Commissioner and creates the Office of the Fairness Commissioner
- establishes the Access Centre for Internationally Trained Individuals
- requires regulatory bodies to review their registration practices regularly and submit annual reports to the Fairness Commissioner
- gives the Fairness Commissioner the power to order compliance.

In March 2007, the government appointed Ontario's first Fairness Commissioner to work with regulatory bodies to ensure that the credentials of internationally trained professionals are evaluated fairly and transparently. The Commissioner will oversee regular audits of regulatory bodies and submit an annual report to the Minister of Citizenship and Immigration on the implementation and effectiveness of the Act.

The Fair Registration Practices Code itself governs specific duties regarding information, timely decisions, responses and reasons, internal review or appeal, qualifications, assessment of qualifications, training and access to records.

Prior to the introduction of fair registration legislation, the College had made considerable efforts to ensure that its registration processes were transparent and easily understood. In response to this legislation and amendments to the College's own Act, the Registrar initiated a review of its registration practices to help develop a regulation to ensure College registration and appeals practices reflect the requirements of the *Fair Access to Regulated Professions Act* and support the audit and reporting functions of the Office of the Fairness Commissioner. A draft regulation was submitted to Council at its September 2008 meeting.

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<sup>11</sup> S.O. 1996, c. 31.

All of the College's application processes and procedures have been reviewed where required to meet Code requirements. The College is also now required to report annually to the Office of the Fairness Commissioner. The College is also subject to Fairness Audits.

#### **Labour Mobility**

The College has been active in the area of labour mobility, along with other professional self-regulators in Ontario and across Canada. Its efforts in this area are directed towards increasing access to the profession, while maintaining entry-to-the-profession standards that will ensure protection of the public interest.

In 1994 the federal, provincial and territorial governments signed The Agreement on Internal Trade (AIT). It became effective on July 1, 1995 and is intended to reduce barriers to the movement of persons, goods, services and investments within Canada.

Chapter 7 of the AIT addresses labour mobility enabling any worker qualified for an occupation in one part of Canada to have access to employment opportunities within that occupation in any other province or territory. As parties to this agreement all provinces and territories are obliged to implement the goals outlined in Chapter 7. The teaching profession is included as one of many professions expected to meet the expectations of the AIT. The agreement must provide access to full employment and unconditional licensure by April 1, 2009.

In 1999 an Agreement-in-Principle: Labour Mobility Chapter of the Agreement on Internal Trade/Teaching Profession (AIP) was developed by registrars for teacher certification across Canada and endorsed by the Council of Ministers of Education, Canada. The agreement-in-principle was a critical step toward the establishment of a Mutual Recognition Agreement (MRA). It allowed for the time required for comparative analysis of the various practices and for further study needed to fully understand the occupational standards and requirements of each jurisdiction.

The AIP has been in effect since 1999, enabling initial certification with conditions for teachers certified in one Canadian jurisdiction moving to another Canadian jurisdiction. In 2001 Regulation 184 was amended to provide for "initial certification with conditions."

In 2007 and 2008 the Canadian Registrars for Teacher Certification met with representatives of the Labour Mobility Coordinating Group to develop an interim MRA, which was accepted by the Ministers of Education at their meeting in February 2008. The key elements of the interim MRA are the following:

- the basic requirements to be met to allow for certification and capacity to use accommodation mechanisms to enable full certification
- definitions of terms used in the document
- appendices outline the requirements in each jurisdiction, and include

- postsecondary degrees
- teacher education programs
- language proficiency
- requirements for currency of professional knowledge and skills
- culturally based requirements.

In moving towards a final MRA, the College established a cross-departmental College work group to consider the MRA to determine the operational, policy and regulatory obligations imposed by the MRA upon the College. Part of the work of this group involved the initial development of a competency profile for purposes of certification that would allow the College to compare competencies with those in other jurisdictions and to determine the level of commonality among jurisdictions in this respect. The work group then attempted to reconcile the different certification requirements and identify implications for changes in practice and legislative change.

In July 2008, however, the landscape on this issue changed significantly. Canada's premiers met and emphasized their commitment to develop a new AIT for regulated professions by January 2009. This new agreement established and provided the framework that will result in any worker certified for an occupation by a regulatory authority of one province or territory being recognized as qualified to practise that occupation by all other Canadian jurisdictions, effective August 1, 2009.

Ontario and Quebec premiers are also working on a separate agreement that will complement the multilateral work of the AIT. While regulators may continue to work toward an MRA, it may no longer be required.

During September 2008, inter-jurisdictional workgroups established for French and English examined respective language proficiency requirements.

The impact on the College's existing processes and procedures will be significant. Active implementation will begin once the specific parameters and requirements are known. Currently the internal working group is considering what regulatory amendments and what policy/procedure changes may be required.

#### **Teachers' Qualifications Regulation (Regulation 184)**

The *Teachers' Qualification Regulation* sets out initial and ongoing teachers' qualifications, and for this reason, it is crucial to much of the College's work as a professional regulator of the teaching profession.

In 2004, the College undertook a comprehensive 18-month review of teachers' qualifications in Ontario (the Teachers' Qualifications Review or TQR). The review was organized in three sections, looking at initial teachers' qualifications, ongoing teachers' qualifications, and specialized programs of teacher education. Significant consultation,

outreach, and validation activities with education sector stakeholders characterized all parts of the review.

The review activity culminated in a series of 66 recommendations made by College Council at its September 2006 meeting. These included approval for recommendations for regulatory changes, as well as retaining other existing regulatory requirements.

These 66 recommendations are grouped and organized along a number of Policy Issues, such as the Content of the Program of Professional Education in Ontario, Length of Program, Outcome of Program, Acceptable Academic and Technological Qualifications, Purposes of Additional Qualifications, Delivery of Additional Qualifications courses and programs, Refreshing the Schedules in Regulation 184/97, and Prior Learning Assessment and Recognition. The process, policy issues and specific recommendations were reported to the sector in the publication *Preparing Teachers for Tomorrow: The Final Report 2006*.<sup>12</sup>

The College has implemented a number of the recommendations arising from the review, including a series of amendments to Regulations 184/97 and 347/02. Work on this activity is ongoing, with regular updates provided to Council and Ministry counterparts.

In its September 2008 meeting, Council approved a number of recommendations, which were based on a consultation session with educational stakeholders held in June 2008 and all of which would require an amendment to Regulation 184. The recommendations included:

- the reduction of the number of certificates of qualification from seven to two – all participants agreed with the recommendation, finding that the measures would simplify the certification process
- the harmonization of requirements for multi-session candidates
- the elimination of the one-year teaching requirement as a condition of certification for teachers education outside Ontario – a majority of participants supported the elimination of the requirement, given the introduction of the New Teacher Induction Program and the Teacher Performance Appraisal process

Further work on Regulation 184 is envisioned. College and Ministry staff have agreed that it is to be amended so that it is streamlined, rationalized, restructured and reordered and extraneous material is removed. In redrafting the regulation, College and Ministry staff agreed that it must:

- be closely aligned with the College's legislation
- be written in plain language and streamlined to be more easily understood and accessible to members and others
- no longer include issues of accreditation, which will move these to Regulation 347/02, *Accreditation of Teacher Education Programs*
- provide for the College's obligations established under the Mutual Recognition Agreement, and include transition provisions that enable the College to move to compliance with the Mutual Recognition Agreement

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<sup>12</sup> [http://www.oct.ca/publications/PDF/TQR/tqr\\_report\\_e.pdf](http://www.oct.ca/publications/PDF/TQR/tqr_report_e.pdf)

- provide for equivalency and/or comparability, where appropriate
- ensure that the Registrar has discretionary powers
- enable the regular review of the schedules.

