



Briefing Note

Sexual Abuse Prevention Program Compliance Mechanism

Issue

The College is requesting that Council review a proposed compliance mechanism for Ontario Certified Teachers (“OCTs”) who do not complete the Sexual Abuse Prevention Program (the “SAPP”), as required by section 47.2 of the *Ontario College of Teachers Act, 1996* (the “Act”).

The College recommends that Council request that the Minister of Education introduce regulations pursuant to paragraphs 25 and 26 of subsection 40(1) of the Act to permit the College to establish a process to administratively suspend members who fail to complete ongoing education requirements such as the SAPP. To date, no such regulations have been enacted under these provisions.

The College’s implementation plan will continue to focus on encouraging compliance through a robust outreach strategy and stakeholder support until the end of 2024. With Council’s approval, it will culminate in the administrative suspension of any remaining OCTs who have not completed the SAPP before July 2, 2025.

Background

In 2021, the provincial government amended the Act requiring all OCTs and new applicants for certification to

complete a sexual abuse prevention program. The Ontario College of Teachers partnered with the Canadian Centre for Child Protection (C3P) to develop an online program, the SAPP, which launched in January 2022. The SAPP consists of a series of video modules, each with a distinct focus on subjects that include how to recognize when a student may be disclosing that they have been abused and how healthy relationships with trusted adults can help individuals who have experienced abuse successfully recover. In addition, C3P offers a range of accommodations to help facilitate the completion of the SAPP.

The College and C3P work directly with members to provide accommodations as needed. For example, C3P offers a written format to complete the SAPP instead of the video-based module and offers access to a support telephone line should members require it.

The SAPP has garnered extensive support from school boards and stakeholders and is gaining traction in various provinces across Canada. This pivotal training underscores the College's unwavering commitment to serve the public interest by assuring student safety and wellbeing.

As of February 1, 2024, 95.8% of OCTs in good standing (220,438) had completed the SAPP; 4.1% of OCTs (9,515) have not completed the SAPP and are in an

“Incomplete” status; and 0.1% of OCTs (233) are labour mobility applicants who have a year post-licensure to complete the SAPP. Of the OCTs who have not completed the SAPP, 3,283 members had their 2023 Annual Membership Fee (“AMF”) paid through their school board or independent schools, while 6,232 members paid their AMF directly to the College.

In June 2023, the College sent communications by email to members who had not yet completed the SAPP and published an article in its monthly member newsletter, *Your College and You*, that noted the possibility of professional misconduct for non-compliance with the requirement to complete the SAPP. This messaging marked a significant escalation in communications about possible consequences for non-completion. At the time, the College actively explored various compliance mechanisms and disciplinary actions, initially considering professional conduct as an option. However, there has been a subsequent shift away from the prospect of pursuing professional misconduct. The communications in June 2023 resulted in an increased call volume to the College's Client Services staff, and SAPP completions in June were more than double those in May 2023. Notably, establishing a compliance mechanism with a corresponding communication strategy is essential to ensure that OCTs comply with their professional obligation to complete the SAPP successfully.

While O. Reg. 176/10 (Teachers' Qualifications) provided OCTs with an opportunity to seek an extension of time to complete the SAPP, the extension period ended on September 15, 2023, and there is currently no provision for an exemption from the SAPP. Therefore, any OCT who has not complied with their professional obligation to complete the

SAPP now has a notation on their public register profile that reads: “Sexual Abuse Prevention Program / Incomplete.”

Legislative Context

- Pursuant to section 47.2 of the Act, it is a requirement that the College establish and maintain a SAPP, which must include “education requirements for members.”
- O. Reg. 176/10 Teachers' Qualifications has been amended to make it mandatory for all OCTs to complete the SAPP.
- Subsection 40(1) of the Act permits Council to make regulations “establishing processes and criteria for suspending certificates of members who fail to meet ongoing education requirements” (para. 25) and “establishing processes and criteria for removing the suspension of certificates where the suspension was a result of failure to meet ongoing education requirements” (para. 26). These powers are intended to allow the College to establish a process to administratively suspend OCTs who fail to complete programs such as the SAPP and to remove these suspension(s) once an OCT has satisfied the requirement.

Best Practices in the Regulatory Sector

Many other Ontario professional self-regulators administratively suspend their members who fail to comply with their Continuing Professional Development (“CPD”) regulatory requirements. These include the Law Society of Ontario, the College of Early Childhood Educators, the College of Physicians and Surgeons of Ontario, the Chartered Professional Accountants of Ontario, the Professional

Engineers Ontario, and the Professional Geoscientists of Ontario. The College of Early Childhood Educators has the SAPP built into their CPD requirements and administratively suspends members who do not successfully complete the program.

Stakeholder Consultation

In September 2023, the College provided school boards with a list of their OCT employees who had not completed the SAPP. Following this initiative, the College reached out to school boards for assistance in identifying possible reasons why their employees had not yet completed the SAPP. Eleven school boards (representing 15% of school boards in Ontario) responded and the sampling of reasons included:

- The OCT was on parental or medical leave;
- There were technical issues that prevented the OCT from completing the SAPP;
- The OCT or a family member were themselves a victim of sexual abuse and found the SAPP triggering;
- The OCT was not aware of their requirement to complete the program;
- The OCT forgot to complete the SAPP; and
- The OCT was incapacitated.

The College will communicate the implementation of administrative suspensions for SAPP non-compliance to stakeholders, including school boards, the Ontario Teachers' Federation (OTF) and its affiliates, and principal and superintendent associations. This engagement will inform critical staffing considerations and garner support in effectively communicating the imperative for OCTs to complete the SAPP.

