

# Protecting the public interest?

## The Devolution of the Ontario College of Teachers

### **Background**

Ontario, unlike virtually all other Canadian jurisdictions, established a legislated body to regulate the teaching profession in 1997. The Ontario College of Teachers (OCT) was established by the *Ontario College of Teachers Act*, 1996 and is responsible for regulating key aspects of the professional lives of 231,053 members. Its role is to foster public trust and confidence in education. It is accountable to the public for how it carries out its responsibilities. It ensures appropriate standards for teacher training and accredits teacher education programs. OCT issues teaching licences to teachers who have met the criteria and publishes a register of all members. It sets and enforces professional standards of practice for teachers. In the work of the College, the public interest is paramount—rather than the individual or collective interests of teachers.

The College was created to be a self-regulatory body. The essence of professional self-regulation is that the members of a given profession are best-suited to understand, advise, guide, and judge their profession. As the Minister of Education's Parliamentary Assistant stated, when the OCT Act (Bill 31) went before the Standing Committee that reviewed the Bill:

*“By giving teachers the power to regulate their own profession, we are putting the responsibility for excellent teaching in the hands of those who are best qualified to know what a teacher should and must be, today and in the future... After all, it will be teachers who, like other Ontario professionals, will set the standards by which they are trained and by which they practice their profession throughout their careers... In developing this legislation, we have learned from the same basic public policy that characterizes more than 30 other self-regulating professional bodies in Ontario... The college will have a governing council of 31 members, more than half of whom must be qualified teachers.*

*The public will also be represented on the council, ensuring the college serves the interests of the broader community, as well as the professional interests of teachers.”*

Toni Skarica, April 15, 1996

The OCT Governing Council would later increase in size to 37 members, with 23 members of the teaching profession and 14 government-appointed members of the public. Members of the teaching profession were elected through a robust, transparent, democratic election process that was the best way of ensuring that members of Council from the teaching profession reflected the diversity of the teaching profession across Ontario.

### ***The End of Self-Regulation***

On November 26, 2018, the College’s Governing Council received a Governance Review Report prepared by Governance Solutions Inc. (GSI) concerning College governance. This report suggested that the self-regulation of Ontario’s teachers was not working and recommended that members of the profession no longer have a majority of members on Council or Council committees. The GSI report failed to reflect the structure and regulatory experience of many other comparable professional bodies in Ontario, defaulting instead to simple concepts of corporate governance (as opposed to professional self-governance). Despite the many efforts of the Teacher Federations to highlight the difficulties that the GSI report was creating, the College’s Governing Council chose to move forward with the majority of the recommendations in the report.

As part of its [Budget Bill 229](#), the Ford Government passed Schedule 33 which made changes to the College of Teachers Act which received Royal Assent on December 8, 2020. Included in the Bill were changes to the College’s Governance Structure and Administration. The College will now have a smaller Governing Council consisting of 9 members of the teaching profession appointed by the Council, and 9 members of the public appointed by the Government. Critically, members of the teaching profession will no longer hold the majority of votes on the College of Teachers Governing Council.

During the transition to the new governance model, a Transition Supervisory Officer (TSO), Mr. Paul Boniferro, was appointed by the Provincial Government. TSO Boniferro dismissed the existing College Governing Council early in 2021 and has been, and will be, acting in lieu of the Governing Council until the new Council is installed in February of 2022.

In the place of an election, members of the teaching profession on the new Governing Council will be selected randomly from amongst a pool of applicants that has been established through a competency-based selection process. Applications for Council, committees and the rosters closed on September 30, 2021, and successful candidates will be notified by December 1, and announced publicly by December 23, 2021, on the College's website. Their terms of office will begin on January 1, 2022. Authority under the Act will transfer from the TSO to Council and committees on February 1, 2022.

The nine public members of the Governing Council will continue to be appointed by the Provincial Government and must not now nor ever have been a member of the teaching profession. The members of the teaching profession appointed to the new Governing Council must not have held elected, appointed, or employed positions in the previous three years, at any level, in 13 associations (including OTF and the four Teacher Affiliates). Members of Council will also be eligible to serve on one or more of the following committees: Audit and Finance, Human Resources, Selection and Nominating.

On October 7th, 2021, the Conservative Government introduced [Bill 13, the Supporting People and Businesses Act](#). This Bill includes further changes to OCT governance including that the proposed 18-member Governing Council would now be reduced to 12. This change was proposed to the Minister of Education by TSO Boniferro and not from the last Governing Council. This move seems to follow a corporate governance model versus a self-regulatory body model. Bill 13 will also change statutory committee panel composition so that at least one member of the panel shall be a member of the College and at least one member shall be a member of the public. Under the new legislation the Registrar will now have the authority to appoint individuals to the Deputy Registrar

position, removing that authority from the Governing Council.

### ***Moving Forward***

It is critical that members of Ontario's teaching profession and members of Ontario's public are made aware of the transformation of the Ontario College of Teachers. It remains to be seen what the impact of the governance changes will have on the OCT and ultimately the teaching profession. As they carry out their legislated mandate to advocate for the profession and represent the voice of the profession, OTF and its Affiliates will continue to scrutinize the work of the College of Teachers. OTF and its Affiliates will continue to espouse the principle that underlies self-regulation: members of the profession know the profession best and are best suited to regulate the profession.

### ***Additional Links***

For OTF's previously issued position on proposed changes to the Governance structure of the OCT click on the following link. <https://www.otffeo.on.ca/en/wp-content/uploads/sites/2/2019/02/OTF-Submission-to-OCT-Governing-Council-re-Governance-Review-Report-.pdf>

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