



Course Correction: A Renewed Focus for the Ontario College of Teachers

January 2014



OTF Research Report

Course Correction: A Renewed Focus for the Ontario College of Teachers

This paper examines the path the College has followed since its creation and makes the following recommendation:

We urge the government to open a discussion about the wording of the legislation and Regulations with a view to creating greater clarity around the College's mandate. We submit that such clarification will not alter, but instead reinforce, the mission of the College as originally envisioned.

The Ontario Teachers' Federation/La Fédération des enseignantes et des enseignants de l'Ontario (OTF/FEO) welcomes this opportunity to provide information to the Ministry of Education on the changing role of the Ontario College of Teachers (OCT). We represent 160,000 elementary and secondary teachers employed in the publicly supported public, separate, English and French-language schools of the province.

In this report we will discuss some of the ways the College has evolved since its inception. We conclude with a recommendation which we believe will assist the College on its way forward.

The Ontario College of Teachers was established through the passage of the *Ontario College of Teachers Act*,

1996 (Bill 31) and began operating the following year. The organization now has a sixteen-year track record. Today, it is responsible for regulating key aspects of the professional lives of 237,000 members. Those who have served the College over the years, whether as Councillors or paid staff, deserve much credit for the many successes the College has achieved to date.



The Ontario College of Teachers was established through the passage of the *Ontario College of Teachers Act*, 1996 (Bill 31) and began operating the following year.

The legislation which governs the College sets forth the organization's mandate. The *College of Teachers Act* specifies eleven objects:

1. To regulate the profession of teaching and to govern its members.
2. To develop, establish and maintain qualifications for membership in the College.
3. To accredit professional teacher education programs offered by post-secondary educational institutions.

4. To accredit ongoing education programs for teachers offered by post-secondary educational institutions and other bodies.
 5. To issue, renew, amend, suspend, cancel, revoke and reinstate certificates of qualification and registration.
 6. To provide for the ongoing education of members of the College.
 7. To establish and enforce professional standards and ethical standards applicable to members of the College.
 8. To receive and investigate complaints against members of the College and to deal with discipline and fitness to practise issues.
 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.
 10. To communicate with the public on behalf of the members of the College.
 11. To perform such additional functions as are prescribed by the regulations.
- (1996, c.12, s.3(1); 2001, c.14, Sched.B, s.2; 2004, c.26, s. 2; 2009, c. 33, Sched. 13, s. 2 (1, 2, 11))

Crucial to the mandate of the College is the next section of the legislation:

In carrying out its objects, the College has a duty to serve



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*and protect the public interest.
(1996, c. 12, s. 3(2))*

Upholding the public interest is at the core of every action the College undertakes; Governing Council members must swear an oath to do so. The public has the right to expect that those who teach its children are well-trained, qualified and fit to undertake that enormous trust. For the College, this entails enforcing not just professional standards for educators, but ethical ones as well. That alignment parallels the missions of similar self-regulating bodies such as the College of Physicians and Surgeons of Ontario, the College of Nurses of Ontario, the College of Psychologists of Ontario and the Ontario College of Social Workers and Social Service Workers.

Over the course of its history, the College has developed a substantial infrastructure to enable it to carry out its work. We appreciate the effort and understand the challenges entailed in that achievement.

That said, it is OTF's position that, over its tenure, some of the College's activities have begun to diverge from its legislated mandate. We believe it is in the best interests of all stakeholders, including the College, that the College implement a course correction to better align its activities with its intended purpose. The broadening we have witnessed over time in how the College interprets its mandate is ultimately a self-defeating exercise.

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We believe that the College has headed down this path in part because of a misreading, over time, of its mandate. We attach no blame in this to any of the many dedicated individuals who are or have been connected with the College. It is, rather, an institutional problem. We outline our concerns about the College in a constructive spirit and in the belief that doing so will be helpful in realigning and refocusing the College's energies.

Advocacy vs Regulation

The College is a statutory regulatory body. It ensures appropriate standards for teacher training, issues teaching licences, sets and enforces professional standards for those who hold such licences and keeps records of all licence holders. As such, it fosters public trust and public confidence in education. However, its role does not include advocating for the profession or for teachers. That role belongs to OTF, as the body with statutory responsibility to speak for all Ontario teachers, and to its four Affiliates in their authority to represent their respective memberships as both unions and professional organizations.