Work continues to facilitate the development of the new additional qualification guidelines recommended in the TQR consultations including the following: Adapting Curriculum for Catholic schools, Social Studies in the Primary and Junior Divisions, Special Education for Administrators, the Use of Assistive Technology, American Sign Language, Teaching in a French Immersion Setting, and Enseignement en milieu minoritaire.

College members and stakeholders will be asked to provide feedback in the development of these guidelines.

#### **Aboriginal Teaching and Teacher Education**

The College is committed to improving educational opportunities and outcomes for Aboriginal students through our accreditation and qualifications processes related to Aboriginal teacher education. The College's work in this area is just one recent example of the extensive consultative process in which the College engages with its stakeholders.

In June 2005, the Ontario government released its *New Approach to Aboriginal Affairs* which recognized the importance of education in improving opportunities for First Nation, Métis and Inuit children and youth. Acting on this commitment, the Ministry of Education identified Aboriginal education as one of its key priorities and, as a key part of the strategy, introduced the *Ontario First Nation, Métis and Inuit Education Policy Framework*.

Released in January 2007, the framework includes approaches for schools and school boards to not only boost Aboriginal student achievement, particularly in comparison to non-Aboriginal student achievement, but to increase the number of Aboriginal staff working in school boards and train teachers in teaching methods that are appropriate for Aboriginal students. The framework also recognizes the shared responsibility among governments, ministries and educational institutions in achieving such goals.

In 2006, teachers, school principals and other officials, members of the public and members of Aboriginal communities were invited to participate in meetings with the College to address initial and continuing teacher education qualifications.

Many of the suggestions emanating from those meetings have been accepted by the College's Council, and Council has made recommendations to the Ministry of Education to make appropriate revisions to the Teachers' Qualifications regulation. For instance, to ensure that all beginning teachers have an understanding of the Ontario context which, among others, includes Aboriginal worldviews and ways of knowing, Council recommended that the content of the initial teacher education program be modified to include this focus.

When a sufficient pool of individuals has acquired an undergraduate degree, the College Council will consider making it a regulatory requirement that all teachers of Native ancestry who are interested in becoming a teacher have completed a bachelor's degree before entering a teacher education program.

The College's consultation with Aboriginal organizations and other education stakeholders suggested that the additional qualification course Teaching Native Children be retained as a one-part course because of concerns expressed about the importance of understanding First Nations communities, further discussions with Aboriginal communities about the purpose and focus of the course suggested that this course now be named Teaching Aboriginal Children. This newly focused course is under development.

Other recommendations are currently in various stages of implementation. For example, while the recommendations about initial teacher education are still under consideration by the Ministry of Education, the College has been working closely with members of the Aboriginal teacher education community to begin the process of creating the new additional qualification guidelines associated with Aboriginal education. It is expected that these new additional qualification guidelines will be developed in 2009.

Working with the Ministry of Education, the College has revised regulatory schedules of Additional Basic Qualifications and Additional Qualifications to create a number of new Additional Qualifications. These include Aboriginal Peoples: Understanding Traditional Teachings, Histories, Current Issues and Cultures; separate courses for teaching Cayuga, Delaware, Ojicree and Oneida; and courses in native studies and native languages.

The College recently accredited a four-year bachelor of education program in Aboriginal teacher education that Brock University is offering, and a second Ontario faculty is developing a similar program. A panel of the Accreditation Committee recently reviewed Lakehead University's proposal for a new four-year stand-alone program focusing on Aboriginal education leading to an Honours BEd (Aboriginal).

A cross-departmental College work group is currently holding conversations to consider a number of areas, which will inform our framework for Aboriginal policy. These topics will include:

- processes to identify the number of Aboriginal teachers in Ontario
- methods to encourage Aboriginal students and adults to consider teaching as a career
- strategies to increase the number of Aboriginal teachers who seek certification in Ontario
- Aboriginal resources to support teacher education and the ethical standards and standards of practice
- alternative ways to deliver Aboriginal teacher education courses.

The need for further initiatives in this area was clearly underlined in the final report of the School Community Safety Advisory Panel, *The Road to Health: A Final Report on School Safety*, released January 2008. The report contained an entire section, including 10 recommendations, specific to Aboriginal education in the Toronto District School

Board. The report focused on the First Nations School of Toronto and the need to increase awareness of the challenges faced by Aboriginal students. The recommendations were aimed at increased programming in areas of native languages, counselling, awareness and sensitivity to Aboriginal issues.

#### **Prior Learning Assessment and Recognition**

In 2006, the College's Council recommended the development of a policy framework for determining criteria, processes and procedures for implementing prior learning assessment and recognition (PLAR). The recommendation resulted from the College's formal review of the regulation governing teachers' qualifications (the TQR review, discussed above). Among other areas, this review confirmed the necessity for teachers to complete a program of professional teacher education.

When the College, through TQR discussions and consultations, decided it should actively examine the use of PLAR, the issue was important. Now, given the new expectations placed on regulators, it is imperative.

Following Council's recommendation, the College established a PLAR work group. Among other activities, this group:

- researched national and international PLAR policies and practices
- examined the College's current equivalency practices for initial certification and for qualifications beyond initial certification
- drafted working definitions for prior learning, formal, non-formal and informal learning, prior learning assessment and recognition
- developed a working set of principles that might provide a foundation for the implementation of a PLAR policy.

Ongoing work on PLAR policy development will be required as a result of labour mobility.

#### **Language Proficiency**

The *Teachers' Qualifications Regulation* requires applicants to demonstrate proficiency in either French or English to be certified by the College. Applicants who complete their program of professional education in either French or English satisfy this requirement.

Applicants who do not meet the language proficiency requirement as outlined in the *Teachers' Qualifications Regulation* are required to complete a language proficiency test approved by the College. The College set a minimum acceptable score level for each of the approved language proficiency tests. The Education Testing Service (ETS) introduced a new Test of English as a Foreign Language (TOEFL) requirement that caused the College to re-examine its acceptable score levels. The College held a consultation session attended by individuals with expertise in language assessment and test development, Ontario and internationally trained teachers, and parents. The acceptable test scores for the new TOEFL are: 28 out of 30 for the speaking and writing portions of the test, 24 for the reading portion and 23 for the listening portion, with an overall acceptable score of

103. Over the next year, staff will review ETS's findings regarding the new TOEFL test to determine whether additional adjustments should be made to the College's scores.

The College's language proficiency policy lists numerous countries for which there is sufficient evidence to demonstrate that the language of instruction is either French or English. An applicant who has completed his or her program in one of the countries on the College's approved list is deemed by the Registrar to have satisfied the College's language proficiency requirement. Policy and Research staff worked with staff in the Membership Services Department to update the approved countries list.

