



Ontario's Teaching Regulator  
L'organisme de réglementation  
de l'enseignement en Ontario

## Memo

---

**Date:** May 29, 2023

**To:** Council of the Ontario College of Teachers

**From:** Jason Bennett  
Director of Policy, Governance and Tribunals

**Subject:** Council Member Code of Conduct

---

At the March 21, 2023 training session re: College governance, Council members asked if a single stand-alone 'code of conduct' document exists and, if not, should one be created. At the time, College staff advised that Council member duties and responsibilities are set out in several documents, each designed for a specific purpose:

- *Ontario College of Teachers Act, 1996*
  - Duty to Serve and Protect the Public Interest
  - Duties of Council Members
  - Oath of Office (or Affirmation)
    - Ontario Regulation 563/21 (General)
  - Confidentiality
- College Bylaws
  - Code of Ethics – Schedule 1
- Council Policies (on GovNet)
  - Standard Procedures of Council policy
  - Conflict of Interest policy
  - Council, Committee and Roster Member – College Staff Communication policy
  - Duties and Responsibilities of Subcommittees and Committees policy
  - Council Spokesperson policy
  - Violence, Harassment and Discrimination policy
  - Whistleblower policy

Combined, these authorities set out the conduct and behaviour expectations of Council members and provide specific guidance tailored to specific circumstances.

The purpose of this memo is to provide a brief summary of these conduct-related instruments and ask Council to determine if a dedicated 'Code of Conduct' policy, separate and apart from the current documents, is warranted.

## Summary of Current Authorities/Policies

Section 3(2) of the *Ontario College of Teachers Act, 1996* (the Act) sets out the overriding duty to serve and protect the public interest:

### Duty

(2) In carrying out its objects, the College has a duty to serve and protect the public interest.

The duties of individual Council members are set out in section 4.2 (1) of the Act:

- 4.2 (1)** Every member of the Council shall, in carrying out his or her duties,
- (a) serve and protect the public interest; and
  - (b) act in accordance with such conflict of interest rules as may be prescribed by the regulations.

Section 4.2 (2) of the Act also makes reference to the oath of office or affirmation that all Council members are required to complete before taking office:

- 4.2 (2)** Before taking up their duties, every person appointed to the Council shall swear an oath or affirm in the manner and form and within the time period that is prescribed by the regulations.

The language of the oath of office/affirmation that each member of Council must complete before taking up their duties is set out in Section 33 (1) of **Ontario Regulation 563/21 (General)**:

I will faithfully and impartially, to the best of my knowledge and skill, perform the duties of a member of the council of the College.

In so doing, I will ensure that the guiding principle in the performance of my duties is the duty to serve and protect the public interest, which is my duty as a council member and a duty of the College.

I will perform the duties of my position without favour or ill will to any person or entity.

I will ensure that other memberships, directorships, voluntary or paid positions or affiliations that I may hold will not interfere or conflict with the performance of my duties as a council member.

As a council member, I will be respectful of management's role and their professional responsibilities. I acknowledge that I am expected to fulfil my responsibility through the council's direction to the Registrar and CEO, and recognize the Registrar and CEO's responsibility to manage the affairs and functions of the College.

Finally, section 48(1) of the Act guides Council members on their duty of confidentiality:

### Confidentiality

**48 (1)** Every person employed, retained or appointed for the purposes of the administration of this Act and every member of a Council or committee of the College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person except,

- (a) in connection with the administration of this Act, including, without limiting the

generality of this, in connection with anything relating to the registration of members, complaints about members, allegations of members' incapacity, incompetence or acts of professional misconduct or the governing of the profession;

(b) to his or her counsel;

(c) with the consent of the person to whom the information relates;

(d) to the extent that the information is available to the public under this Act;

(e) to a police officer to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

(f) to a body that governs a profession inside or outside of Ontario; or

(g) as otherwise required by law.

Schedule 1 of the **College Bylaws** (approved January 2022) prescribes a Code of Ethics for all members of the governance framework:

Council, Subcommittee, Committee and Roster members shall, in the performance of their duties:

- Comply with the provisions of the *Ontario College of Teachers Act, 1996*, (the "Act") the regulations made under the Act, the bylaws of the College, and all other corollary statutes and regulations to which the College adheres, including the *Ontario Human Rights Code*, *Accessibility for Ontarians with Disabilities Act, S.O., 2005, c. 11*, *Ontarians with Disabilities Act, S.O., 2001, c. 32*, *Canadian Charter of Rights and Freedoms Part 1 Schedule B Constitution Act 1982*, *Canadian Human Rights Act of 1977*, Truth and Reconciliation Commission of Canada: Calls to Action, United Nations Convention on the Rights of the Child, United Nations Declaration on the Rights of Indigenous Peoples, and the United Nations Convention on the Rights of Persons with Disabilities.
- Familiarize themselves with the Act, the regulations, the bylaws, and any other records and documents that may be necessary for the performance of the duties of their office.
- Take part in the committee work of the College, if and as applicable by virtue of their appointment, and serve actively during their term of office.
- Ensure that they do not disclose or discuss confidential matters that come to their attention in the performance of their duties, except as required by law or as directed by the Council or the Chair.
- Recognize the distinction between their corporate and individual authority and conduct themselves accordingly with College staff, members of the College and the public.
- Exercise care, diligence, skill and prudence in carrying out the business of the College.
- Conscientiously and faithfully perform their statutory duties and conduct themselves professionally at all times, in particular while conducting College business and interacting with staff and other members of the governing structure, and complete their work to the

best of their abilities in a timely manner and in a way that advances the College's strategic priorities.

- Seek to enhance the public's perception of the College and the profession of teaching.

Lastly, the following Council-approved **policies** are designed to guide the conduct of Council members in the discharge of their duties. All of these policies, among others, are posted to the College's GovNet page and are accessible to all Council, Committee and Roster members:

- [Standard Procedures of Council policy](#)
- [Conflict of Interest policy](#)
- [Council, Committee and Roster Member – College Staff Communication policy](#)
- [Duties and Responsibilities of Subcommittees and Committees policy](#)
- [Council Spokesperson policy](#)
- [Violence, Harassment and Discrimination policy](#)
- [Whistleblower policy](#)

The first policy, Standard Procedures of Council, contains an important 'Conduct in Debate' section which provides guidance on good comportment and orderly decision-making.

#### **Recommendation:**

Should Council determine that further action is required, staff recommends additional training on existing policies and other authorities, rather than the development of a new 'Code of Conduct' policy. Part of that training could include where to find these documents and how to download them if necessary, along with receiving user feedback on improvements, process enhancements, and other suggestions.

Similarly, staff does not recommend combining these documents into a single source as a large document may become unwieldy and difficult for individuals to find the specific topic they are looking for.