In the work of the College, the public interest is paramount—rather than the individual or collective interests of teachers themselves. Should the College find itself in the position of choosing between the individual/collective interests of teachers on the one hand and the public interest on the other, there is no question but that the latter must prevail.



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One example of this would be those cases, rare though they are, when the College determines that a teaching licence must be suspended or revoked, or that conditions must be placed upon it, or that a teacher must be reprimanded or must pay a fine. In any individual case, such a determination might well be in the public interest. It might also well be in the best interests of the profession. But it might not necessarily be in the personal interest of the teacher in question.

To maintain public trust, regulatory bodies must avoid not only real conflicts of interest, but perceived ones as well. As will be seen below, the need for separating the advocacy function from the regulatory function was recognized well before the founding of the College.

This tension between advocating and regulating is part of the current debate with respect to teachers in other jurisdictions as well. The Government of Saskatchewan recently commissioned a report on teacher certification and disciplinary authority. Many of the same principles that informed the debate around the College of Teachers in Ontario are now under discussion there, such as the nature of the public interest, the need for transparency, the avoidance of both real and perceived conflicts of interest and a demarcation between advocacy and regulation.¹

The Origins of the College

Though the idea of a professional self-governing body for teachers had been raised decades earlier, notably in the Hall-Dennis report, the immediate impetus for the legislation was the Royal Commission on Learning. Its final report, *For the Love of Learning*, was issued in 1994. The Commissioners commended the role that OTF and its Affiliates play in promoting the interests of members. They noted that OTF and the Affiliates had done substantial professional work on behalf of members through publications, courses, conferences and workshops.²

They also took the position that the advocacy role of teacher federations, in particular its collective bargaining component, was best kept separate from the broader object of regulating the teaching profession. In effect, they signaled the need for a firewall between advocacy and regulation.

The Commissioners were clear in their vision of a future College:

We envision an Ontario College of Teachers with a comparable mandate to that of the SGTC [Scottish General Teaching Council], including jurisdiction over teacher certification at both the pre-service and in-service level, maintenance

*of a register of teachers and their professional credentials, and disciplinary matters up to and including decertification, as well as accreditation of all teacher education and training programs.*³

What they did not envision was teacher advocacy as a component of the College's purview. Instead, they looked to such core regulatory activities as accrediting teacher training, certification, credentials maintenance and disciplinary proceedings. In their view, creating a self-governing body tasked with these functions could only strengthen public education and enhance the status of the profession.

Following upon the Commission's recommendations, in 1995 the government struck an Ontario Teaching Council Implementation Committee. The Committee's final report, *The Privilege of Professionalism*, recommended a comprehensive operational structure for the future College. At no point in its report does the Committee suggest that the College should have a role in teacher advocacy. Indeed, the Communications Committee which forms a part of the recommended structure for the College is charged with "producing and disseminating information on the College and the standards of practice that it endorses to the profession and the public."⁴

¹ Saskatchewan Teachers' Federation, *Teacher Professionalism in Saskatchewan: Strengthening Regulation*, September 2013.

² Royal Commission on Learning, *For the Love of Learning*, 1994, Vol. III, p. 8.

³ *Ibid.*, p. 10.

⁴ Ontario College of Teachers Implementation Committee, *The Privilege of Professionalism: The Ontario College of Teachers*, 1995, p. 68.



During those hearings, the issue was further explored by a representative of the Ontario Parent Council, speaking to the composition of the future Governing Council.

On the issue of professional development, the demarcation is equally clear. The College “should be the body that accredits, not delivers, professional learning.”⁵

The government of the day also acknowledged a clear need for a separation of powers. During Standing Committee hearings on Bill 31, Toni Skarica, Parliamentary Assistant to the Minister of Education and Training, stated:

The Ontario Teachers’ Federation and its affiliates will, of course, continue to provide collective bargaining and other protective and professional development services for their members.

*The College will strengthen teaching, increase public confidence in education, and ensure public accountability by clearly separating the responsibilities of teachers’ unions and the self-regulating body, and the responsibility of that body to the public.*⁶

During those hearings, the issue was further explored by a representative of the Ontario Parent Council, speaking to the composition of the future Governing Council:

We of course support a teacher’s right to join a federation and we acknowledge that the purpose of their federations is to enhance their members’ rights, to protect their members and to be accountable to their members, but we must acknowledge that their primary duty of course is to their members.