The Membership Services Department launched a pilot project in which we will complete a credential assessment for applicants who have not yet submitted evidence of language proficiency. This process is similar to the process in place for international applicants without employment authorization. It offers applicants advance information on the acceptability of their teacher education program and degree while they continue to enhance their language proficiency. To date, 20 invitations have been sent to applicants. Twelve of these files are being assessed.

The College is actively reviewing third-party language proficiency test providers to ensure that they are compliant with fair registration legislation. In addition, as a result of developments in the area of labour mobility, provinces are reconsidering all language proficiency testing and contemplating an acceptable national standard.

#### **Criminal Records Check**

As a professional self-regulator, the College has the responsibility to ensure that its members meet high standards of professional conduct. Central to this premise are the moral, ethical and legal obligations, both implicit and explicit, that the College will not only ensure that teachers are, and remain, highly skilled to practice their profession, but that the duty of trust inherent in the role of teacher is not misappropriated or betrayed by both those seeking admission to the College and those wishing to remain members.

Like other self-regulatory organizations, the College fulfills these obligations to protect the public interest and ensure the safety of Ontario's students by taking precautions to ensure the suitability of its members, such as requiring applicants to provide a criminal records check as part of the application process – an appropriate screen for individuals who will later occupy positions of trust with children and young adults.

The College requires applicants for certification to furnish information related to any past criminal activity as a means of assisting the Registrar in determining whether an individual should be admitted to the teaching profession. The legislative authority to do so is found in section 18 (2) of the College's Act, which permits the Registrar to refuse to certify an individual if the Registrar has:

reasonable grounds to believe that the past conduct or actions of the applicant afford grounds for belief that the applicant will not perform his or her duties as a teacher in accordance with the law, including but not limited to this Act, the regulations and the bylaws



When Council adopted its criminal record screening (CRS) policy, effective January 1, 1999, it undertook to review the policy after 12 months. As a result of the subsequent review, the policy was changed. The requirement for foreign criminal record checks was removed, and the requirement for checking of Canadian records was strengthened to include a Canadian criminal record check regardless of how long the applicant had been in Canada. Previously, checks were only required from each country in which the applicant had lived for two years or more.

Consideration of some additional issues, such as screening requirements for existing teachers and the scope of the information contained in a criminal record check, were deferred for a further review because the provincial government was in the process of developing criminal records screening requirements under the *Education Act*.

In March 2000, Council recommended that significant housekeeping amendments be made to Regulation 184/97. The recommended changes included an amendment to require applicants to provide an original Canadian criminal record check report not more than six months old at the date of receipt by the College, as well as a Criminal Record Declaration completed and signed by the applicant and witnessed.

There have been two significant developments since June 2000 in the overall regulatory framework. The federal *Criminal Records Act* with respect to who may request access to records of pardons for sexual offences involving vulnerable persons (August, 2000) was amended. In addition, Regulation 521/01 made under the *Education Act* requiring criminal record checks of all school board employees became effective on December, 2001.

#### ***Criminal Records Act (Can.)***

On August 1, 2000, the federal *Criminal Records Act* (CRA) was amended to provide access in limited circumstances to records of pardons for specified sexual offences. This particular information would not otherwise appear on a CPIC (Canadian Police Information Centre) check, and is directly relevant to the question of a membership applicant's suitability for membership in the College. Thus it has an impact on the College's role as regulator.

Those who are "responsible for the well-being of one or more children or vulnerable persons... to whom or to which an application is made for a paid or volunteer position" may make request for access to such information. However, the College cannot rely on this provision to obtain information about its applicants, since an application for membership is not an "application for a paid or volunteer position", and the College does not stand in the position of an employer. In contrast, school boards, as employers, may require job applicants (or volunteer applicants) to consent to a search of records of pardons for sex-related offences involving children or vulnerable persons.

The College has written to the Solicitor General of Canada asking that the College be granted permission to receive information about offences for which a pardon has been granted and is continuing in its efforts to have the legislation amended to allow self-regulators to have access to this valuable background information.

In the interim, the College continues to take a leadership role as the regulator of the teaching profession and encourage employers to act in the public interest and to exercise their authority under section 6.3 of the CRA to require job applicants to consent to the disclosure of records of pardons for sexual offences involving children or vulnerable persons, and to require local police information where available.

#### **Registration Appeals**

The College licenses more than 12,000 new teachers every year, but not all those who apply are able to meet the requirements of the Teachers' Qualifications Regulation and provincial legislation. To ensure fairness and maintain public confidence in the decisions the Registrar makes on behalf of the teaching profession, unsuccessful applicants may appeal either the Registrar's decision not to grant them an Ontario teaching certificate or any conditions placed on their initial certificate to the Registration Appeals Committee. The committee heard 45 appeals in 2007.

In addition to its ongoing review of appeals, the committee closely followed the progress of the College's Fair Registration Practices Review in 2007, and received presentations over the year regarding the review. Committee members provided feedback on the review and its implications for their work. The review identifies ways the College operates so that our procedures, information and guidelines are as clear and transparent as possible.

Although it is not obliged by statute to provide either a court-like hearing or the opportunity for in-person submissions, in 2007 the committee developed and approved rules of procedure for registration appeals hearings, and administrative guidelines for in-person presentations to the committee.

These new rules will provide clear guidance for appellants who wish to have a hearing or presentation in support of their appeal and provide procedural clarification for the committee. It is expected that the Registration Appeals Committee will receive a growing number of requests for a formal hearing.

The rules and procedures, as well as necessary forms, will be made available on the College's web site.

#### **Object 3**

**To accredit professional teacher education programs offered by post-secondary educational institutions.**

#### **Object 4**

**To accredit ongoing education programs for teachers offered by post-secondary educational institutions and other bodies.**

#### **Object 9**

**To develop, provide and accredit educational programs leading to certificates of qualification additional to the certificate required for membership, including but not limited to certificates of qualification as a supervisory officer, and to issue, renew, amend, suspend, cancel, revoke and reinstate such additional certificates.**

## Accreditation Regulation Review

As part of its mandate, the College, as the regulator of the teaching profession, has responsibilities in the area of accreditation of pre- and in-service teacher education programs – responsibilities that fall under a number of different statutory objects. Specifically, it has the responsibility to:

- accredit professional teacher education programs offered by post-secondary educational institutions [object 3]
- accredit ongoing education programs for teachers offered by post-secondary educational institutions and other bodies [object 4]
- provide for the ongoing education of members of the College [object 6]
- develop, provide and accredit educational programs leading to certificates of qualification, additional to the certificate required for membership, including but not limited to certificates of qualification as a supervisory officer [object 9]

Shortly after the establishment of the College in 1997, the Registrar contacted Ontario faculties of education to begin the development of an initial accreditation process for review of pre-service programs of professional teacher education. The process was to be piloted over a three-year period and was based in large part on the procedures and practices of other accrediting bodies in other jurisdictions, including the U.S. Teacher Education Accreditation Council (TEAC) and the U.S. National Council for the Accreditation of Teacher Education Programs (NCATE).

The committee approved a draft regulation in January 2000. Council approved the draft in February 2000 and it was forwarded to the Minister of Education shortly thereafter in March 2000.

Further negotiations conducted by the Ministry between the College and the OADE led to additional developments in the accreditation regulation, including the establishment of an accreditation appeal process. The accreditation regulation (Regulation 347/02, *Accreditation of Faculties of Education*) was filed in December 2002. It outlines the requirements and procedures for the accreditation of pre-service and in-service teacher education programs.

