

WE THE TEACHERS OF ONTARIO



Teaching Profession Act
Regulation Made Under the *Teaching Profession Act*
Policy Resolutions

Your Voice. Your Strength



Ontario Teachers' Federation

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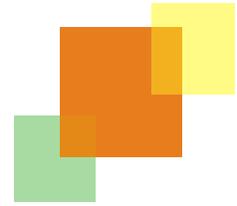
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Teaching Profession Act



1. In this Act,
 - (a) “Board of Governors” means the Board of Governors of the Federation;
 - (b) “executive” means the executive of the Federation;
 - (c) “Federation” means the Ontario Teachers’ Federation;
 - (d) “member” means a member of the Federation;
 - (e) “Minister” means the Minister of Education;
 - (f) “Ministry” means the Ministry of Education;
 - (g) “regulations” means the regulations made under this Act;
 - (h) “teacher” means a person who is a member of the Ontario College of Teachers and is employed by a board as a teacher but does not include a supervisory officer, a principal, a vice-principal or an instructor in a teacher-training institution. (amended 3.31.98)
2. The federation of teachers known as the Ontario Teachers’ Federation is continued as a body corporate, under the name The Ontario Teachers’ Federation.
3. The objects of the Federation are,
 - (a) to promote and advance the cause of education;
 - (b) to raise the status of the teaching profession;
 - (c) to promote and advance the interests of teachers and to secure conditions that will make possible the best professional service;
 - (d) to arouse and increase public interest in educational affairs;
 - (e) to co-operate with other teachers’ organizations throughout the world having the same or like objects; and
 - (f) to represent all members of the pension plan established under the Teachers’ Pension Act in the administration of the plan and the management of the pension fund.
4. (1) Every teacher is a member of the Federation.
 - (2) The following students are associate members of the Federation:
 - (a) Every student in a college for the professional education of teachers established under clause 14 (1) (a) of the *Education Act*.
 - (b) Every student in a school or faculty of education that provides for the professional education of teachers pursuant to an agreement under clause 14 (1) (b) of the *Education Act*.
 - (3) Every person who was a member of the Federation upon retirement and who is receiving a pension or an allowance under the *Teachers’ Pension Act* or a predecessor to that Act may, on request, be an associate member of the Federation.
 - (4) A person described in paragraph 1 or 2 of subsection (2) or in subsection (3) is not eligible to vote in respect of any Federation matter and cannot be required to pay a fee to the Federation.
5. (1) There shall be a Board of Governors of the Ontario Teachers’ Federation composed of 40 members as follows:
 1. The immediate past president, the president, the first vice-president, the second vice-president and the secretary-treasurer of each of the Ontario Secondary School Teachers’ Federation, the Elementary Teachers’ Federation of

- Ontario*, the Association des enseignantes et des enseignants franco-ontariens and the Ontario English Catholic Teachers' Association. (2000)
2. Five representatives of each of the Ontario Secondary School Teachers' Federation, the Elementary Teachers' Federation of Ontario, the Association des enseignantes et des enseignants franco-ontariens and the Ontario English Catholic Teachers' Association, to be elected annually at the annual meeting of the federation or association from among its members.
 - (2) The members of the Board of Governors shall take office at the conclusion of the annual meeting of the Federation and shall hold office until their successors take office.
 - (3) If a vacancy occurs on the Board of Governors, it shall be filled by the executive of the affiliated body that the person who vacated the office represented and the person so named to fill the vacancy shall hold office for the remainder of the term of the person who vacated the office. (2000)
 6. (1) There shall be an Executive of the Ontario Teachers' Federation, to be composed of 13 members as follows:
 1. the immediate past president, the president, the first vice-president, the second vice-president and the secretary-treasurer of the Ontario Teachers' Federation.
 2. The president and the secretary-treasurer of each of the Ontario Secondary School Teachers' Federation, the Elementary Teachers' Federation of Ontario, the Association des enseignantes et des enseignants franco-ontariens and the Ontario English Catholic Teachers' Association.
 - (2) The members of the Executive shall take office at the conclusion of the annual meeting of the Federation and shall hold office until their successors take office.
 - (3) If a vacancy occurs on the executive, it may be filled by the Board of Governors from among its members who represent the affiliated body that the person who vacated the office represented, and the person so named shall hold office for the remainder of the term of the person who vacated the office. (2000)
 7. There shall be a president, a first vice-president and a second vice-president of the Federation to be elected annually at the annual meeting of the Board of Governors from among its members in such a manner that the offices of the immediate past president, president, first vice-president and second vice-president represent each of the affiliated bodies.
 8. There shall be a secretary-treasurer of the Federation appointed by the Board of Governors who may be a member of the Board of Governors and who shall receive such remuneration as may be fixed by the Board of Governors.
 9. The executive is responsible for carrying on the business of the Federation and may,
 - (a) subject to the approval of the Minister, acquire and hold in the name of the Federation such real and personal property as may be necessary for the purposes of the Federation and may alienate, mortgage, lease or otherwise dispose of such property as occasion may require;
 - (b) invest the funds of the Federation in any securities in which a trustee is authorized to invest money in his hands under the *Trustee Act*;
 - (c) make such grants as it considers advisable to organizations having the same or like objects as the Federation;
 - (d) act as the representative of the members of the pension plan established under the Teachers' Pension Act including carrying out the following functions:
 1. Appointing persons to be members of the Ontario Teachers' Pension Plan Board created under that Act.
 2. Entering into agreements as described in that Act.
 3. Negotiating, agreeing to or directing amendments to the plan as permitted under that Act or an agreement entered into under that Act.
 4. Entering into an agreement on behalf of the Federation to indemnify a member of the Ontario Teachers' Pension Plan Board or a member of a committee of the Board against any costs sustained with respect to legal proceedings arising out of an act or omission done in the execution of his or her duties as a member of the Board or committee. [1991, vol. 2, ch. 52, s. 9]

10. In the interests of the advancement of education and the improvement of teaching conditions in Ontario, the Board of Governors shall meet annually and confer with the Minister and the senior officials of the Ministry on matters touching and concerning the objects of the Federation, and the Board of Governors shall at such meeting and may at any other time make such representations and recommendations either of a general nature or which relate to any particular school, teacher or matter as it considers advisable and as are in keeping with the objects of the Federation.

11. Collection of Fees [Repealed 1997, c. 31, s. 180 (3)].

12. (1) Subject to the approval of the Lieutenant Governor in Council, the Board of Governors may make regulations,

(a) prescribing a code of ethics for teachers;

(b) Repealed: 1997, c. 31, s. 180 (4).

(c) providing for voluntary membership in the Federation of persons who are not members thereof and prescribing the duties, responsibilities and privileges of voluntary members;

(d) prescribing the duties, responsibilities and privileges of associate members;

(e) providing for the suspension and expulsion of members from the Federation and other disciplinary measures;

(f) Repealed: 2000, c. 12, s. 8.

(g) providing for the holding of meetings of the Board of Governors and of the executive and prescribing the manner of calling and the notice to be given in respect of such meetings;

(h) prescribing the procedure to be followed at meetings of the Board of Governors and of the executive;

(i) providing for the payment of necessary expenses to the members of the Board of Governors and the executive;

(j) conferring powers upon or extending or restricting the powers of and prescribing the duties of the Board of Governors and of the executive;

(k) providing for the appointment of standing and special committees;

(l) providing for the establishment of branches of the Federation or of the recognition by the Federation of local bodies, groups or

associations of teachers which shall be affiliated with the Federation.

(2) Despite any regulation made under subsection (1), a member who makes an adverse report about another member respecting suspected sexual abuse of a student by that other member need not provide him or her with a copy of the report or with any information about the report.

(3) In subsection (2), "sexual abuse" of a student by a member means,

(a) sexual intercourse or other forms of physical sexual relations between the member and the student,

(b) touching, of a sexual nature, of the student by the member, or

(c) behaviour or remarks of a sexual nature by the member towards the student.

13. (1) A by-law governing the membership of teachers in an affiliated body of the Federation shall not authorize a teacher to be a member of an affiliated body that is not his or her designated bargaining agent, if any, under Part X. 1 of the *Education Act*.

(2) The Minister may request the Board of Governors to make, amend or revoke a regulation or by-law if the Minister considers it appropriate to do so.

(3) If the Board of Governors fails to comply with the Minister's request within 60 days after receiving it, the Lieutenant Governor in Council may, by regulation, make, amend or revoke the regulation or by-law. (1997)

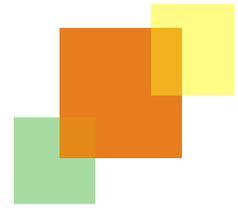
* Created on July 1, 1998 by the coming together of the Federation of Women Teachers' Associations of Ontario (FWTAO) and the Ontario Public School Teachers' Federation (OPSTF).