*The primary duty of the College of Teachers is to protect the public interest, and no one organization can be seen to control the college when the protection of the public interest is not their primary duty.*⁷

Following proclamation of the legislation Margaret Wilson, the College’s first Registrar, issued a chart that delineated various responsibilities and the respective roles of the College, Ministry, faculties of education, school boards and teachers’ federations. Under the category “additional qualification courses and other ongoing education,” she lists the following.

	Additional Qualification
College	Establish requirements; approve and monitor programs and delivery agents
Ministry	Consult with OCT; advise OCT of policy/curriculum changes
Faculties	Deliver program
School boards	Verify teaching experience, if required for specific course
Federations	May be accredited providers ⁸

Frank Clifford, who had chaired the Implementation Committee, spoke to the College’s newly elected Governing Council during their orientation session in March 1997. His remarks were reported in the College’s magazine in an article titled “Father Figure of Teacher Education Advises Council ‘Focus on the Licence to Teach.’” Mr. Clifford told the assembled Councillors:

The report and your legislative mandate focuses on four aspects of the licence: one, how do you

⁵ Ibid., p. 24.

⁶ Opening Statement for Toni Skarica, Parliamentary Assistant Ministry of Education and Training, for the Standing Committee on Bills 31 and 30: *The Ontario College of Teachers Act and The Education Quality and Accountability Act*, April 15, 1996, p. 6.

⁷ Legislative Assembly of Ontario, Standing Committee on Social Development, April 22, 1996, S-99.

⁸ OCT, *Professionally Speaking*, “Registrar’s Report,” September 1996, p. 7.



Nevertheless, these might seem to the outside observer unusual activities for a public institution whose mandate is the licensing and regulating of the teaching profession.

*acquire the licence; two, how do you maintain the licence; three, how can you lose the licence, and four, keeping up-to-date statistical records regarding those who do hold the licence.*⁹

Evolution of the College's Activities

The “mandate creep” which we suggest has become embedded in the College’s operations can be documented in part through its flagship publication. *Professionally Speaking*, the College magazine, has been in existence since May of 1997 as a glossy quarterly. Prior to that, it had been issued in a broadsheet format.

As is the nature of glossy quarterlies, *Professionally Speaking* has always relied on paid advertising. Then as now, its “blue pages” contain regulatory and legal information as well as operational and financial news about the College. From its early days, the College has published articles on such topics as standards of practice for the profession, teacher supply and demand, Governing Council elections and member surveys.

Other content is less easily squared with the College’s regulatory scope. It is difficult to see how pieces on dealing with aggressive parents, teaching gifted students, self-directed learning for secondary school students and using apps in the classroom fit within the College’s mandate.

As a window into the College’s internal culture, the current magazine reflects a very different organization from the one established in 1996. Early issues of *Professionally Speaking* make no mention of contests, prizes or awards. By contrast, the past few issues of *Professionally Speaking* include information on a poster contest for World Food Day; the award of a germ-busting kit for the best stay-healthy tip; a mini-essay contest to win a tablet device; a gift card for a “How do you recharge at school?” Facebook poll; and a “fresh start” competition whose prizes included free consultations with a fashion stylist, a chiropractor, a naturopathic doctor, a career consultant and a stretch therapist/kinesiologist. The College has also begun awarding small gifts to selected members for “liking” the College on Facebook.¹⁰

These might seem to the outside observer unusual activities for a public institution whose mandate is the licensing and regulating of the teaching profession. Any costs associated with these initiatives, whether in staff time or otherwise, are doubtless minimal, and would certainly be negligible in the context of an organization with a \$37 million revenue stream. Still, they do require funding—all of which, we would argue, would be better directed towards the College’s real mandate.

Taken as a whole, these sorts of activities also help to shape the College’s public image. Somehow the notion of “liking” the College on

Facebook rests uneasily beside the College’s legal authority to revoke a teacher’s licence.

The comparable publications of the College of Physician and Surgeons of Ontario, the College of Psychologists of Ontario and the Ontario College of Social Workers and Social Service Workers contain reports on disciplinary proceedings involving members, as does *Professionally Speaking*. However, there are no notices about gifts, contests or prizes.

Loyalty Program

Another College initiative is a system of discounts for OCT members on a variety of goods and services. The College contracts with a company called Venngo, which secures access to discounts across a wide variety of retail offerings. There are currently 39 categories of goods and services on offer to OCT members at a discount, ranging from accommodation to zoos.