Since the filing of the accreditation regulation, the College has reviewed 54 programs of professional education offered by 20 permitted institutions. Since January 2004, the College Registrar has reviewed and accredited more than 1000 additional qualification courses and/or programs offered by 37 providers.

Unlike other College regulations pertaining to other activities of the College, s. 47 of the accreditation regulation requires the Council to conduct a review to assess the feasibility and effectiveness of the processes set out in the regulation for the accreditation of programs of professional education and programs of additional qualification. The review is to include consultations with the permitted institutions that provide programs of professional education, the providers of programs of additional qualification and persons, and organizations having expertise in the area of accreditation of teacher education

programs. The regulation also stipulates that a report of the review is to be given to the providers of programs of professional education and additional qualification and to the Minister of Education.

In December 2005, Council initiated the required review by contracting the services of an external party to undertake a consultation with permitted institutions and providers of programs of additional qualification and provide a report on this consultation to Council.

A written report was provided to the Registrar in September 2006, which was shared with Council at the October 2006 meeting. Given that this was the last meeting of the third Council, and that the College was in an election period, Council requested that the incoming Accreditation Committee receive the external reviewers' report and make recommendations to Council regarding the accreditation processes outlined in the regulation.

To facilitate the work of the newly elected Council and Accreditation Committee, Council requested that the Registrar undertake a review of the external reviewers' report and identify implications for existing accreditation practices, processes and regulatory requirements.

Following consultations and feedback from the Accreditation Committee, the external reviewers issued an addendum to their report to clarify their position regarding the three options for change they had recommended.

The final report, *Review of Regulation 347/02, Accreditation of Teacher Education Programs* was approved by Council at its June 2008 meeting, and the report has been forwarded to the Minister of Education and providers of accredited pre-service and in-service teacher education programs in Ontario.

#### **Supervisory Officers**

The Minister of Education has proposed amendments to Ontario Regulation 309 - Supervisory Officers made under the *Education Act*. The proposed amendment would allow school boards to employ a teacher in a position requiring supervisory officer's (SO) qualifications while the teacher is pursuing the required qualifications.

These proposed amendments are intended to remove all unnecessary barriers to employment in Ontario's schools by qualified individuals from out of the province, and will require corresponding amendments to Regulation 184/97.

The Minister's request was shared with Council at its June 12-13, 2008 meeting, and the Registrar advised Council that regulatory amendments would be brought forward to their September 25-26, 2008 meeting. The amendments were subsequently approved.

College staff have met with the appropriate supervisory officer stakeholders to inform them of the changes and to provide input into the procedures and implementation policies for an evaluation.

### **Principals Qualification Program**

A preliminary consultation has been held with administrators, instructors and program coordinators from the French-language and English-language communities in preparation for the revision of the Principal's Qualification Program (PQP).

College staff regularly make presentations to principal's qualification candidates, and emphasize the College's mandate.

### **Object 5**

**To issue, renew, amend, suspend, cancel, revoke and reinstate certificates of qualification and registration.**

While many activities in connection with this object are subsumed under other objects (and discussed elsewhere in this paper), there are a number of other important activities which the College carries out under this object.

### **Credentials Evaluation Process**

The College engages in extensive credentials review process to establish whether an applicant meets the College's membership requirements. The College also determines whether foreign qualifications and credentials meet Ontario requirements. To do so, the College constantly reviews and updates the information it has with respect to other countries' credential requirements.

The College also reviews requests for conversion of interim certificates to certificates of qualification, evaluates Additional Qualification requirements and equivalencies, and evaluates Temporary Letters of Approval for school boards to hire teachers without legislated qualifications for restricted teaching and administrative assignments.

### **Annual Certificate Generation**

Last year, the College certified 12,475 applicants, and the year before that, 12,417 applicants were certified.<sup>13</sup> The College provides each new member with a *Member's Handbook*, which is updated annually and available online in the Publications section of the College web site. In addition to new applicants, the College reissues the certificates of qualification annually to all members who are in good standing.

### **New Teacher Induction Program**

Bill 78 formally ended the Ontario Teacher Qualifying Test as a condition for entry to teaching. In its place, the government introduced a mandatory New Teacher Induction Program (NTIP) to support newly certified and permanent full- and part-time teachers in publicly funded schools. NTIP reflected the College's own advice to the Minister of Education based on survey data from newly certified teachers in which new teachers said they were desperate for support in their first years in teaching/

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<sup>13</sup> 2007 Annual Report: [http://www.oct.ca/publications/PDF/2007annual\\_e.pdf](http://www.oct.ca/publications/PDF/2007annual_e.pdf)

As a result of the legislation, district school boards and provincial school authorities will be required to advise the College within 60 days of completion of the program by new teachers. The College, in turn, then has up to a further 60 days to have the notation applied to the member's Certificate of Qualification and to the public register.

On April 25, 2006, the Registrar wrote to directors of education requesting feedback on a web-based process to transfer program completion information. The service, which is accessible through the Employers' Area of the College's web site, was activated on August 1, 2006, and is the subject of ongoing maintenance and contact with employers to ensure that they are aware of the program and are able to use it.

#### **Client Services/Contact Centre**

The College contact centre provides information in both official languages on a wide range of issues relevant to College membership, including qualifications, certification and the complaints process. It receives in excess of 600 calls or e-mails daily, and staff deal with members and members of the public.

#### **Online Services to Applicants**

There is considerable information on the College's web site about the College's regulatory activities – specifically, the certification processes applicable to both Ontario and internationally-educated applicants. In the case of internationally-educated applicants, a link is also provided to Teach in Ontario, the bridging project for teachers that is funded by the Government of Ontario and the Government of Canada through Citizenship and Immigration Canada.

College applicants are also able both to apply and to track the status of their applications online and, in the interest of fairness and equity, the College is implementing an online application process for internationally-educated applicants in 2010.

#### **Online Services to Members**

The Members' Area on the College's web site enables members who log into this site to:

- view their membership profile and certification qualification
- review the *Member's Handbook*, which is reissued annually and which is amended throughout the year to reflect changes to legislation or regulations that occur mid-year
- request library materials online
- pay membership fees
- print an income tax receipt.

## **Object 6**

**To provide for the ongoing education of members of the College.**

When the College's legislation was first enacted, Object 6 gave the College jurisdiction to "provide for the ongoing education of members of the College". The College's Act was amended in 2001 to provide for mandatory professional learning (the "Professional Learning Program")<sup>14</sup>, and as a result of the amendment Object 6 provided as follows:

To provide for the ongoing education of members of the College, including professional learning required to maintain certificates of qualification and registration.

The Professional Learning Program was cancelled by the *Professional Learning Program Cancellation Act, 2004*.<sup>15</sup> The effect of the amendment was to remove all references to the Professional Learning Program, and leave Object 6 intact, as it read prior to the amendment, when it was first introduced as part of the College's Act. It has remained unchanged since that time.

## **Professional Learning**

Professional learning is at the heart of teacher professionalism and may take a variety of forms. Following their pre-service education, members of the College can complete courses or programs that are identified in the Teachers' Qualifications Regulation and are approved by the College and offered by registered providers. When a member successfully completes one of these courses or programs, it is recorded on the member's certificate of qualification, which appears online at the College's web site.