Section 11 (b), "prescribing the fees to be paid by members of the Federation and the dates by which they are to be forwarded to the treasurer of the Federation," was deleted (3.31.98), but is the subject of litigation.

The language in this section is quoted directly from the Teaching Profession Act. The non-inclusive language is within the purview of the Legislature.

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Regulation Made Under the Teaching Profession Act



Affiliated Bodies

1. The Ontario Secondary School Teachers' Federation, the Federation of Women Teachers' Associations of Ontario*, the Ontario Public School Teachers' Federation*, l'Association des enseignantes et des enseignants franco-ontariens and the Ontario English Catholic Teachers' Association shall be affiliated with the Federation and known as "affiliated bodies."

Voluntary Membership

2. (1) The Board of Governors shall grant voluntary membership in the Federation to a person who,
 - (a) is not a member thereof;
 - (b) holds a Certificate of Qualification;
 - (c) is engaged in an educational capacity;
 - (d) is a member of an affiliated body; and
 - (e) makes application to the Board of Governors for voluntary membership in the Federation.
- (2) The Board of Governors shall grant voluntary membership in the Federation to a person who is not a member thereof and who is from outside Ontario and is on an assignment of two years or less as a teacher in Ontario under a teacher exchange program.
- (3) The duties of a voluntary member shall be the same as those of a member under Sections 13 to 18.
- (4) A voluntary member shall have such privileges as are common to all members of the Federation. (AB73)

Application for Membership by a Former Member

3. (1) A teacher who has withdrawn from membership under subsection (1) or (2) of Section 4 of the *Teaching Profession Act*, 1944, may make application to the Board of Governors for reinstatement as a member.
- (2) The Board of Governors shall refer the application to the proper affiliated body for its opinion of the application.
- (3) Where the Board of Governors, after considering the opinion of the affiliated body, accepts the application, the secretary-treasurer of the Federation shall notify the Minister and the applicant forthwith.

Fees

4. (1) Subject to subsections 2 and 4, a member shall pay the Federation an annual membership fee as follows: **
 1. A secondary school teacher, 1.18 per cent of total annual salary. (SB90)
 2. A statutory member of the Ontario Public School Teachers' Federation \$150.00 plus 1.35 per cent of the total annual salary of the member. (AB97)
 3. A female public school teacher,
 - (i) working more than half-time, \$650.00,
 - (ii) working half-time or less, \$325.00. ² (AB92)
 4. A separate school teacher,
 - (i) working more than half-time, \$710.00,
 - (ii) working half-time or less, an amount which bears the same relation to \$710.00 as does the teacher's total

- annual salary the teacher would earn if full-time.³ (SB96)
5. A teacher in a French-language school or class who is a member of L'Association des enseignantes et des enseignants franco-ontariens, 1.5% of the teacher's total annual salary; where "total annual salary" means salary in accordance with the terms and conditions under which the member is employed, and includes a cost of living or other similar bonus.
- (2) A member who is employed by a board exclusively in respect of the continuing education classes provided by the board shall pay the Federation an annual membership fee as follows: (AB87)
 1. A secondary school teacher, 1.18 per cent of the salary attributable to such teaching. (SB90)
 2. A statutory member of the Ontario Public School Teachers' Federation, 1.2 per cent of the salary attributable to such teaching. (AB89)
 3. A female public school teacher \$0.20 in respect of each day on which the teacher performs teaching duties to a maximum amount of \$4.00 for each month in which the teacher performs such teaching duties.
 4. A separate school teacher, 1.25 per cent of the salary attributable to such teaching duties. (SB88)
 5. A teacher of a French-language school or class who is a member of L'Association des enseignantes et des enseignants franco-ontariens, 1.5 per cent of the salary attributable to such teaching duties.
 - (3) A member to whom subsection (1) applies who is also employed for the purpose of a class referred to in subsection (2) shall pay an annual membership fee that is the sum of the annual membership fee applicable to the member under subsection (1) and the annual membership fee that would be applicable to the member under subsection (2), if the member were a person employed exclusively for the purpose of a class referred to in subsection (2).
 - (4) Where a fee, or a portion thereof, that is payable under subsection (1) is not based upon salary, such fee or portion thereof shall

be reduced, in the case of a teacher who is not employed for the full school year, by multiplying such fee or portion thereof by the ratio of the number of full and part months that the teacher was employed in the school year to 10.

- (5) A board of trustees, in respect of a teacher employed by the board, shall,
 - (a) where a single deduction is made, remit to the secretary-treasurer of the Federation the full annual fee,
 - (i) by the 30th day of November, or
 - (ii) in the case of a teacher whose employment commences after the first school day in November, by the last day of the first full month that the teacher is employed by the board; and
 - (b) where deductions are made in instalments, place the instalment fee on deposit with the Federation on or before the 15th day of the month immediately following the month of deduction.

Meetings of the Board of Governors

5. (1) The annual meeting of the Board of Governors shall be held in each year on the days during the three weeks next preceding Labour Day that are, and at a time and place that is, determined by the president.
- (2) Subject to subsection (5), there shall be a special meeting of the Board of Governors on the days during or within two weeks following each of the Christmas vacation and the Easter vacation that are, and at a time and place that are, determined by the president.
- (3) The Board of Governors shall meet at such other dates and times as the executive may by resolution determine.
- (4) A member of the Board of Governors shall be allowed a leave of absence not exceeding four days a year to attend meetings of the Board of Governors referred to in subsections (2) and (3).
- (5) Upon the recommendation of the executive and with the approval of at least 32 members of the Board of Governors, the Board of Governors may, by resolution, waive the holding of one of the meetings under subsection (2). (AB72)
- (6) The secretary-treasurer of the Federation shall send to members of the Board of Governors

a written notice of the date, time and place of a meeting of the Board of Governors,

- (a) at least 14 days before the date of a meeting under subsection (1) or (2); and
- (b) at least three days before the date of a meeting under subsection (3).

- (7) A quorum at a meeting of the Board of Governors shall be 32 members thereof. (AB72)

Meetings of Executive

- 6. (1) The executive shall meet immediately before and immediately after a meeting of the Board of Governors.
- (2) The secretary-treasurer of the Federation shall send to members of the executive at least seven days in advance of a meeting of the executive written notice of date, time and place of the meeting under subsection (1).
- (3) The president of the Federation may at any time call a special meeting of the executive.
- (4) A quorum at any meeting of the executive shall be six members thereof.

Nominating Committee

- 7. (1) At the meeting of the executive immediately before the annual meeting of the Board of Governors, the executive shall appoint a nominating committee and include thereon a representative of each of the affiliated bodies.
- (2) The nominating committee shall meet on the first day of the annual meeting of the Board of Governors to prepare nominations for the executive for the year next following.
- (3) The nominating committee shall present the report of its nominations to the Board of Governors and, upon these and other nominations which may be submitted from the floor by any member of the Board of Governors, a secret ballot shall be taken.

Relations and Discipline Committee

- 8. There shall be a Relations and Discipline Committee appointed by the Board of Governors.

Standing Committees

- 9. (1) There shall be standing committees as follows:
 - 1. Educational Finance (AB72)
 - 2. Educational Studies (AB72)

- 3. Legislation (AB72)
- 4. Pension (AB90)
- 5. Teacher Education
- (2) A committee under subsection (1) shall,
 - (a) be composed of the chairman or a member of the corresponding committee of each affiliated body, together with the president and secretary-treasurer of the Federation; and
 - (b) be convened by a member designated by the executive, following the annual meeting of the Board of Governors.
- (3) The Board of Governors may, by by-law, establish such standing committees, in addition to those set out in subsection (1), as it considers expedient, and terminate any standing committee so established.
- (4) A by-law passed under subsection (3) establishing a standing committee shall make provision for the composition of the committee.
- (5) Clause (b) of subsection (2) applies to a standing committee established under subsection (3).

Special Committees

- 10. The Board of Governors or the executive may, by resolution, appoint such special committees as it considers necessary from time to time.

Procedure at Annual Meeting of Board of Governors

- 11. (1) The order of procedure at the annual meeting of the Board of Governors shall be as follows:
 - 1. Call to order.
 - 2. Appointment of committees.
 - 3. Reading and confirming the minutes of the next preceding meeting.
 - 4. Business arising from the minutes.
 - 5. Reading of correspondence and action thereon.
 - 6. Reports of officers.
 - 7. Reception of delegations.
 - 8. Reports from affiliated bodies.
 - 9. Reports of standing and special committees.
 - 10. General business.
 - 11. Elections.
 - 12. Installation of officers.
 - 13. Adjournment.