Discounts for educators are hardly a new phenomenon; bookstores have offered them for years. Teachers insured under the Ontario Teachers Insurance Plan (OTIP) also have a long-standing discount program. Discounts are undeniably a positive thing, the more so in light of the significant sums that so many teachers are out of pocket for supplies every year. Unlike non-statutory entities such as bookstores or OTIP, however, the College of Teachers is a public regulatory body with a defined

⁹ OCT, *Professionally Speaking*, “Father Figure of Teacher Education Advises Council ‘Focus on the Licence to Teach,’” May 1997, p. 23.

¹⁰ The College Facebook page was launched in 2011. According to a 2012 College survey, most members do not believe it is important for the College to communicate with them through Facebook (Ontario College of Teachers, *Professionally Speaking*, “2012 Member Survey,” September 2012, p. 67).



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function. It is difficult to ascertain how the organization’s mandate justifies targeting resources on this type of project. Again, we would argue that such resources would be better allocated elsewhere.

The discount program is advertised in *Professionally Speaking* and also appears prominently on the homepage of the College’s website. By contrast, none of the homepages of the College of Physicians and Surgeons of Ontario, the College of Nurses of Ontario, the College of Psychologists of Ontario or the Ontario College of Social Workers and Social Service Workers contains anything comparable. We might understand the puzzlement of a member of the public, clicking onto the College site for the first time, over the nature of the organization.

Conferences and Workshops

The College has run conferences and workshops for much of its history, typically for Governing Council members. In earlier days, these were used to foster awareness of its core activities. For example, in 2001 the College held province-wide consultations to assess the level of member understanding of the Standards of Practice and the Ethical Standards.¹¹ In 2003, members took part in workshops, conferences, case institutes, research projects and a symposium, all of which focused on the Standards.¹²

More recently, however, some College conferences have taken a different direction. In November 2012, the College held a conference called “Inspiring Public Confidence.” In addition to high-profile keynote speakers Stephen Lewis and Wendy Mesley, two dozen workshops were offered—some of which are difficult to square with the College’s legislated objects. These included sessions on intergenerational conflict, mental health literacy and school inclusion. The College also awarded a monetary “Inspiring Public Confidence” award.

There is no question that the topics addressed in the conference workshops are important and timely. Still, we would argue that this type of conference falls outside the College’s regulatory scope. We reiterate that the College’s human and financial resources are more properly targeted elsewhere. We also note that the conference was an initiative that the College Governing Council neither directed nor authorized.

In May 2013, the College delivered a series of symposia in Toronto, Ottawa, London and Thunder Bay on “Safety in Learning Environments.” These were organized in conjunction with the release of the College’s fourth professional advisory, “Safety in Learning Environments: A Shared Responsibility.” The content of the advisory did not deviate from accepted advice for the handling of school emergencies, in that it reinforced the

need for teachers to be knowledgeable of and to act in accordance with established school and school board procedures.

However, controversy arose as a result of the event held in Toronto on May 22nd. The College had brought in as speakers representatives from an organization in the United States, a jurisdiction whose legal environment and history with respect to school safety differ in substantive ways from our own. As a consequence, the messaging on school safety, and specifically on lockdown procedures, was at odds with current practice as mandated by the Ministry of Education.

This kind of mixed messaging is helpful neither to teachers who might potentially be required to respond to an emergency nor to the public that places its trust in the school system. Unfortunately the media coverage, complete with a photo of young children being evacuated from their school in Newtown, Connecticut, overshadowed the advisory itself.¹³

The OCT Designation

Some initiatives seem to come out of nowhere. In the fall of 2007, the issue of a professional designation for teachers came before the Governing Council. A year later, Council passed a motion to introduce one for all Ontario teachers who are College members. As of 2009, members have had the right to put “OCT” (Ontario Certified Teacher)

¹¹ Ontario College of Teachers, *Annual Report*, 2001.

¹² Ontario College of Teachers, *Annual Report*, 2003.

¹³ *Toronto Star*, “Ontario teachers ponder new school safety policy: Barricading classrooms, not simple lockdowns,” May 22, 2013.



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after their surnames. The College has trademarked both OCT and EAO (enseignante agréée ou enseignant agréé de l'Ontario).

The reasoning behind this initiative appeared to be that, since other professionals have the right to a designation, teachers should as well. There was certainly no organic groundswell amongst members of the profession to acquire such an acronym nor was a designation in effect for teachers anywhere else in Canada.