College members stay current and up-to-date in many ways other than completing additional qualification courses and programs. Educators can participate in or facilitate professional development activities, mentor colleagues, join professional networks, engage in research activities, and read books and articles about educational issues to improve their practice and enhance student learning. All of these opportunities are an integral part of the Professional Learning Framework. Educators participate in learning opportunities offered by their employers, the Ministry of Education, faculties of education, professional organizations, federations and subject associations. Through this professional learning, College members demonstrate a commitment to continued professional growth.

The College recently issued its second professional advisory – *Additional Qualifications: Extending Professional Knowledge*.<sup>16</sup> The intent of the advisory is to clarify for members the purpose of the regulated system of Additional Basic Qualifications and Additional Qualifications – one form of professional learning. The advisory is an outcome of an

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<sup>14</sup> S.O. 2001, c. 14, Sched. B., s. 2.

<sup>15</sup> S.O. 2004, c. 26, s. 2, which read: "Paragraph 6 of subsection 3 (1) of the Act, as re-enacted by the S. O. 2001, chapter 14, Schedule B, section 2, is amended by striking out "including professional learning required to maintain certificates of qualification and registration" at the end."

<sup>16</sup> [http://www.oct.ca/publications/PDF/advisory\\_2008\\_e.pdf](http://www.oct.ca/publications/PDF/advisory_2008_e.pdf)

intensive review of teachers' qualifications by the College, its members and its education partners.

#### **Other Educational Activities**

The College created the standards of practice resource kit - *Standards in Practice: Fostering Professional Inquiry* – educational materials to support the integration of the standards through professional reflection and discussion. It provides a practical inquiry-based resource for teacher education.

The kit was updated in September 2006 and includes the revised ethical standards and standards of practice. It was developed to encourage teachers to reflect upon and explore their practice to enhance it, and offers a variety of reflective strategies that include cases, an interactive script and an ethical decision-making guide, along with booklets and guides describing how to integrate the standards of practice.

The College has also provided an opportunity for members to share ethical dilemmas online that they may have come across in their own practices or in their colleagues' practices.<sup>17</sup> The information is then used (with the member's knowledge and consent) as an educative resource to assist in enhancing ethical knowledge and practice of the teaching profession.

Education of, and research into, the ethical standards and standards of practice have been an essential part of the work of the Standards of Practice and Education Committee. A considerable amount of educational and research materials have been developed with the assistance of members of the teaching profession. Instructions on how to gain access to these various resources is provided on the College's web site, along with a brief description of each. A number of these publications are also available in the College's library.

The College also routinely publishes educational articles and highlights educational tools in each edition of *Professionally Speaking/Pour parler profession*.

#### **Margaret Wilson Library**

The College's library supports members' professional development, as well as the work of the College Council, its committees, and College staff members' needs.

The collection, which covers a broad range of subjects, including pre-service and in-service training, standards of practice, credential assessment, curriculum development and assessment, learning styles, mentoring, and legislative analysis, is comprised of:

- nearly 200 professional journals and general periodicals
- an additional collection of electronic full text periodicals, indexed and searchable from the library study desks
- a video collection available for loan, or for viewing in the library

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<sup>17</sup> [http://www.oct.ca/standards/temp/dilemmas\\_e.pdf](http://www.oct.ca/standards/temp/dilemmas_e.pdf)



- a provincial legislation collection
- government documents and Statistics Canada
- books and papers
- vertical files by subject
- newspapers, including the Globe and Mail, Toronto Star, National Post, Toronto Sun and L'Express
- Internet connections to other educational libraries, associations and university collections.

The online catalogue is accessible through the Internet. Members can make online requests for books, and like other libraries, the College library assists members with their literature searches.

### **Object 7**

**To establish and enforce professional standards and ethical standards applicable to members of the College.**

#### **Ethical Standards for the Teaching Profession, Standards of Practice for the Teaching Profession and the Professional Learning Framework**

The College's Ethical Standards for the Teaching Profession, Standards of Practice for the Teaching Profession and the Professional Learning Framework for the Teaching Profession form the Foundations of Professional Practice. Together they outline the principles of ethical behaviour, professional practice and ongoing learning for the teaching profession in Ontario, and fulfill the College's legislative mandate to establish and enforce professional and ethical standards. They also inform the public of the many ways educators remain knowledgeable and current.

Members of the College acquire the knowledge, skills and values described in the Standards of Practice for the Teaching Profession and the Ethical Standards for the Teaching Profession through ongoing professional learning. The Professional Learning Framework provides for this growth and development through accredited pre-service and in-service programs as well as through other forms of ongoing professional learning.

The College initiated a five-phase process to establish professional standards that would be meaningful and relevant to teachers in Ontario. Between March 1997 and October 1999, the standards were created through a process that included research, consultation, analysis and feedback.

Following the methodologies set out for the development of the standards of practice, the Ethical Standards for the Teaching Profession were similarly developed through revisiting and reviewing Ontario policy and legislation, codes of ethics from other teachers' organizations across the province, research articles and discussions with knowledgeable people in the field of ethics. Themes were again identified and feedback and draft documents were provided to the College.

Council approved the Standards of Practice for the Teaching Profession for inclusion in the College bylaws in February 2000. The Ethical Standards for the Teaching Profession was approved in October 2000.

On August 25, 2000, the Standards of Practice and Education Committee passed the Professional Learning Framework for the Teaching Profession that was subsequently approved by Council at the October 12-13, 2000 meeting.

At the time the original standards were approved, Council also passed a motion to provide for the review of the standards within the five years, to reflect the evolving nature of the profession. The review plan for the standards review was presented to Council on November 3, 2004.

On June 8, 2006, Council approved new versions of the Ethical Standards for the Teaching Profession and the Standards of Practice for the Teaching Profession.

**Object 8**

**To receive and investigate complaints against members of the College and to deal with discipline and fitness to practise issues.**

One of the hallmarks of a professional self-regulator is its ability to investigate complaints against its members and to discipline or conduct fitness to practise proceedings where such action is deemed to be warranted. The College is no different than other self-regulators in this regard.

The College has undertaken several reviews of its practices and policies in this area and has identified areas of concern in which improvements might be made. And it has been active in ensuring that those improvements have been made, whether by amending its own internal disciplinary procedures and practices, or by advocating for legislative amendments to its own legislation. The reviews have been undertaken in response to external reports, but they have also been self-initiated.

**The “Robins Report” and the College’s Response – Amendments to Legislation, Rules of Procedure and the First Professional Advisory**

Mr. Justice Sydney Robins was appointed by an Order in Council (May 5, 1999) to review and prepare a report following the conviction for sexual assaults committed by a teacher on numerous female students from the late 1970s to the early 1990s. The Robins Report, which was presented to the Ontario Attorney General on February 29, 2000, contained 101 recommendations with respect to “protocols, policies and procedures to effectively identify and prevent sexual assault, harassment or violence,” 36 of which were directly relevant to the College’s responsibility as the regulator of the teaching profession in Ontario.<sup>18</sup>

Once the Robins Report was released, the College immediately reviewed its provisions and recommendations, and began the process of consulting with its stakeholders and re-evaluating its policies and practices relevant to the areas addressed in the report.