- (2) The Board of Governors may omit one or more items of the order of procedure from the agenda of the annual meeting.

Expenses

12. The Federation shall pay such necessary expenses as members of the Board of Governors and of the executive incur in carrying out their duties under the Act and this Regulation.

General Duties of Members

13. A member shall strive at all times to achieve and maintain the highest degree of professional competence and to uphold the honour, dignity, and ethical standards of the teaching profession.

Duties of a Member to His or Her Pupils

14. A member shall,
- (a) regard as his first duty the effective education of his pupils and the maintenance of a high degree of professional competence in his teaching;
 - (b) endeavour to develop in his pupils an appreciation of standards of excellence;
 - (c) endeavour to inculcate in his pupils an appreciation of the principles of democracy;
 - (d) show consistent justice and consideration in all his relations with pupils;
 - (e) refuse to divulge beyond his proper duty confidential information about a pupil; and
 - (f) concern himself with the welfare of his pupils while they are under his care.

Duties of a Member to Educational Authorities

15. (1) A member shall,
- (a) comply with the Acts and regulations administered by the Minister;
 - (b) co-operate with his educational authorities to improve public education;
 - (c) respect the legal authority of the board of trustees in the management of the school and in the employment of teachers;
 - (d) make in the proper manner such reports concerning teachers under his authority as may be required by the board of trustees; and
 - (e) present in the proper manner to the proper authorities the consequences to be expected from policies or practices which in his professional opinion are seriously detrimental to the interests of pupils.

- (2) A member shall not,
- (a) break a contract of employment with a board of trustees;
 - (b) violate a written or oral agreement to enter into a contract of employment with a board of trustees; or
 - (c) while holding a contract of employment with a board of trustees, make application for another position the acceptance of which would necessitate his seeking the termination of his contract by mutual consent of the teacher and the board of trustees, unless and until he has arranged with his board of trustees for such termination of contract if he obtains the other position.

Duties of a Member to the Public

16. A member shall,
- (a) endeavour at all times to extend the public knowledge of his profession and discourage untrue, unfair or exaggerated statements with respect to teaching; and
 - (b) recognize a responsibility to promote respect for human rights.

Duties of a Member to the Federation

17. A member shall co-operate with the Federation to promote the welfare of the profession.

Duties of a Member to Fellow Members

18. (1) A member shall,
- (a) avoid interfering in an unwarranted manner between other teachers and pupils;
 - (b) on making an adverse report on another member, furnish him with a written statement of the report at the earliest possible time and not later than three days after making the report;
 - (c) notwithstanding section 18 (1) (b), a member who makes an adverse report about another member respecting suspected sexual abuse of a student by that other member need not provide him or her with a copy of the report or with any information about the report. (WB02)
 - (d) refuse to accept employment with a board of trustees whose relations with the Federation are unsatisfactory; and

- (e) where he is in an administrative or supervisory position, make an honest and determined effort to help and counsel a teacher before subscribing to the dismissal of that teacher.
- (2) Under clause (c) of subsection (1), the onus shall be on the member to ascertain personally from the Federation whether an unsatisfactory relationship exists.
- (3) A member shall not attempt to gain an advantage over other members by knowingly underbidding another member, or knowingly applying for a position not properly declared vacant, or by negotiating for salary independently of his local group of fellow-members.

Relations and Discipline Procedure

- 19. (1) In this section and Sections 20 to 28
 - (a) "Committee" means the Relations and Discipline Committee of the Ontario Teachers' Federation;
 - (b) "teaching certificate" means an Ontario Teacher's Certificate or other qualification to teach prescribed under Regulation 269 as amended and revised from time to time.
 - (2) The Committee shall be composed of 10 members who are teachers, appointed by the Board of Governors, two of whom shall be from each affiliated body.
 - (3) A person is not eligible for appointment to the Committee who,
 - (a) holds office on a disciplinary body of an affiliated body;
 - (b) holds office on the executive of an affiliated body; or
 - (c) is employed by either an affiliated body or the Federation.
 - (4) The Committee shall appoint one of the members of the Committee to be chairman.
 - (5) The chairman of the Committee may assign a panel of five members of the Committee to hold a hearing.
 - (6) Three members of the panel assigned under subsection (5) constitute a quorum for a hearing and all disciplinary decisions require the vote of a majority of members of the Committee present at the hearing.
 - (7) The secretary-treasurer of the Federation shall act as secretary to the Committee but shall not participate in any decision of the Committee.
- 20. (1) The Committee shall,
 - (a) consider complaints regarding professional misconduct or unethical conduct of a member;
 - (b) consider applications for reinstatement of the teaching certificate of a former member or the lifting of a suspension thereof.
 - (2) A hearing of the Committee shall be held in camera unless the member requests otherwise by notice delivered to the Committee not later than the day before the day fixed for the hearing, in which case the Committee shall conduct the hearing in public except when,
 - (i) matters involving public security may be disclosed; or
 - (ii) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.
 - (3) No hearing in respect of alleged professional misconduct or unethical conduct shall be conducted by the Committee unless,
 - (a) a written signed complaint has been filed in the office of the secretary-treasurer of the Federation;
 - (b) a copy thereof has been served on the member whose conduct is being investigated; and
 - (c) the member whose conduct is being investigated has been served with notice of the time, place and purpose of the hearing.
 - (4) The secretary-treasurer of the Federation shall,
 - (a) prepare and complete or cause to be completed a written complaint and file it in the office of the secretary-treasurer of the Federation;
 - (b) serve upon the member whose conduct is being investigated,
 - (i) a copy of the complaint; and
 - (ii) a notice of the hearing which shall include,
 - A. statement of the time, place and purpose of the hearing;
 - B. a reference to the statutory authority under which the hearing will be held;
 - C. a statement that if the party notified does not attend at the

- hearing the Committee may proceed in his absence and he will not be entitled to any further notice of the proceedings; and
- D. a statement that the member may,
1. be represented by counsel or an agent;
 2. call and examine witnesses;
 3. present arguments and submissions; and
 4. conduct cross-examination of witnesses as reasonably required for full and fair disclosure of the facts in relation to which they have given evidence; and
- (c) make all necessary arrangements for the conduct of the hearing including,
- (i) the appointment of counsel for the Federation;
 - (ii) the arrangement for oral evidence to be recorded; and
 - (iii) the notification to all members of the Committee of the time and place of the hearing.
21. In proceedings before the Committee, the Federation and the member whose professional misconduct or unethical conduct, or reinstatement is being investigated shall be parties to the proceedings.
22. (1) A member whose professional misconduct or unethical conduct or reinstatement is being investigated shall be afforded an opportunity to examine, before the hearing, any written or documentary evidence that will be produced or any report, the contents of which will be given in evidence at the hearing.
- (2) Members of the Committee conducting the hearing shall not,
- (a) have taken part before the hearing in the investigation of the subject matter of the complaint;
 - (b) have taken part in any previous hearing involving the member whose professional misconduct, unethical conduct or reinstatement is being investigated; or
 - (c) communicate directly or indirectly in relation to the subject matter of the hearing with any person or with any party or representative of a party, except upon notice to and opportunity for all parties to participate.
23. (1) The evidence before the Committee shall be recorded by a person appointed by the chairman of the Committee.
- (2) Nothing is admissible in evidence before the Committee that would be inadmissible in a civil case and the findings of the Committee shall be based exclusively on evidence before it.
- (3) No member of the Committee shall participate in the decision of the Committee unless he has been present throughout the hearing.
24. At a hearing before the Committee, a party to the proceedings may,
- (a) be represented by counsel or an agent;
 - (b) call and examine witnesses;
 - (c) present arguments and submissions; and
 - (d) conduct cross-examination of witnesses as reasonably required for full and fair disclosure of the facts in relation to which they have given evidence.
25. (1) A member may be found guilty by the Committee of a professional misconduct or unethical conduct if in the opinion of the Committee he has contravened any of the provisions of Sections 13 to 18.
- (2) In the case of hearings into complaints of professional misconduct and unethical conduct, the Committee shall,
- (a) consider the allegations, hear the evidence and ascertain the facts of the case;
 - (b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;
 - (c) determine whether in respect of the allegations so proved, the member is guilty of professional misconduct or unethical conduct; and
 - (d) determine the penalty to be imposed, as hereinafter provided, in cases in which it finds a member guilty of professional misconduct or unethical conduct.
- (3) Where the Committee finds a member guilty of professional misconduct or unethical conduct, it shall,
- (a) recommend to the Minister the cancellation of the teaching certificate of the member;

- (b) recommend to the Minister the suspension for a stated fixed period of the teaching certificate of the member;
or
 - (c) reprimand the member, or proceed with any combination of the foregoing.
26. (1) Where the Federation receives a request for a recommendation in respect of the reinstatement of a teaching certificate of a former member or the lifting of the suspension thereof, the secretary-treasurer shall refer the matter to the Committee for a hearing.
- (2) Following a hearing under subsection (1), the Committee shall recommend to the Minister that the teaching certificate be reinstated or the suspension lifted, or that the teaching certificate remain cancelled or the suspension not be lifted, as the case may be.
27. (1) The Committee shall give its decision and recommendation, if any, under subsections 25.(3) or 26.(2) in writing and shall give reasons in writing, therefor, if requested by a party.
- (2) The decision of the Committee shall be served upon the parties.
28. Any notice or other document required to be served by this regulation may be served by pre-paid first class mail addressed to the person to whom notice is to be given at his last known address and where notice is served by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the notice is given establishes that he, acting in good faith, due to absence, accident, illness or other cause beyond his control, did not receive the notice or did not receive the notice until a later date.

