



Briefing Note

Revising the Public Presentations Policy

Issue

This briefing note presents a proposal to revise the College's *Public Presentations at Council Meetings* policy (March 2022), update the *Public Presentations to Council* webpage, and facilitate a renewed approach to public engagement with Council.

Background

From time to time, organizations and members of the public request the opportunity to make a presentation to Council about an issue or concern they believe is important and within the College's mandate to consider.

In 2022, the College received three presentation requests. Of these, one met the criteria set out in the policy. The other two were declined for lack of relevancy (i.e. outside Council's authority).

As per the policy, a request to present may be refused for any of the following reasons:

- a) lack of relevancy
- b) conflict
- c) matter before a panel/hearing
- d) abuse of process
- e) multiple requests from different organizations on the same topic
- f) topic adequately covered by recent or upcoming Council training.

All requests are subject to Chair and Registrar approval, and are scheduled in

consideration of Council's annual work plan and business requirements.

A recent request to present was denied for lack of relevancy. In short, the proposed subject matter was wholly operational and has been under management's purview for many years.

Without a role for Council to play, the Chair and Registrar declined the request, suggesting that the requesting party should contact College staff and request a meeting to discuss their concerns, thereby opening a door to speak directly with those closest to the issue and able to address it if warranted.

Doing so will ensure this stakeholder's concerns are heard and the College is better positioned to engage on the matter and take action if need be.

This experience and others like it raise questions about the appropriateness of streaming *all* public, parent and stakeholder requests into a singular public-presentation-at-Council format. This is especially true in light of the recent governance transition which has established a clear delineation between governance/strategic oversight and operational issues. It is notable that the public presentation practice, along with the online request form and policy itself, was established long before the governance changes were made.

The current policy and the practices that support it are also burdensome in terms of

staff resources and Chair/Registrar time. It also creates a yes-no decision point that creates delay for the requesting party. More importantly, the policy may prevent some members of the public from bringing concerns forward at all because they do not believe their issue rises to the level of a public presentation or they are reluctant to share their concerns in such a public forum.

Staff are therefore recommending that Council review the policy to make it more accommodating of a wider variety of issues that can be received in a wider range of formats.

Legislative Context

Section 8(2) of the *Ontario College of Teachers Act* (“the Act”) requires the College to hold meetings that are open to the public. In addition, despite subsection (2), the Council may also exclude the public from a meeting or any part of a meeting limited purposes outlined in subsection (3).

The Act clearly encourages transparency and accountability through the practice of public access to meetings. There is no legislative requirement however, written or implied, to accept public presentations at meetings of Council. As noted, this was a policy decision adopted by Council some time ago to codify access to Council agendas and meetings.

General Considerations/Analysis

The connection between regulation and operational practices is based upon a shifting landscape and must be reviewed from time to time to ensure a good fit. The recent modernization of the College’s governance structure supports a clear distinction between governance and operational issues, further informing the context in which public presentation

requests should be assessed and approved.

The College’s role and objects as a professional regulator are pertinent to establishing mandate boundaries: that is, balancing the College’s mandate vis-à-vis those of stakeholders while maintaining effective partnerships. As Council meetings are open to the public, Council is already meeting its mandate to be transparent and accountable to the public, College members, and stakeholders.

This is not to say that stakeholder engagement is not an important practice for the College. Indeed, the established practice of College staff, up to and including the Registrar, is to actively and openly engage with stakeholders in multiple forums throughout the year.

The College meets regularly with a number of stakeholders to discuss areas of mutual concern and solicit feedback. Stakeholder engagements that disclose Council-level concerns or recommendations are reported to the Senior Leadership Team and escalated accordingly. However, if a stakeholder is not satisfied with that approach, the revised policy would still provide a public-presentation-to-Council pathway which the Registrar and Chair can grant or deny as per the current process.

However, the revised policy should also present alternative public and stakeholder engagement tools, which may include (i) correspondence with the Registrar; (ii) virtual meetings with senior staff; (iii) telephone discussions; (iv) emails to key staff; and (v) requests for College representatives to meet with/present to members of the public or stakeholder groups (building on the existing “Invite a Speaker” online request form on the College website).

Approach of Professional Regulators

It is difficult to make a generalization about whether public presentations to *corporate* boards are commonplace or an outlier. However, the College did conduct a robust environmental scan of Ontario regulators' approaches to public presentation requests to Council/Board to determine best practices. This scan included follow-up meetings with a few regulators to examine their practices in greater detail.