Policy Considerations / Analysis

The College is committed to ensuring all OCTs complete the SAPP. At the heart of the College's public interest mandate is the protection of the vulnerable student population. The SAPP stands as a pivotal initiative advancing this objective, encompassing essential topics such as understanding child sexual abuse, delineating boundaries, addressing sexual misconduct, and reporting inappropriate behaviour.

Available in both English and French, the SAPP is accessible free of charge and can be completed within approximately three hours. OCTs seeking assistance in completing the SAPP can request accommodations by contacting C3P. Exemptions from completing the SAPP are not permitted by law.

Upon the recommendation of legal counsel, the College is proposing the enactment of regulations pursuant to subsection 40(1) at paragraphs 25 and 26 of the Act, which would administratively suspend all members who fail to complete the SAPP before July 2, 2025.

Pursuant to subsection 24(2) of the Act, the College is required to give OCTs at least two months' notice of the intention to suspend their certificate of qualification and registration. Commencing on January 2, 2025 and coinciding with the onset of the AMF renewal period, OCTs who have yet to complete the SAPP will receive notice that the College intends to issue a suspension notice on May 2, 2025. Recognizing the heightened engagement of OCTs with the College during the AMF cycle, the College views this as an opportune period for proactive communication. The College will then administratively suspend all OCTs who have not completed the SAPP before July 2, 2025. This strategic timeline

balances the SAPP requirement with school staffing and operational issues.

Financial risks to the College are associated with the administrative suspension of OCTs who have not completed the SAPP. Following the completion of the SAPP, OCTs will need to pay a reinstatement fee to return to good standing.

A robust communication strategy will reduce the College's financial risk. Significantly, the College's consistent and frequent messaging about the SAPP to OCTs has yielded positive results, evidenced by a decrease in the number of SAPP "Incompletes" over time. In September 2023, the College reported 10,529 OCTs as "Incomplete," compared to the 9,515 OCTs recorded as "Incomplete" as of February 2024. Notably, other regulators with administrative suspension measures have observed an increase in the completion rate when an intent to suspend notice is communicated to the membership.

Communications Profile

Since early 2021, the College has engaged in frequent communications to OCTs and stakeholders about the mandatory legal requirement of the SAPP completion. Further, it was extensively communicated that the Act did not provide for any exemptions from completing the SAPP.

From 2021 through 2023, the College proactively communicated with applicants and OCTs about their obligation to complete the SAPP. This involved the distribution of emails and the utilization of diverse digital and direct channels. These channels included the online Frequently Asked Questions (FAQs) area and other pages on the College's website, press releases, memos to employers and affiliates, features in *Your College and You*,

articles in the former *Professionally Speaking/Pour parler profession* College magazine, and faculty presentations. This multifaceted communication strategy broadly informed applicants, OCTs and stakeholders of the legislated requirement to complete the SAPP.

In 2023, messaging around non-completion was escalated to inform OCTs and stakeholders that possible consequences for non-compliance with the SAPP requirement were likely forthcoming.

With Council's approval of the regulatory proposals outlined below, the College will begin a frequent and varied, large-scale communications campaign directed at stakeholders and non-compliant OCTs about potential administrative suspensions. For instance, the College will communicate directly with OCTs who have yet to complete the SAPP to ensure they have the necessary information to comply with this professional obligation.

The College will communicate with OCTs through various channels, including:

- *Your College and You*
- College website
 - Updated FAQs
 - Homepage news item
 - SAPP page
- New pop-up in OCT accounts for "Incompletes"
- Email notices and direct mail
- Automated phone calls.

Communications will be tailored to OCTs employed in the education sector and to those employed outside of public education. The College will communicate to school boards and private schools who employ OCTs that any members they employ who have not completed the SAPP before July 2, 2025 will no longer be in good standing as of that date, and will provide school boards and private schools

who employ OCTs with a list of names of these members. Given the teacher shortage and past outreach to boards, the College expects the cooperation of boards and private schools to ensure the compliance of their employees. The College will also send similar communications to teachers' federations and other organizations that support the interests of OCTs.

In addition, C3P is developing an educational video that will provide a comprehensive overview of the SAPP's content, emphasizing its vital role in student protection. The video's content will address concerns that the SAPP may be triggering for OCTs who themselves are survivors of sexual abuse, or who are otherwise concerned about the emotional impact of the SAPP. The link to the video will be included in communications sent out to all OCTs who have not yet completed the SAPP.

Recommendation

It is recommended that Council approve the following motion:

That Council recommend to the Minister of Education that new regulations be enacted pursuant to paragraphs 25 and 26 of subsection 40(1) of the *Ontario College of Teachers Act* to permit the College to establish a process to administratively suspend members who fail to complete the Sexual Abuse Prevention Program (the "SAPP") before July 2, 2025. The specified parameters of these regulations will include:

1. **Intent to Suspend Notice**
The Registrar shall not suspend a member's certificate of qualification and registration without first giving the member two months' notice of intention to suspend.

2. **Reinstatement**
OCTs whose certificate of qualification and registration was suspended as a result of their failure to complete the SAPP before July 2, 2025 are eligible to have the suspension lifted upon successful completion of the SAPP and payment of a reinstatement fee of \$130 (as required by section 18.03 of the College bylaws for removal of a license suspension).
3. **Public Register Notation**
OCTs whose membership has been administratively suspended for failing to complete the SAPP before July 2, 2025 will have a status indicating the administrative suspension on the Public Register until they have completed the SAPP.

Next Steps

Should Council approve this recommendation, College staff will work with staff at the Ministry of Education to draft the necessary regulatory amendments for Council's consideration.

Prepared by:

Policy and Governance Unit

Date:

March 2024