Evidencing Regulations and Resolutions

29. Regulations made by and resolutions passed by the Board of Governors may be evidenced by the signatures of the president and the secretary-treasurer of the Federation.
30. (1) This Regulation comes into force on the 1st day of January 1986, and applies in respect of any complaint of professional misconduct or unethical conduct filed in the office of the secretary-treasurer of the Federation on or after that date, and in respect of a request referred to in Section 26 received by the Federation on or after that date.

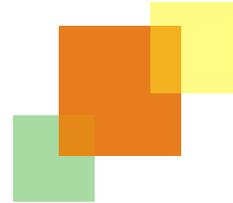
- (2) The provisions of the Regulation made under the *Teaching Profession Act* that are revoked by this Regulation shall continue to apply to any matter or proceeding brought thereunder and not disposed of prior to the 1st day of January 1986 notwithstanding the coming into force of this Regulation.

-
1. The Regulation has not been updated to reflect the changes in the *Teaching Profession Act* in 1997 or the changes in 2000. In such a case, the Act takes precedence.
 2. Subject to Cabinet approval
 3. Subject to Cabinet approval
- * As of July 1, 1998, these two organizations have come together to form the Elementary Teachers' Federation of Ontario (ETFO).
- ** Until other changes proposed by OTF are legislated, the *Teaching Profession Act* remains as is.

The language in this section is quoted directly from the Regulation made under the Teaching Profession Act. The non-inclusive language is within the purview of the Legislature.

3

Policies of the Ontario Teachers' Federation



Policy means stand taken by the Board of Governors of the Ontario Teachers' Federation on principles of general concern to the membership.

A policy may be established or amended by a double majority vote as described in By-Law XIV.

A policy may be withdrawn by a double majority vote, provided that notice of motion has been sent by the Secretary-Treasurer to the secretaries of the affiliated bodies at least 30 days prior to the meeting; or by a nine-tenths vote of the members registered at a meeting of the Board of Governors, a previous notice not having been given.

This section of We the Teachers of Ontario was revised by the Board of Governors at the 1999 Winter Meeting.

I AFFILIATED BODIES

It is the policy of the Ontario Teachers' Federation:

- A. That when a statutory member of one Affiliate is employed for a period of up to two years in a position which would normally require membership in another Affiliate, mutual arrangements between the Affiliates concerned be encouraged so that a teacher's present membership status may be retained for a period of up to two full academic years, the fee to be paid to the present Affiliate.
- B. That where one Affiliate has adopted a policy that may adversely affect other Affiliates, such a matter be brought to the Board of Governors for discussion.
- C. That procedures followed when member(s) or Affiliate(s) wish to make official representation to the Ministry of Education be:
 - (a) to the Executive or Board of Governors, thence if approved;
 - (b) to the Ministry of Education.

- D. (a) That each Affiliate respect the established collective bargaining relationships of every other Affiliate. (WB06)

II PROFESSIONAL ETHICS

It is the policy of the Ontario Teachers' Federation:

A. Tutoring

- 1. That any member tutoring a pupil consult with the teacher of the pupil concerned.
- 2. That no member shall accept remuneration for tutoring the member's own pupils unless exceptional circumstances prevail.

B. Work in Other Occupations

- 1. That a member who undertakes work in an occupation outside the teaching profession become a member of the union and/or professional association which regulates the conduct of the members of the occupation.
- 2. That a member not engage in outside employment that could prove detrimental to the individual's educational duties.

C. Professional Relationships

- 1. That member(s) refrain from personal deprecation of other member(s).

D. Negotiations

- 1. That it be unethical for any member(s) to negotiate independently of the branch affiliate(s).
- 2. That it be unethical for a statutory member to act as a negotiator on behalf of a school board in negotiations conducted under the School Boards and *Teachers Collective Negotiations Act*.

III RELATIONS AND DISCIPLINE

It is the policy of the Ontario Teachers' Federation:

- A. 1. That each affiliated body of the Ontario Teachers' Federation establish and maintain its own Relations Committee, according to its constitution, for the purpose of dealing with complaints of unethical and unprofessional conduct. When the complaint warrants such action, it shall be referred to the Relations and Discipline Committee of the Ontario Teachers' Federation.
2. That all relations and discipline complaints dealing with contracts allegedly broken by teachers be handled directly through OTF instead of through the Affiliates.
3. That all relations and discipline complaints dealing with morals, where guilt is proven or admitted and immediate court action has been taken, such as remand, conviction, or term in jail, be dealt with directly through OTF.
- B. That the Ministry of Education refer all complaints involving suspension or cancellation of a teacher's certificate to the OTF for investigation and report before a decision is made.
- C. That the OTF Relations and Discipline Committee hear applications for reinstatement of certificates, and make recommendations to the Minister of Education.
- D. That OTF be opposed to the police or other agencies reporting to school boards on matters that infringe upon the teachers' private or civil rights.
- E. That where an Affiliate or a group in an Affiliate appears to have contravened established policy, the Executive of the OTF enquire into the situation. After investigation, if guilt is established, it shall recommend disciplinary action where necessary, within the scope of the Act and Regulation, to the Board of Governors for approval. Disciplinary action may include:
 - (a) officially disapprove contravention of said policy, such disapproval to be public if necessary;
 - (b) call upon the Affiliate concerned to remedy the situation; and
 - (c) take disciplinary action where necessary, within the scope of the Act and Regulation.

IV RIGHTS AND RESPONSIBILITIES

It is the policy of the Ontario Teachers' Federation:

- A. **Rights**
 1. That the teacher be cognizant of the rights of other teachers, students, parents, appointed or elected officials, and all other citizens.
 2. That the teacher be aware of the established policies and practices of OTF and its Affiliates.
 3. That the teacher, through the Ontario Teachers' Federation, has the right to representation on any provincial educational body appointed by the provincial government.
 4. That teachers have the right to:
 - (a) direct participation in decision making at the classroom, school and area levels and to representation at the board and provincial levels;
 - (b) consultation before transfer, re-assignment or re-classification;
 - (c) consultation before placement in a school;
 - (d) involvement in the development and review of a school's philosophy of education, curriculum, programs and services;
 - (e) consultation before the establishment of time table and subject assignment;
 - (f) involvement in the evaluation of their own programs and practices;
 - (g) involvement in the development of procedures for reporting to parents and students;
 - (h) consultation in the deployment of paraprofessionals. (AB92)
 - (i) determine the nature, format and timing of their own lifelong learning program as an essential expression of their professionalism. (AB01)
 5. That teachers have the right to teach in an educational environment conducive to quality education, including the following:
 - (a) a fair teaching load;
 - (b) reasonable class size;
 - (c) time during school hours for planning, evaluation, and in-service training;
 - (d) specialized support in health, psychology, psychiatry and other social services;
 - (e) clerical and custodial services;
 - (f) assistance from non-teaching personnel;
 - (g) quality pre-service and in-service teacher education;

(h) involvement in the planning, organization and scheduling of all Professional Activity Days.

6. That teachers have the right to inspect personal personnel files.
7. That teachers under a probationary contract have the right to reasons for dismissal, in writing.
8. That all members have the right to representation in the collective bargaining process and to participate in sanctions.
9. That principals and vice-principals have the right to strike.
10. That no teacher be adversely affected, in the terms and conditions of employment, by the extension of separate school funding to the senior division of high schools.
11. That a member has the right to hold public office. Reasonable allowance of release and relief from duty to fulfil properly this public service, up to and including leave of absence, should be agreed to with the board concerned before entering upon such public service.
12. That a member's participation in extra-curricular and co-curricular activities be voluntary.