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<sup>18</sup> *Protecting Our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools* (2000), at p. 4.

The College and its Executive, Discipline and Fitness to Practise Committees considered the 36 recommendations that fell within or affected the College's and each of their respective mandates.

The College hosted a working session in February, 2001, and solicited input from various education stakeholders and those responsible for the care and safety of children. The participants, who included parents, employers, faculties of education, and representatives from police services and children's aid societies, were also invited to make written submissions.

Council passed several motions, recommending that the Minister of Education make a number of amendments to both the College's Act and the Professional Misconduct Regulation (Regulation 437/97) to implement Mr. Justice Robins' recommendations. In general, the amendments imposed reporting duties on employers, requiring them to provide the College with written notice in a variety of circumstances. These recommendations were forwarded in a letter from the Chair of Council to the Minister of Education, dated March 26, 2001. Many of the recommendations were adopted fully, or in modified form.

The College Council also submitted a brief to the Standing Committee on Justice and Social Policy with respect to Bill 101, *Student Protection Act* (dated October 30, 2001), recommending, among other things that proposed legislation redefine "sexual abuse" as "sexual misconduct," expanding the definition to include grooming behaviour and to take into account the nature of the teacher-student relationship. The College also recommended that the draft legislation be amended to require employers to report allegations of professional misconduct where the teacher is transferred or where the teacher resigns during the employer's investigation.

The College consulted with education stakeholders and those who work directly with children to develop a professional advisory. Following the consultations, the College issued its first professional advisory approved by Council Sept. 27, 2002 - *Professional Misconduct Related to Sexual Abuse and Sexual Misconduct*, which addressed a number of Mr. Justice Robins' recommendations. The advisory defines what activities constitute sexual abuse and sets out reporting duties of teachers, administrators and the public where sexual abuse is suspected.

The College undertook a provincial tour of 15 cities in October and November, 2002 to bring the professional advisory to the attention of educators and the public. The College met with school board officials, federation representatives, College members, community childcare providers, Children's Aid officials and members of the media during the tour. The professional advisory is shared with all new members of the College through the *Member's Handbook* and is available on the College's web site. It is now a tool which, together with the College's Standards of the Teaching Profession and Ethical Standards, is shared with teacher education candidates in Ontario's faculties of education.

The rules of procedure of the Discipline Committee and Fitness to Practise Committee were amended on June 4, 2001 to implement recommendations made by Mr. Justice Robins with respect to procedural aspects of the College's hearings.

The amendments pertained largely to procedures during a hearing, the use of protective measures to shield vulnerable witnesses, and evidentiary rules, such as allowing the committee to accept hearsay evidence, findings of fact in prior proceedings, and proof of prior convictions or discharges.

#### **Professional Advisories**

Professional advisories are typically issued in response to a demonstrated need for clarity or precision with respect to a professional's conduct or the exercise of the regulator's discretion in overseeing that conduct. They may address matters such as a particular aspect of professional practice or procedural matters related to disciplinary hearings, or respond to the public's need to understand what professional certification means and what is expected of professionals.

Issuing such advisories is acceptable legal practice, and falls within the jurisdiction and mandate of all professional self-regulators. Advisories ensure coherent and consistent regulation which, in turn, ensures transparency and accountability.

The College will continue to identify areas that would assist members in their practices – issues that are faced by teachers daily, such as privacy issues, online social networking and cyberbullying.

Professional advisories are contained in the *Member's Handbook*, which is updated annually.

#### **Accessibility of Discipline Decisions**

The Ontario College of Teachers initiated a review of its procedures for providing public access to Discipline Committee panel decisions, after it became apparent that the College's practices in this area were inconsistent and may not have fulfilled the College's obligation as a professional self-regulator.

To identify effective practices, the College surveyed 36 Ontario professional self-regulatory bodies with respect to their processes for making discipline decisions available to the public. The College also held four information sessions with various College stakeholder representatives from parent organizations, private schools, trustee, supervisory officer and principal organizations, government representatives, and the Ontario Teachers' Federation and its affiliates.

Following consultation with other self-regulators and numerous education stakeholders, as well as a detailed review of legal opinions on the issue, the College concluded that it was imperative that the decisions of its Discipline Committee following proceedings that were held in public be made available. The availability of Discipline Committee

decisions from publicly held hearings serves the public interest, and in this respect reflects the College's statutory duty to serve and protect the public interest by allowing all members of the College and the public to see that justice is being done.

Public access to these decisions also corresponds to recent trends in Canadian professional regulation towards a greater emphasis on transparency, and follows a fundamental principle that has shaped legislation and legal theory for over two centuries: the public has a right to know. The open administration of justice is vital to ensure that justice is not only done but is seen to be done.

The College put in place an access protocol on October 5, 2007, ensuring that full decisions emanating from publicly held discipline hearings would be available in the College's Margaret Wilson Library indefinitely in both English and French, with victim and child witness names and other identifying information removed and the member identified. The protocol also ensures that electronic copies of these decisions in both English and French will be available on Quicklaw indefinitely, again with victim and child witness names and other identifying information removed and the member identified.

Finally, decision summaries will continue to be available in English and French in the College's magazine and on the College's web site where publication has been ordered. If the Discipline Committee orders that the member's name be withheld, the decision summary appears without the member's name.

The College will continue to monitor decisions, and where required, ensure that appropriate redaction – the removal of child and witness identification -- takes place.

#### **Professional Misconduct Regulation 437/97**

The Professional Misconduct Regulation sets out the specific grounds of professional misconduct. It was amended in 2008, to clarify the basis for disciplinary proceedings and the findings of the Discipline Committee – again, to make the discipline process more transparent.

Prior to the amendment, the regulation referred to five different forms of abusive conduct in a single paragraph, with the effect that members accused of professional misconduct were cited for all five when the actual allegations may concern one or only some of these forms.

Similarly, where abuse forms the basis of a finding of guilt, the Discipline Committee's decision usually refers to all five forms of abuse regardless of the details of the findings of the panel. Even when a panel cites only one of the forms of abuse, the allegation recording in the finding remains the same. Thus, the basis of the finding of professional misconduct involving one or more of the forms of abuse would be unclear to anyone reviewing the decision.

At its December 4, 2007 special meeting, the Executive Committee reviewed a recommendation from the Discipline Committee regarding the way in which the various types of abuse are listed in the regulation, and subsequently passed a motion to list in four separate clauses the forms of abuse in s. 1(7) of the regulation. At its February 28-29, 2008 meeting the Executive Committee reviewed the government's draft regulatory amendments and passed a motion to approve the proposed language.

The amendment took effect May 5, 2008. The five forms of abuse are now listed in four separate paragraphs, and in this respect the format is similar to the provisions of the *Regulated Health Professions Act (RHPA)*, the legislation governing Ontario's self regulated medical professions. In that legislation, sexual abuse by members is clearly distinguished by including it in its own category within the RHPA and by making unique provisions for its handling in the regulations.

The net effect of the amendment is to accurately identify the alleged abuse, thereby making the allegation fair to members and transparent to the public.

#### **Other Activities**

The College has provided a considerable amount of information to both members and members of the public on its web site. There are many brochures (both online and print versions are available), which deal with a variety of investigations and hearings-related topics, such as a description of the investigation and disciplinary processes, how to file a complaint, members' rights and how to proceed in the event a complaint is received, and employers' obligations to report misconduct or incompetence to the College.