However, in July 2008 as part of the College's regular member survey (conducted by COMPAS), the following question was asked:

"Many professions have designations, like CA for chartered accountant, RN for Registered Nurse, PEng for professional engineer and very recently ECE for Early Childhood Educator.

To what extent would you support a professional designation for teachers if the process were the same as it is to become a member and the cost to the College were minimal?"

In the event, two-thirds of those responding to the telephone survey supported such a designation.¹⁴ The College also tested the idea in extensive further polling, including online surveying and focus groups.

Still, by the 2010 survey, fewer than half of members polled were aware it

had been adopted.¹⁵ The College has attempted to encourage widespread use of the designation, as in this excerpt from its online member newsletter:

"Your distinguishing mark

You know you're a professional. So does the College.

That's why we created the designation OCT—Ontario Certified Teacher—to remind parents, students and the public that you belong to a community of highly educated professionals.

Use your professional designation in your email signature, on letters to parents and students, report cards and on your business cards. It helps to distinguish you from other school staff who don't have the same responsibility that you do to lead students' educational programs."¹⁶

We believe that, even before the designation, the public understood that teachers are highly educated and are leaders in the education system. Considerable energy went into the business of creating and promoting the designation and it is difficult to ascertain why.

The College and Member Support

The above list of College initiatives is far from exhaustive. Taken together they seem to be symptoms of an organization which, in some respects,

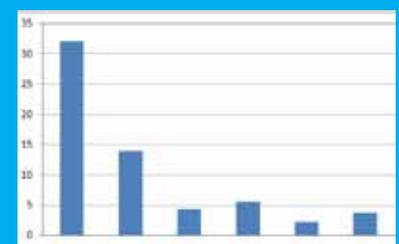
has lost its footing. Further information on the history and current status of the College may help to explain why this has occurred.

In 1996, teaching became a self-governing profession. Unfortunately, that profound change did not translate into widespread participation by teachers in determining how the College is run. Voter turn-out, never robust even for the first Governing Council election, has been in the single digits for the past four elections.

College of Teachers Voter Turnout

1997	32%
2000	13.9%
2003	4.4%
2006	5.5%
2009	2.16%
2012	3.75%

Voter Turnout for OCT Elections 1997-2012 (%)



¹⁴ Ontario College of Teachers, *Professionally Speaking*, "Member Survey," (September 2008), p. 54.

¹⁵ Ontario College of Teachers, *Professionally Speaking*, "2010 Member Survey," (December 2010), p. 35.

¹⁶ Ontario College of Teachers, *Your College and You*, September 2012 http://www.oct.ca/members/member-ewsletter/member-ewsletter-archive-detail?sc_lang=en&ID=%7bCCD8ED3B-5308-472F-B3A9-46D183599834%7d.



Teachers understand that regulating their profession is an enormous enterprise and that the body that does so must be properly resourced. However, over the years, concern has also been expressed about the way the College uses its funding.

Voter turnout hit a new low in the 2009 election, despite the move to an online voting system with 24 hour a day ballot access. The apparent lack of interest amongst its members in College elections extends beyond low voter turnout, however. It has also proven difficult to convince members to run for office, resulting in numerous acclamations (which may have had the effect of further depressing turnout). In the 2009 election, only 34 candidates ran for 23 positions, resulting in 17 acclamations. In the 2012 election, after a significant push to increase voter turnout, 69 candidates ran for 23 positions, resulting in 5 acclamations. Voter turnout continues to be less than four percent.

Over the years the College has attempted to address this problem. Focus groups have been convened on how to increase voter participation, an initiative to simplify the nomination process has been undertaken and more publicity has been generated around elections. In December 2008, the Registrar noted that College efforts to place election ads in publications among its education partners had been more successful than in the past. Ads encouraging members to run for Council or to nominate a colleague had been appearing in other publications; those ads were to be followed by more ads urging members to vote.¹⁷

Few members are participating in the electoral process, which is troubling given that the College is now an

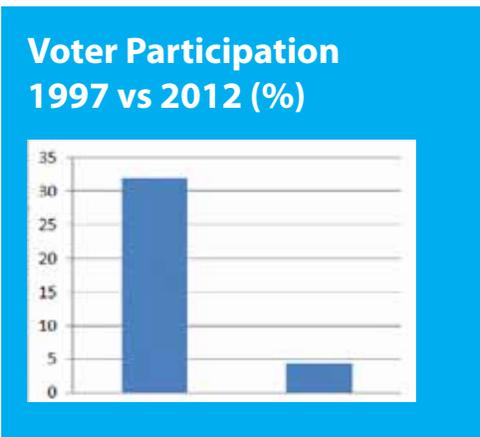
organization whose operations have grown dramatically both in size and scope.