B. Responsibilities

1. That the role of the teacher should include:
 - (i) diagnosis of the needs of students;
 - (ii) awareness of the resources available to meet pupils needs;
 - (iii) establishment of performance goals related to both the learning and development of each student;
 - (iv) grouping of students where appropriate to meet these needs and goals;
 - (v) use of the best pedagogical techniques and materials available;
 - (vi) ongoing evaluation of goals, programs and techniques in the context of progress achieved;
 - (vii) ongoing appraisal of the progress of each student.
2. That teachers have the responsibility to participate in the ongoing activities of the Federation and its Affiliates.

V DISCRIMINATION

A society in which all people may participate equally with equal access to opportunity is a basic tenet.

It is the policy of the Ontario Teachers' Federation:

- A. That teachers undertake a leadership role in the development of attitudes which foster a society in which all people may participate equally with equal access to opportunity.
- B. That teachers vigorously oppose any discrimination against any person.
- C. That teachers act to eliminate all forms of discrimination in their work place.
- D. That every person, and specifically the members, officers and employees of the Federation, has a right to equal treatment without discrimination because of race, creed, colour, national origin, political or religious affiliation, sex, sexual orientation, age, marital status, family relationship and disability.

VI CONTRACT AND TENURE

It is the policy of the Ontario Teachers' Federation:

A. Contracts

1. That a teacher should sign a form of contract of employment.
2. That contract legislation include a maximum probationary period of two years for a teacher with less than three years experience.
3. That the form of contract should be prescribed in the Regulation.
4. That contract legislation include a maximum probationary period of one year for teachers with three or more years of experience.
5. That termination of a contract shall be in accordance with the terms of the contract or for just and sufficient cause where a contract is terminated by the Board.
6. That every teacher whose contract of employment is terminated by the Board shall be given reasons in writing.
7. That every member sign a contract (permanent, probationary, long term occasional or continuing education) as soon as possible after the appointment of the member to a teaching position and before commencement of duties.
8. That all teachers in positions of added responsibility have tenure in those positions, subject to the just cause provision in the collective agreement.
9. That marital status not be considered grounds for the termination of a teaching contract.
10. (a) That the physical ability of a physically handicapped teacher to work be determined by qualified medical personnel.

- (b) That a physically handicapped teacher be given every possible consideration with regard to teaching time table and location of rooms.

B. Parental Leave

1. That parental leave should be provided for the purpose of birth or adoption.
2. That teachers should have access to parental leave, for up to two years for each single pregnancy or adoption, without loss of salary, benefits, seniority or tenure of position.
3. That a teacher should have the right to use sick leave during the period of pregnancy.
4. That parents should be able to share such parental leave on the basis of a plan submitted by them which conforms with the appropriate legislation.
5. That full pay for maternity/parental leave be covered by both federal and provincial legislation. (AB92)

C. Leave Plans

1. That every collective agreement should contain provisions for cumulative sick leave, compassionate leave and sabbatical leave plans.
2. That every member, when standing as a candidate for the Legislative Assembly, the House of Commons or a Council of a municipality or a local board as defined under the Municipal Affairs Act, have the right to be granted a leave of absence with or without pay in accordance with the terms of the collective agreement.
3. That every member, when serving as a member of the Legislative Assembly, the House of Commons or a Council of a municipality or a local school board as defined under the Municipal Affairs Act, be granted a leave of absence without pay for the duration of the member's term of office.

D. Length of School Year

1. (a) That the school year for teachers and pupils shall consist of a maximum of 194 school days.
(b) That of the 194 days in the school year, 185 be instructional days and 9 be professional activity days.
2. That any teaching outside the school year be voluntary, under a form of contract and with the terms and conditions negotiated under the applicable collective agreement.

E. Regionalization, Annexation or Agreements for the Provision of Educational Services

1. That in areas where regionalization or annexation affects the boundaries of school boards:
 - (a) each teacher under contract to the school boards included in the regionalization or annexation be placed in positions with the new regional or enlarged board;
 - (b) each teacher continue on the same type of contract to which the teacher would have been entitled had not the regionalization or annexation occurred;
 - (c) each teacher's salary and benefits be maintained at the same level or a raised level;
 - (d) each teacher shall continue to receive any additional payment currently being received for positions of responsibility;
 - (e) for the purpose of seniority, all experience with any of the boards involved in the regionalization or annexation be recognized as equal; and
 - (f) the branch affiliates and Affiliates involved shall negotiate with the board concerned with the intention of protecting the rights of the teachers affected.
2. That where a board enters into an agreement with another board to provide for the education of pupils whose education is the responsibility of the second board:
 - (a) the contract of employment of each teacher who, immediately before the date of such agreement, was assigned responsibility for the education of those pupils, become the obligation of the first-mentioned board;
 - (b) each teacher who, immediately before the date of such agreement, was assigned responsibility for the education of those pupils, continue on the same type of contract to which the teacher would be entitled had not the boards entered into an agreement for the provision of education;
 - (c) each teacher who, immediately before the date of such agreement, was assigned responsibility for the education of those pupils have salary and benefits maintained at the same level or at a raised level; and

- (d) the branch affiliates and Affiliates involved shall negotiate with the boards concerned with the intention of protecting the rights of the teachers affected.

F. Teacher Redundancy

1. That the minimum number of teachers to be employed by a Board be negotiated under the School Boards and Teachers Collective Negotiation Act.
2. That where staff reductions are required, redundancy be determined solely on the basis of seniority.
3. That every collective agreement provide for the process of identification, declaration and recall of redundant teachers, and severance allowances, retraining and re-qualification programs.

G. Breach of Contract

1. *Strikes by Other Unions*
 - (a) That when a school or board facility is being picketed by employees who are on strike under another collective agreement, a member may refuse to cross the picket line only where:
 - (i) the member is permitted to do so by the member's own collective agreement, or
 - (ii) it is impossible for the member to enter a school or board facility without danger to the member's person or property.
 - (b) That a member who does not cross a picket line under 1.(a)(i) or 1.(a)(ii) must notify the Federation, the branch affiliate and the appropriate board representative.
 - (c) That where a member does not cross a picket line under 1.(a)(ii), the board may assign the member duties at another school, board facility or temporary board facility.
 - (d) That a member shall not perform any of the duties normally assigned to employees who are on strike.
2. *Refusal to Carry-Out Teaching Duties*
 - (a) That except as authorized under the School Boards and Teachers Collective Negotiations Act, or the Occupational Health and Safety Act, the refusal of teachers to carry out the duties as defined by the Education Act, and the

regulations made thereunder be a breach of contract.

H. Continuing Education

1. That all persons teaching grantable courses in continuing education be defined as teachers in accordance with the definitions contained in the Education Act and employed under the appropriate contract.
2. That all conditions of employment for teachers of grantable continuing education courses be contained in the collective agreement negotiated by the appropriate branch affiliate.

VII HEALTH AND WORKING CONDITIONS

It is the policy of the Ontario Teachers' Federation:

A. Class Size

1. That no class should exceed 15 students in number at the junior kindergarten level, 18 students in number at the senior kindergarten level, 20 students in number at the primary level and 25 students in number at the junior, intermediate and senior levels.
2. That when determining class size, special consideration be given to:
 - (a) number of exceptional students;
 - (b) socio-economic status;
 - (c) language;
 - (d) number of grades;
 - (e) language and cultural background;
 - (f) environmental conditions; and
 - (g) physical space.

B. Medical and Physical Procedures

1. That no teacher shall be required to do any medical or physical procedure for pupils that might in any way endanger the safety or well-being of the pupil or subject the teacher to risk of injury or liability for negligence. Such procedures include but are not limited to administration of medication, catheterization, lifting a pupil, physiotherapy, feeding handicapped pupils, postural drainage, manual expression of the bladder and toileting assistance.
2. That each school board shall establish policies relating to the administration of medication, medical procedures and physical procedures consistent with OTF's policy as stated in 1 above.

3. That each school board shall engage trained medical people (full-time or part-time) to carry out medical procedures and administration of medication required by pupils.
4. That each school board shall engage personnel to carry physical procedures required by pupils.
5. That where it is not possible or feasible to provide the services in 3 or 4 to a particular school, the student be placed in a school where the services are available or the school board purchase such services from a neighbouring board as provided for in the legislation.
6. That school boards, through existing or supplementary insurance coverage, adequately insure personnel against claims arising from the administration of medication through board policy, or board directive.
7. That essential immunization and health screening procedures be provided free for school-age children at such ages as medical authorities deem appropriate.
8. That school-age children be protected from exploitation.