In addition, senior staff of the Investigations and Hearings department meet regularly with principals, vice principals, and affiliate representatives to discuss procedures and changes in legislation or regulation, and to review concerns.

#### **Object 10**

**To communicate with the public on behalf of the members of the College.**

#### **Annual Surveys of New Teachers and Members**

The College conducts two annual surveys, Transition to Teaching, an in-depth look at the early careers of teacher education graduates, and an annual member survey for *Professional Speaking/Pour parler profession* that polls members on a variety of College and education-related topics. The College has published detailed reports on the results of these surveys.

#### **Public Portion of the College Web site**

The College recently added to its web site a portion devoted to the public, and now publishes an e-newsletter *The Public Interest/Questions d'intérêt public* which deals with topics such as the College's mandate and work, the ethical standards and standards of

practice for teachers, annual surveys, the College's disciplinary process, the job market for Ontario teachers, and the College's advice to government.<sup>19</sup>

#### **Disciplinary Process and Decision Summaries**

The public's right to know about how the College's quasi-judicial powers are exercised demands a high level of transparency. To ensure the public has access to public hearings the College publishes on its web site the hearings schedules of upcoming hearings, which are open to the public unless there are exceptional circumstances. Decision summaries are available on the College's web site and in the College's magazine, which is also available online, and copies of full decisions are available in the Margaret Wilson Library.

#### **Public Register - Find a Teacher**

The College also communicates with the public through both the College's public register, -- known as Find a Teacher -- which lists the qualifications, name history, date of initial certification and practice status of each College member. This allows members of the public, including parents, to search for anyone who has been certified to teach in Ontario's publicly funded schools by registration number or by name.

#### **Council Meetings**

The College advertises Council meetings and the annual meeting of members in major newspapers. Both are open to the public. In addition, College Council agendas and approved minutes are posted on the College's web site.

#### **Media Relations**

The College communicates with the public on behalf of members, frequently via the media. The College maintains an up-to-date media list of more than 500 English and French media across the province – dailies, weeklies, community newspapers, ethnic media, and technological publications. Outlets receive a courtesy copy of *Professionally Speaking/Pour parler profession* with a personal letter promoting story ideas from the magazine. The College also sends the media copies of its annual report highlighting the previous year's achievements.

College communications officers field a variety of media inquiries every day. Usually in concert with media activities, Communications staff create Question and Answer documents on a variety of College issues for the use of College staff.

Via media releases and follow-up, the College has raised public awareness about issues such as supply of and demand for teachers, unqualified teachers in the classroom, the lack of male teachers, and the College's professional advisories.

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<sup>19</sup> <http://www.oct.ca/public/joinnewsletter.aspx>

In 2001, 2002, and 2007 the College promoted the work of Ontario teachers with ads to commemorate UNESCO's World Teachers' Day (October 5). The campaign featured full page or 2/3-page advertisements in major newspapers across Ontario. Canadians including Governor-General Adrienne Clarkson, actress Sarah Polley and astronaut Chris Hadfield lauded the remarkable work of teachers across the province every day.

Other professional self-regulators, such as the engineers and nurses, have conducted extensive media campaigns to raise public awareness of the meaning of professional certification. For example, the *Globe and Mail* recently included a special information supplement describing recent activities of Professional Engineers Ontario, the professional self-regulator for engineers in Ontario, careers in engineering, and award winning engineers.<sup>20</sup>

#### **External Relations**

##### **(i) French-Language Services**

In accordance with its mandate, the College provides services to its members and to the public in both French and English.

Responsibility for the external relations activities of the College was transferred from the Corporate and Council Services Department to the French-Language Services Department in September 2005. This internal re-organization served as a catalyst for the re-evaluation of the core activities of the College's external relations activities.

In 2004, the College identified the need to review the quality and level of service provided to the French-language community in Ontario. To that end, consultations were held with College staff, Council members, francophone members of the College and French-language stakeholders with a view to creating a plan to improve the College's services to the French-language community.

As a result, an extensive three-year French-Language Services Review Plan was developed in 2005. To address the concern that knowledge of the College's role and responsibilities was generally not well known or understood in the French-language community, the College is actively seeking out opportunities to explain the College's mandate both to francophone members and also to the larger French-language community, and acted on recommendations that the College encourage the francophone community to attend College meetings and activities.

The College also significantly expanded bilingual staffing in key areas of the College to ensure consistent availability of staff throughout the year to deliver quality service to French-language members, public and stakeholders in a timely fashion.

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<sup>20</sup> October 30, 2008.



## **(ii) Employers' Conferences**

The College holds employers conferences, allowing it to interact directly with representatives of district school boards and other stakeholders. In 2007, employers were given the opportunity to participate in sessions in Toronto, Ottawa, Sudbury and Thunder Bay, or to participate by videoconference from locations across Ontario. Sessions were held in both English and French.

## **(iii) Annual Pre-Service Faculty Tours**

Pre-service faculty tours allow the College to address the current graduating consecutive and concurrent classes at all 15 accredited English and French-language faculties of education to give students an overview of the College's mandate and activities, as well as detailed information about the registration process.

Because 50% of Temporary Letters of Approval and 50% of Letters of Permission are associated with French language issues, the College specifically includes visits to Laval University, the University of Quebec, McGill University and the University of Montreal in these tours. It is part of the College's mandate to ensure that graduates from these facilities know exactly what is expected of them when they applied for membership in the College.

The College also visits six New York state teacher education institutions to provide this same information, since many Ontario residents choose to complete teacher education programs in the U.S., and need accurate information about what is required to become a College member. In 2006-2007, the College licensed 1,470 applicants from those institutions. Since 2000, the College has certified 11,916 graduates from a teacher education program offered by these institutions.

Presentations are also provided when required to teacher candidates enrolled in specialty programs, such as Aboriginal teacher education and multi-session technological studies.

As pre-service teacher education programs offered at Université d'Ottawa and Université Laurentienne are largely completed by distance education, the College also uses videoconferencing to reach the teacher candidates enrolled in these programs.

## **(iv) Career Information Fairs**

Career information fairs have enabled the College to promote the teaching profession and to provide information to the public on the role of the College. While the end of the teacher shortage in the English-language education system has substantially reduced the College's participation in general career information fairs, the College will continue to participate in selected events targeted to specific groups.

The supply and demand situation is different in the French-language education system. To address the shortages that exist in every grade and subject area, the College visits French-language faculties of education in Quebec to alert graduates to the shortages in the Ontario French-language education system.

#### **(v) Presentations to Internationally-Educated Teachers**

As the professional regulator of the teaching profession, the College regularly receives requests from community agencies to provide information to groups of internationally educated teachers who wish to resume teaching careers in Ontario. These presentations are structured to provide information on the role and responsibilities of the College as well as detailed information on the registration process.

In addition to these sessions, the College's Membership Services Department holds monthly information sessions for internationally educated teachers at the College. These sessions provide information on the licensing process and document requirements with separate sessions provided for applicants who have been rejected for membership to help clarify the reasons for their unsuccessful applications.

The College is also in the process of developing an additional program targeted specifically to recently licensed internationally educated teachers.