Upon examining 39 professional regulatory organizations (listed in Appendix A), the College was unable to locate a public presentation policy for 38 of 39 regulators. Furthermore, there was no parallel webpage for unsolicited presentations. The College of Midwives is the only other regulator to list an [Addressing or Presenting to Council policy](#).

Concerns raised during follow-up meetings with regulators included risks to the Council/Board, with recent developments at the College of Physicians and Surgeons of Ontario (CPSO) around serious threats and safety concerns and the broader regulatory community being front of mind. The consensus relayed by regulators was that there were better ways to solicit feedback than public presentations, with unsolicited presentations being a non-starter. None expressed any interest or intent to developing a policy or webpage dedicated to unsolicited public presentation requests.

Risk/Benefits Analysis

When reviewing internally, staff noted that the policy supports transparency, improves accountability, and advances stakeholder relations. Although Council is set to review the strategic plan and priorities this year, staff noted that the current policy supports

the current strategic priority to “Improve Stakeholder Engagement”.

However, many risks were similarly raised during the course of the review, including the risk of reputational damage, the risk of disruption, the risk of confidential information being disclosed, and even a risk of legal liability if a member of the public were to make false, misleading, abusive or hateful statements at a public Council meeting.

With regard to the first two risks, staff were highly concerned about a scenario whereby a presenter may commit to an approved topic (as defined by the policy), but use their time to speak to any matter they so desired. Even in the context of a Zoom call, there can be a significant delay before the speaker can be cut off.

This is also a significant concern in the current regulatory climate where many regulators face harassment and threats. The CPSO is the most recent example, but College staff have also been the victims of such behaviour in the past. Should such an incident occur in real time during a public meeting, there can be little control over the outcome. The remote nature of virtual meetings only tends to expand this risk, unfortunately.

While most stakeholders and potential presenters to Council are known to the College and unlikely to go ‘off script’, there is some risk in providing a wide-reaching web-based platform to external guests whose content cannot be effectively pre-screened or intermediated in any way.

Ultimately, it was felt that the risks of allowing unsolicited public presentations to Council outweighed the benefits – particularly given the continuous stakeholder engagement conducted by the College outside of Council meetings and the various alternative means of communicating with the College/Council

short of being formally added to Council meeting agendas.

Recommendation

- College staff will propose revisions to the *Public Presentations at Council Meetings* policy and table the amendments at a future Council meeting for consideration.
 - If the amended policy is approved, Staff will revise the *Public Presentations to Council* webpage to reflect the new policy and range of options available.
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Next Steps

College staff will revise the *Public Presentations at Council Meetings* policy in line with this Briefing Note and table the revised policy at a future Council meeting for consideration.

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Appendix A
List of Other Professional Self-Regulators That Were Reviewed

Chartered Professional Accountants of Ontario
Ontario Association of Architects
College of Audiologists and Speech-Language Pathologists of Ontario
College of Chiropractors of Ontario
College of Chiropractors of Ontario
College of Dental Hygienists of Ontario
Royal College of Dental Surgeons of Ontario
College of Dental Technologists of Ontario
College of Denturists of Ontario
College of Dietitians of Ontario
College of Early Childhood Educators
Ontario Association of Certified Engineering Technicians and Technologists
Professional Engineers of Ontario
Ontario Professional Foresters Association
Professional Geoscientists of Ontario
College of Homeopaths of Ontario
Human Resources Professionals Association
College of Kinesiologists of Ontario
Association of Ontario Land Surveyors
Law Society of Ontario
College of Massage Therapists of Ontario
College of Medical Laboratory Technologists of Ontario
College of Medical Radiation and Imaging Technologists of Ontario
College of Midwives of Ontario
College of Naturopaths of Ontario
College of Nurses of Ontario
College of Occupational Therapists of Ontario
College of Opticians of Ontario
College of Optometrists of Ontario
Ontario College of Pharmacists
College of Physicians and Surgeons of Ontario
College of Physiotherapists of Ontario
College of Psychologists of Ontario
College of Registered Psychotherapists of Ontario
College of Respiratory Therapists of Ontario
Ontario College of Social Workers and Social Service Workers
Skilled Trades Ontario
College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario
College of Veterinarians of Ontario