VIII TEACHER EDUCATION

It is the policy of the Ontario Teachers' Federation:

A. General

1. That the development of the teaching profession through teacher education be a priority of OTF.
2. That OTF has both the right and the responsibility to participate in all deliberative structures related to teacher education, with the government, other agencies, teacher education institutions and the school boards.
3. That the Ministry of Education and Training ensure that guidance information on teacher education be available in all Ontario schools, both elementary and secondary.
4. That teacher candidates not be offered positions of employment before faculty and associate teacher evaluations of their teaching potential have been completed.
5. That a common hiring date before which time no teacher candidate would be hired by a school board be established in Ontario.
6. That in the event the faculty of a teacher education institution declares a strike in the course of collective bargaining, OTF would consider the practicum to be suspended for

the duration of the strike, and OTF members would not provide associate teaching services to teachers in pre-service programs.

7. That in the event of a strike situation involving members of the Federation, schools in which those members serve shall not be used for practicum, or for any other placement of student teachers.
8. That in the event of a strike situation involving members of the Federation, schools in which those members serve shall not be used for the in-service program leading to additional qualifications.
9. That in the event of a strike situation involving members of the Federation, no OTF Affiliate shall accept student teachers re-assigned from the striking Board. (WB03)

B. Admissions

1. That OTF, in conjunction with the Ministry of Education and the Ministry of Colleges and Universities and teacher education institutions, establish appropriate standards and policies for the admission of teacher candidates.
2. That OTF be involved in admissions committees at teacher education institutions and in the determination of criteria for the selection of teacher candidates.
3. That the basic prerequisite for entrance to a pre-service teacher education program be an acceptable university degree or, in the case of vocational and technological studies, related experience as prescribed in the Regulations.
4. That selection criteria to teacher education institutions include consideration of:
 - (a) academic qualifications and achievement;
 - (b) attitudes toward and experience with children;
 - (c) communications abilities;
 - (d) proficiency in the language of instruction.

C. Certification and Qualifications

1. That every person who is employed to fulfil an instructional role (as authorized by the Act and Regulations) in the public and separate school systems of Ontario be qualified as a teacher and under contract as a teacher.
2. That when changes in Regulations related to teacher certification occur, certified teachers shall continue to be deemed qualified to teach, within the limitations of their current certification.

3. That the Ontario Teachers' Qualifications Record card (Reg. 269) show by endorsement the basis upon which certification was granted and the area(s) of the major concentration of specialization.
4. That the Regulations which govern teacher education be subject to regular joint review by the Ministry of Education and the Ministry of Colleges and Universities and OTF.

D. Program

1. That it be the right and responsibility of OTF to participate directly in the development and evaluation of all programs and courses offered for the pre-service, Additional Qualification and in-service education of teachers.
2. That it be the right and responsibility of OTF and its Affiliates to participate in the delivery of compulsory courses in the pre-service teacher education program which includes:
 - (i) the components of the OTF Professional Issues Course;
 - (ii) the rights and responsibilities of membership in the Federation; and
 - (iii) professional ethics.
3. That OTF support the concept of cyclical program reviews at each teacher education institution and that OTF participate both in individual reviews and in the assessment and refinement of the review process as a whole.
4. That OTF support the maintenance of two French-language teacher education institutions in Ontario.
5. That programs at French-language teacher education institutions have as their principal focus the preparation of candidates to teach in French language schools (ref. Education Act, Part XI).
6. That teacher education institutions provide appropriate programs of religious education for those teacher candidates who may wish to enter the separate school system.

E. Practicum

1. That it be the professional responsibility of members to provide associate teaching services within the practicum and that associate teaching services provided by OTF members be volunteered. (WB06)
2. That OTF members who serve as associate teachers should give priority to teacher candidates enrolled in teacher education programs at publicly funded, Ontario universities. (WB05)

3. That there be an open and transparent process for the application/selection of associate teachers, with the criteria for application/selection clearly specified in advance. (WB06)
4. That the criteria for selecting associate teachers require that associate teachers:
 - (i) have completed at least two years of successful teaching;
 - (ii) have at least one year of experience in the subject(s) and grade level(s) for which they are serving as an associate teacher; and
 - (iii) be in good standing with the Affiliates and OTF. (WB06)
5. That associate teachers receive appropriate remuneration in recognition of the time and expertise they provide, and that such remuneration be given directly to the associate teacher. (WB06)
6. That OTF be directly involved in the regular review at each teacher education institution of selection processes and compensation/acknowledgement packages for associate teachers.
7. That it be the responsibility of the teacher education institution to establish communications related to the operation between the faculty and the field, and to provide:
 - (i) information with respect to the roles of faculty staff, associate teachers, and teacher candidates in the practicum;
 - (ii) clear understandings of evaluation practices and responsibilities;
 - (iii) contact sessions involving faculty staff and associate teachers in relation to the practicum;
 - (iv) training that includes exposure to the content of the teacher education program; and
 - (v) an opportunity for feedback about the program by the associate teacher (e.g. timing of the practicum each year, suggestions to improve preparedness of students, critique of the evaluation form, etc.). (WB06)
8. That each teacher candidate be assigned to at least two associate teachers in different teaching contexts over the course of the practicum. (WB06)
9. That one associate teacher be responsible for one teacher candidate per placement. (WB06)

10. That at no time should a teacher candidate be unsupervised in the classroom. (WB06)
11. That time should be allotted to the associate teacher during the instructional day for planning with, supervising and evaluating the teacher candidate. (WB06)
12. That OTF be directly involved with the teacher education institutions in the development of consistent standards and fair and equitable practices for the evaluation of teacher candidates.
13. That there be direct supervision and evaluation of teacher candidates by Faculty members during the practicum. (WB06)
14. That associate teachers be involved in both the formative and summative evaluation of teacher candidates.
15. That teacher education institutions provide opportunities for counselling services and guidance to all student teachers.

F. In-Service

1. That all teachers pursue professional growth and development throughout their teaching careers.
2. That all in-service training which a school board regards as compulsory be given within normal school hours.
3. That OTF support co-operative arrangements between school boards and their teaching constituencies to establish support structures for in-service activities, such as Teacher Centres and Resource Centres.

G. Alternative Teacher Education Programs

1. That OTF be informed immediately by teacher education institutions and school boards of any proposals for alternative teacher education programs, and be directly involved in all decisions related to the feasibility, development and implementation of such proposals.
2. That the terms and conditions under which student teachers and supervising teachers carry out their responsibilities be in accordance with the collective agreement between the branch affiliate(s) and the employing boards.
3. That alternative teacher education programs and the criteria for admission to the programs be clearly described and publicized in the calendar of the teacher education institution.
4. That student teachers enrolled in alternative teacher education programs teach only under the direct supervision of qualified teachers.

5. That in the event that alternative programs of teacher education are implemented without OTF's formal approval, OTF, through its Affiliates, will advise teachers at the school board(s) involved that participation in such programs is contrary to Federation policy and to Section 17 of the Regulation under the Teaching Profession Act.
6. That OTF support the concept of establishing or designating a provincial agency involving OTF, government, school boards and teacher education institutions as the appropriate mechanism for vetting and approving alternative programs in teacher education.

H. Induction

1. That a teacher must be certified and under contract with a school board as a prerequisite for taking part in a board-sponsored teacher induction program.
2. That OTF be directly involved in the design and implementation of induction programs.
3. That the terms and conditions under which mentor/teachers carry out their responsibilities in induction programs be in accordance with the collective agreement between the branch affiliate(s) and the employing boards. (AB92)

IX TEACHERS' PENSIONS (AB93)

It is the policy of the Ontario Teachers' Federation:

A. Plan Design

1. That all teachers, including occasional teachers, be required as a condition of employment to participate in the Teachers' Pension Plan.
2. That teachers in receipt of a service of disability pension not be required to participate in the Teachers' Pension Plan.
3. That the Teachers' Pension Plan be a contributory defined benefit plan based on the best average rates of pay.
4. That all pensions from the Teachers' Pension Plan be fully indexed to changes in the Consumer Price Index from the date of last credited service.
5. That the Teachers' Pension Plan be designed to maximize the pension entitlements and options of plan participants consistent with the principles of sound financial management.
6. That the Teachers Pension Plan provide same sex spousal benefits. (SB92)

B. Governance and Financing

1. That the Teachers' Pension Plan be jointly sponsored by the Government of Ontario and the teachers of Ontario represented by the Ontario Teachers' Federation.
2. That the Teachers' Pension Plan be administered by the Teachers' Pension Plan Board.
3. That the benefits provided by the Teachers' Pension Plan be fully funded.