In contrast, while member engagement declined dramatically, the College fees and revenues increased steadily.

In 1997, College revenue stood at \$15,345,000, derived primarily from the annual membership fee, which was

\$90. At that time, there were 165,099 members in good standing and the College employed 104 staff.¹⁸

By 2012, revenue had more than doubled to \$36,825,000, based mainly on the fees of the College's 237,249 members.¹⁹ Projected revenue for 2013 is \$36,858,000,²⁰ based on a fee of \$138. Today, the organization employs approximately 169 staff.



¹⁷ Ontario College of Teachers, *Registrar's Report to Council*, December 11-12, 2008.

¹⁸ Ontario College of Teachers, *Annual Report 1997*, pp. 5, 15, 17.

¹⁹ Ontario College of Teachers, *Annual Report 2012*, pp. 56, 60.

²⁰ Ontario College of Teachers, *Professionally Speaking*, "Council Approves 2013 College Budget," March 2013, p. 65.



Teachers want a College that uses their fees in a cost-effective manner and that focuses all of its energies and considerable resources on the job it was created to do.

The recently approved budget for 2014 will exceed this year's by three million dollars, one million of which is targeted towards a public awareness campaign. The annual fee will rise to \$150, and 4.5 additional staff positions will be added.

When the College came into being, the costs of regulation shifted from the province to working teachers. Teachers understand that regulating their profession is an important undertaking and that the body that does so must be properly resourced. However, over the years, concern has also been expressed about the way the College uses its funding.

The College continues to expand the limits of its authority. As one perplexing College initiative follows another, it is almost as if the College were trying to win over the College members. If this is a response to the apparent lack of interest in the College amongst teachers, it is a misguided one. Teachers want a College that uses their fees in a cost-effective manner and that focuses *all* of its energies and considerable resources on the job it was created to do.

Summary

1. The present-day College of Teachers has strayed, in some of its activities, from its original mission. It was not intended by its authors to be an organization that advocated for teachers or that provided professional development opportunities for them. Yet it appears to be heading in those directions.

The College, of course, has a legitimate, legislated interest in how teachers gain their professional knowledge. Specifically, it is tasked with ensuring that the pre-service training offered through the faculties of education meets the highest possible standards. It also has a role in assuring the quality of in-service education offered in AQ courses.

The present-day College of Teachers has strayed, in some of its activities, from its original mission. It was not intended by its authors to be an organization that advocated for teachers or that provided professional development opportunities for them. Yet it appears to be heading in those directions.

2. The College's human and financial resources are more properly targeted towards its core activities. Regulating the teaching profession competently and effectively is critical to building public confidence in education. The College does an excellent job in many respects; but, in any large organization, there are always improved ways of operating and

new outside challenges to meet. There is enough work for the College as a regulator without embarking on activities outside its ambit. We believe that a College with a renewed focus on its regulatory functions will benefit everyone with a stake in public education.

3. Some of the College's activities are puzzling and their purpose is unclear. The College is at risk of creating a public face that is inconsistent with the serious business of regulating the professional lives of Ontario teachers. As with other statutory self-regulatory bodies, the public image of the College should reflect professionalism, transparency and competence. The College has neither need nor mandate to engage in extraneous activities. It is important that the public trust the College. It is equally important that teachers trust the College but this does not imply that they are also obliged to like the College.
4. The College is a relatively young institution. We do not suggest that it remain static or that its operations remain preserved in amber. Instead, we suggest that, as the College continues to grow and develop, it does so in a manner that is congruent with its intended purpose. The business of regulating the teaching profession is much too serious to be sidetracked by the kinds of distractions we increasingly witness. Together with Frank Clifford, we believe the College should focus on the licence to teach.

The Way Ahead

We believe that the wording of the College's 11 objects has permitted an overbroad interpretation of the College's intended authority and has therefore led to confusion. In the past, OTF has engaged in dialogue with representatives of the College about possible ways in which the legislation might be amended so as to avoid these misinterpretations.



We urge the government to open a discussion about the wording of the legislation and Regulations with a view to creating greater clarity around the College's mandate. We submit that such clarification will not alter, but instead reinforce, the mission of the College as originally envisioned.

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