

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



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Ontario Teachers' Federation

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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.
- (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.
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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.

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.



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