C. Responsibility (AB97)

1. That the Teachers' Pension Plan Board, in the context of its fiduciary responsibility to plan participants, through ownership positions, encourage corporations:
 - (i) to demonstrate increased responsibility to share holders;
 - (ii) to operate in a socially responsible manner; and
 - (iii) to operate in a manner that respects labour and employee rights.

X MEMBERSHIP IN OTF

It is the policy of the Ontario Teachers' Federation:

- A. That principals and vice-principals be statutory members of OTF and its Affiliates.

XI EDUCATIONAL SUPPORT PERSONNEL IN SCHOOLS (AB98)

It is the policy of the Ontario Teachers' Federation:

A. General

1. That the term "educational support personnel" refer to those persons other than teachers as defined in the *Teaching Profession Act* who are directly employed by school boards and who provide educational assistance to students, schools and school boards (SB05).
2. That every person who is employed to fulfil a teaching role (as authorized by the Acts and Regulations) be qualified as a teacher and employed as a teacher.
3. That teaching functions which involve decisions regarding:
 - (i) identification of student needs;
 - (ii) planning, development, and implementation of educational programs; and
 - (iii) evaluation and reporting of student progress be the exclusive responsibility of teaching staff.

B. Educational Support Personnel

1. That educational support personnel assume

- no responsibility for any evaluation involving the school personnel, students, or program.
2. That educational support personnel be responsible to the principal of the school.
3. That educational support personnel not be included in the calculation of student-teacher ratio.
4. That the deployment of educational support personnel within the school be the responsibility of the principal in consultation with staff.
5. That educational support personnel be directly employed by school boards.

XII SCHOOL VOLUNTEERS (AB98)

It is the policy of the Ontario Teachers' Federation:

A. General

1. That the term "educational support personnel" refer to any person, designated by the principal, who functions in a supportive role to the principal and teachers in the school, without reimbursement or contractual commitment of any kind.
2. That every person who is employed to fulfil a teaching role be qualified as a teacher and employed as a teacher.
3. That it be the right of a teacher to decline volunteer services.

B. School Volunteers

1. That school volunteers who work with children shall work at all times under the supervision of a teacher.
2. That school volunteers not perform the work of school board employees.
3. That school volunteers not have access to confidential records of students.

C. Student Volunteers

1. That the term "student volunteer" refer to any student enrolled in a course of study related to child development which has a work experience component.
2. That the evaluation of student volunteers be the responsibility of the student's instructor.

XIII GOVERNMENT

It is the policy of the Ontario Teachers' Federation:

A. School Boards

1. *Hiring*
 - (a) That a school board engage a certificated teacher as an occasional teacher to replace a teacher who is absent from duty.

- (b) That all school boards implement fair hiring and employment practices.
- (c) That all school boards directly employ all paid school board personnel. (AB98)

B. Schools

1. Administration

- (a) That a school be a single permanent building, or temporary buildings, or a combination thereof situated on a parcel of property in a single community or a segment of a community.
- (b) That a single community or a segment of a community be one which respects the legally recognized linguistic and religious character of the Ontario student population.
- (c) That each school have as its educational leadership team:
 - (i) a principal and vice-principal(s);
 - (ii) department heads in secondary schools; and
 - (iii) such additional administrative personnel as required.
- (d) That any changes made in the organization of a school be:
 - (i) negotiated between the branch affiliates involved and the board;
 - (ii) subject to ratification in accordance with the collective agreement; and
 - (iii) considered experimental and subject to evaluation, review and revision through re-negotiation.

2. Finance

- (a) That the major cost of education be funded provincially through "Consolidated Revenue" to be transferred to school boards through a system of grants.
- (b) That the share of expenditures for elementary and secondary school education charged against municipal property tax be reduced.
- (c) That the Government funding of education provide for quality education.
- (d) That any direct or indirect government funding of private schools should be opposed.
- (e) That real property tax should be levied on the basis of equalized assessment applied province-wide.

3. Collective Bargaining

- (a) That OTF be opposed to compulsory arbitration.

- (b) That collective agreements, covering all terms and conditions of employment be negotiated between each school board, and branch affiliate(s) representing its teachers.

- (c) That OTF be opposed to merit pay.

- (d) That OTF be opposed to compulsory zone, regional or provincial bargaining.

- (e) That collective agreements not contain provisions that would have the effect of tying any part of that collective agreement to the collective agreement negotiated or being negotiated by another branch affiliate without the consent of the other branch affiliate.

- (f) (i) That in a dispute between any affiliated body and a board of trustees, OTF take action only at the request of the provincial executives of the affiliated bodies involved.

- (ii) That any action to be taken on the basis of (i) above shall be in accordance with the Guidelines approved by the Board of Governors.

- (iii) That any settlement effected as a result of the action in (i) above shall be binding on all affiliated bodies involved.

- (g) That OTF be opposed to teaching duties being assigned to an individual other than a certificated teacher who is employed to teach.

- (h) That OTF be opposed to contracting out or outsourcing of the job functions of any school board employee. (AB98)

4. Retirement

- (a) That the Federation be opposed to any age retirement restriction.

- (b) That collective agreements provide a retirement, sick leave and service gratuity which allows a benefit of up to 50% of the teacher's last year's salary.

- (c) That the removal or reduction of any retirement, sick leave or service gratuity plan be opposed.

5. Charter Schools

- That OTF be opposed to the introduction of charter schools in Ontario. (SB97)

C. Provincial Government

1. School Programs

- That teachers make provision in curricula for women's studies and recognition of the contributions of women to society.

2. *Labour Education*
That labour education courses should be provided within the school curriculum.
3. *Equal Opportunity*
That Equal Opportunity be interpreted as: opportunity in obtaining a position and in advancing to higher positions in the same system without discrimination on the basis of any grounds prohibited under the Ontario Human Rights Code; (WB92)
 - (i) equal pay for equal qualifications, responsibilities and experience between teachers, employed by the same board in the schools of Ontario; that in this policy,
 - (ii) equal pay means that the basic salary schedule in a school system be set up without discrimination or reference to grade or subjects taught;
 - (iii) equal qualifications mean equivalent academic qualifications and professional certificates; and
 - (iv) equal responsibilities include classroom duties and other assigned duties and tasks of supervision outside the classroom.
4. *Discrimination*
That OTF be opposed to any racial or religious discrimination in the appointment of teachers duly qualified to teach.

D. Federal Government

1. That the federal government provide funding to the provinces to support elementary and secondary education programs.
2. That income tax exemptions be allowed for legitimate expenses of teachers incurred for professional development.
3. (a) That the social insurance number not be used by schools as a student identification number.
(b) That the social insurance number not be requested nor recorded on students' school documents.
4. That the Income Tax Act allow for the payment of same sex spousal survivor benefits from pension plans. (AB96)

E. College of Teachers (AB96)

1. OTF is opposed to the College of Teachers as enacted by The Ontario College of Teachers' Act, 1996.
2. That OTF work for legislative changes which would repeal the College of Teachers imposed by The Ontario College of Teachers Act, 1996.

XIV EVALUATION

It is the policy of the Ontario Teachers' Federation:

A. Student Evaluation

1. That all evaluation schemes proceed from the premise that the individual teacher in a particular instructional and learning context is the prime agent for student evaluation.
2. That before student evaluation schemes are instituted by the Ministry of Education and Training or by school boards, adequate provision be made for teacher participation in both the development and validation stages.
3. That the purposes and processes of student evaluation schemes and the uses which will be made of the findings be clearly stated during the development stage.
4. That in-service training for teachers be an integral part of any student evaluation scheme.
5. That the Ministry of Education and Training has the responsibility to assess and evaluate the effectiveness of its curriculum policy and practices. The use of any student evaluation scheme should conform to the following considerations:
 - (a) That OTF be given notice of any Ministry evaluation project, and be made aware of its purposes, the sampling procedures to be employed, and the uses which will be made of its findings;
 - (b) That sampling procedures be predicated upon the preservation of individual anonymity;
 - (c) That the Ministry not provide information on the performance of individual teachers, students, schools or boards, or permit comparisons to be made as a result of testing projects;
 - (d) That the Ministry avoid repetitive patterns of testing which might encourage teaching/preparation for tests;
 - (e) That evaluation of young children be informal, appropriate to the conceptual/emotional stage, and appropriate to the kinds of activities in which children are engaged;
 - (f) That OTF be apprised of any judgements made by the Ministry, as a result of testing, with respect to curriculum, program and services; and that OTF be fully involved in any deliberations related to potential improvement or change.