#### **Object 11**

**To perform such additional functions as are prescribed by the regulations.**

Part IX of the College's Act addresses the powers and duties of Council as they relate to the regulations and bylaws of the College. The Council may make regulations subject to the approval of the Lieutenant-Governor in Council and with prior review by the Minister, and bylaws relating to the administrative and domestic affairs of the College.

Additional activities may result from requirements imposed under other legislation, such as the *Education Act* and regulations passed under that Act. Recent examples include requirements imposed as a result of NTIP and changes to supervisory officers requirements which, in turn, required that the College's regulation be consistent with and support the changes.

The regulations deal, in large part, with matters of public concern, and include the following:

- election matters (defining electoral constituencies; prescribing the number of representatives in each constituency; prescribing election rules, candidate qualifications, and nomination and election procedures; prescribing the form of oath/affirmation and procedures for determining a contravention thereof)
- conflict of interest issues (applicable to Council members, including prescribing guidelines/rules and procedures for determining a breach thereof)
- Council members' terms of office (extending terms, disqualification and removal of Council members, filling of vacant Council positions)
- Council procedures (establishing quorum)
- committee matters (prescribing the practices and procedures, quorum, terms of office, filling of vacancies, establishing powers and duties of committee panels)
- Public Interest Committee (extending terms of office of committee members, prescribing additional duties)

- certificates and certification (issuing certificates, prescribing classes of certificates; prescribing terms, conditions, limitations; setting out standards, qualifications, examination and experience requirements and exemptions therefrom, including certificates for supervisory officers; prescribing any other matters with respect to the issuing, expiry, renewal, amendment, suspension, cancellation, revocation and reinstatement of certificates)
- accreditation (accrediting of teacher education programs, ongoing education programs, additional qualifications programs)
- ongoing education of members (prescribing requirements, establishing processes and criteria for suspending certificates when requirements are not met and for removing suspensions)
- employers' obligations (requiring employers to make required deductions and prescribing penalties for failing to do so)
- designation of persons/bodies for purposes of s. 47 of the Act (permitted disclosure to College of personal information from designated entities)
- defining professional misconduct for the purposes of the Act.

## **What Lies Ahead for the College**

Most organizations engage in long-term planning to ensure their viability over the long-run. Professional self-regulators, generally, and the College, in particular, are no different in this regard. Many of the College's priorities are set out in Strategic and Budget Priorities 2009-2011, and involve a continuation of previous work, a review of existing policies and programs, and identification and development of new areas relevant to the College's mandate as a regulator, as that role evolves.

### **Changing Demographic Makeup of the College Membership**

The newest participants in the workforce are the oldest members of the Millennium Generation or Gen Y.<sup>21</sup> This group is the largest generation since the baby-boomers<sup>22</sup> and is expected to have a substantial social and economic impact, generally and for the College specifically.

Gen Y College members will be technically proficient and expect to use technological means of communication in a variety of areas – for instance, membership applications, fee collection, and licensure issues. This expectation may require an enhancement of the College's IT services, with a corresponding impact on the College's finances and communication services.

The College will have to consider how best to communicate with the members who are near retirement and whose areas of concern will differ from their younger counterparts. Again, this may have financial repercussions for long term information technology strategies.

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<sup>21</sup> Broadly defined, includes those born between 1977 and 2002.

<sup>22</sup> Those born between 1946 and 1965.

### **Technological Developments and the College Operations**

Much of the College's work is paper-intensive or paper-based and is labour-intensive (for instance, registration and discipline processes and face-to-face consultations), is governed by timelines, and involves members' and applicants' personal information.

Apart from the potential technological requirements of Gen Y College members, it is important that the College continue to identify technological developments in the area of data storage, processing, and protection, and means of communicating with applicants, members and stakeholders.

The College is in the process of developing alternate ways of consulting with its members and stakeholders in order to ensure more frequent contacts and a high number of participants at consultation events for greater member and stakeholder engagement.

### **Expanding Powers of the Discipline Committee to Issue Publication Bans**

In contrast to legislation governing other professional regulators (such as the Law Society or the health colleges), the College's Act does not provide Discipline Committee panels the statutory authority to order publication bans. The College's practice has evolved to avoid including identifying information about victims and child witnesses in exhibits and reasons, where it is reasonable to do so. Where disclosure of public decisions would identify victims, College practice has been to redact information identifying victims wherever possible.

Some consideration may be given in the future to whether or not the College's legislation should be amended to include this power.

### **Requiring Membership in the College as a Condition of Employment in Private Schools**

Individuals employed as teachers in private schools in Ontario are not required to seek or maintain membership with the College. Where membership is not required as a condition of employment, these individuals do not appear on the College's public registry. Thus an individual's teaching qualifications have not been confirmed and are not available to members of the public. It also means that any complaints and/or findings against these teachers are not available to the public.

Consideration may be given to expanding the College's jurisdiction to require that all private school teachers be certified College members.

### **Teachers' Qualifications Regulation**

The newly reframed *Teachers' Qualifications Regulation* will be introduced in 2009, which will:

- address the remaining 39 regulatory recommendations of the TQR review
- deal with certification issues
- include provisions that ensure compliance with the Mutual Recognition Agreement

- enable the implementation of the PLAR policy framework
- provide for a new consolidated certificate.

As a result, the College is developing a communications strategy and information sessions with stakeholders and members to explain the regulatory changes, will develop and design the new consolidated certificate, together with a communications plan to explain the new certificate, and develop and implement practices and procedures to support the PLAR policy.

#### **Additional Qualification Guidelines**

Sixty-five Additional Qualification course guidelines will be developed in 2009, 54 of which will be new. The Supervisory Officer Qualification Program will also be revised, requiring extensive consultation.

#### **Professional Learning Framework**

Research will begin in 2009 to gather the background information necessary to facilitate future revisions of the Professional Learning Framework.

#### **Aboriginal Teacher Education**

A considerable amount of future work in this area is planned. Research will begin in 2009 to identify effective practices, strategies and methods used in other jurisdictions to promote and implement alternative methods of Aboriginal teacher education.

A consultative process will be undertaken with Aboriginal communities on the question of voluntary self-identification.

A communications plan will be developed to increase the number of certified Aboriginal Ontario teachers by ensuring that additional information on employment opportunities is provided to Aboriginal teacher candidates or Aboriginal secondary and university students or those with an interest in teaching.

#### **College Election**

The 2009 election of the fifth College Council will be conducted entirely online through the Members' Area of the College web site, supported by dedicated phone lines and a web address. It is the second election since the conflict of interest guidelines were enacted.<sup>23</sup>

Election information will soon be posted on the College's web site, and will appear in the December 2008 and March 2009 issues of *Professional Speaking/Pour parler profession*. The March 2009 edition will include a list of the candidates and detailed biographical information.

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<sup>23</sup> Regulation 270/07, amending O. Reg. 293/00, Made: June 2, 2006, Filed: June 12, 2006

This candidate and voting information will also be available on the College web site for College members' reference, and will include a list of candidates in alphabetical order by position, as well as candidate biographical statements, attestations, information from nomination forms and photos.

The College will also provide other opportunities via e-mail and the web site for College members to gain additional information on eligible candidates.

Once the election is over, the College will begin the training and orientation of new Council members.