B. Teacher Evaluation

1. That there be a clear separation between those processes operating within teacher evaluation programs, whose sole purpose is the improvement of performance, and those evaluation processes which a school board may adopt for making employment decisions affecting individual teachers.
2. That it be the right of the branch affiliate to be involved in the development, implementation and review of teacher evaluation processes.
3. That before teacher evaluation processes are implemented by school boards, all teachers be made fully aware of the purposes and procedures of such evaluation, and the uses which will be made of its findings.
4. That teacher evaluation process be consistent with the principles of natural justice.
5. That all teacher evaluation reports be in writing and a copy of the report be provided to the teacher within three school days.
6. That teacher evaluation processes be included in the Collective Agreement.

XV OFFICIAL LANGUAGES

It is the policy of the Ontario Teachers' Federation:

- A. That the bilingual character of Canada, arising from the presence of a French-speaking minority, is not only an historical, constitutional and social fact but be also of the highest importance to the Canadian Confederation.
- B. That equality of rights and status for those who are English-speaking and for those who are French-speaking be a major goal, requiring the safeguards of laws and of the Constitution of Canada.
- C. That the survival and the flourishing of English-speaking and French-speaking communities in Canada, and their protection against assimilation, be a right which all Canadian authorities should safeguard and respect.
- D. That the school be an instrument of major importance in maintaining the existence of a functioning linguistic community. Any English-speaking or French-speaking community must have the right to have schools established in which the language of instruction, administration and communication is that of the community, and to protect and preserve the linguistic and cultural integrity of those schools.
- E. That opportunity should exist for all English-speaking Canadians to learn French as a second

language, and for all French-speaking Canadians to learn English as a second language, through the use of those means of instruction which prove to be the most effective. All parents should be given the right to choose the language of instruction (English or French) of their children. Provision of such opportunity should not be made in ways which jeopardize the linguistic or cultural integrity of schools which serve a linguistic minority.

- F. That those whose language or origin is neither English nor French should have the right to affiliate with either an English-speaking community or a French-speaking community according to their choice and to have their children educated in the language so chosen.
- G. That because of the overwhelming dominance of English-language media of culture and communication in North America, special measures be required for the support and protection of the vehicles of French language and culture.
- H. OTF favours the establishment of a National Council, financed by the federal government, to promote the development of the French-Canadian culture.
 - I. That OTF recognizes the right of each French-speaking and English-speaking student to an education in the student's own language.
 - J. That the Province of Ontario declare itself officially bilingual by stating its intention to adhere to Sections 16 to 20 of the Canadian Charter of Rights and Freedoms.
 - K. That the Province of Ontario recognize in law the rights of Franco-Ontarians to services in the French language.

XVI CURRICULUM DEVELOPMENT AND IMPLEMENTATION

It is the policy of the Ontario Teachers' Federation:

- A. That the Ministry of Education and Training in consultation with OTF:
 - (a) review regularly the goals, aims and objectives of education;
 - (b) establish a long range plan for curriculum development and implementation.
- B. That teachers through OTF be involved in all aspects of the curriculum process including policy formulation, planning, development, dissemination, implementation, review and evaluation.
- C. That the Ministry of Education, in consultation with OTF, develop a process for curriculum development validation and implementation.

- D. That it be the responsibility of the Ministry to fund the implementation of curriculum documents including relevant teacher in-service programs.
- E. That the principal-teacher be the curriculum leader in the school.
- F. That guidance programming and counselling services be provided in each school setting by qualified teacher counsellors.
- G. That it be the responsibility of school boards to provide funding and personnel support to assist teachers in curriculum-related activities.
- H. That new and revised elements of curriculum documents be field tested before general use.

XVII SPECIAL EDUCATION

It is the policy of the Ontario Teachers' Federation:

A. The Rights of Students

- 1. That all students have a right to an education appropriate to their needs.

B. Programming/Services

- 1. That exceptional students be provided with a full range of appropriate programs/services throughout their elementary and secondary education.
- 2. That it be the responsibility of the provincial government to co-ordinate service for exceptional students among the ministries of education, health and social services.
- 3. That school board special education service plans make provision for additional resources which may include: personnel, teacher in-service, materials, equipment, location and appropriately adjusted working conditions and work load.

C. The Integration of Exceptional Students within Ontario's Educational System

- 1. That exceptional students be placed in the most enabling environment ranging in a continuum of services from special schools to complete integration.
- 2. That the integration of an exceptional student into the regular classroom should be recognized as one of the processes which allows exceptional students to reach their fullest potential and not just as a matter of placement.

D. Identification, Placement and Review Committee

- 1. That Identification, Placement and Review Committees be established at the school level.

- 2. That all IPRCs include within their membership practising teachers with appropriate special education qualifications.
- 3. That the attendance at IPRC meetings of the teacher(s) designated by their principal as most significant to the student be mandatory.
- 4. That school boards develop, in consultation with their teachers, a manual to outline the identification, placement and review process for students, parents, teachers and principals.

E. Funding and Support Services

- 1. That the Ministry of Education be responsible for financing the total cost of special education programs and services.
- 2. That the funding of special education must be in addition to regular education programs and services.
- 3. That the Ministry of Education develop detailed reporting procedures to be utilized by school boards for the expenditure of special education funds.

XVIII CHILD CARE SERVICES

It is the policy of the Ontario Teachers' Federation:

A. General

- 1. That all children up to the age of 16 have access to child care services.
- 2. That all child care services be non-profit, comprehensive, high quality, licensed and regulated, and reflect the varied cultural and linguistic backgrounds of Canadian families.
- 3. That parents determine the nature and extent of their children's participation in child care programs.
- 4. That parents have the responsibility to take a significant and active role in determining the child care environment.
- 5. That child care providers be involved in the decision-making process related to the delivery of child care services.
- 6. That child care employees receive salaries and benefits commensurate with the value of their work and educational qualifications.
- 7. That provision be made to address the child care needs of Franco-Ontarians.
- 8. (a) That funding for child care services be the joint responsibility of the federal and provincial governments.
(b) That the provincial responsibility for child care services rests with the provincial government.

B. School-based

1. That school boards provide permanent space for child care services in both elementary and secondary schools.
2. That the provision and supervision of child care services in schools be distinct from the regular school program.
3. That school boards promote liaison between the school and child care services through a child care co-ordinator.
4. That principals facilitate co-operation between the school and its on-site child care services.
5. That priority be given to the needs of the resident student population when providing school-based child care services.

XIX EDUCATION FOR A GLOBAL PERSPECTIVE (SB92)

It is the policy of the Ontario Teachers' Federation:

- A. That teachers promote Education for a Global Perspective in the teaching/learning process.
- B. That curriculum and related activities incorporate, where appropriate, the critical examination of the following major global concepts, issues and trends:
 1. Concepts of interaction, interdependence and change to enable students to develop a holistic view of life.
 2. Trends toward environmental awareness, ecological balance, energy conservation and sustainability of life.
 3. Issues of human rights, social justice, social responsibility and equity.
 4. Respect for the existence of diversity within the human community.
 5. Issues surrounding the impact of: the roots of poverty, malnutrition, disease, inadequate shelter and clothing, illiteracy and violence on all peoples and nations.
 6. The issue of the impact of militarism and war on children, human relations, natural environments and ultimate fate of the planet.
 7. Strategies for the promotion and maintenance of peace.
- C. That, where appropriate, Education for a Global Perspective be incorporated within pre-service and in-service programs.
- D. That it be the responsibility of the Ministry of Education to establish Education for a Global Perspective as a priority for Ontario education.

XX FEE COLLECTION

It is the policy of the Ontario Teachers' Federation:

1. That school boards be charged interest on late payment of fees (AB95).

XXI HARASSMENT (SB96)

It is the policy of the Ontario Teachers' Federation:

1. That the definition of harassment be that which is defined in the Ontario Human Rights Code: "vexatious comments or conduct that is known, or should be reasonably be known, to be unwelcome."
2. That harassment includes any act or series of acts, verbal or otherwise, which cause irritation, distress, humiliation, intimidation, denigration, torment, unease, fear or discomfort. It may also include any comments or conduct which creates an environment that is hostile and/or intimidating.
3. That every person has the right to be free from all forms of harassment in the workplace.
4. That every student has the right to be free from all forms of harassment in the educational environment.
5. That every member strives to eliminate harassment in the schools, classrooms, curricula and daily practices of the school.

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