



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

Memo

Date: May 15, 2023

To: Council of the Ontario College of Teachers

From: Linda Lacroix, OCT
Registrar and Chief Executive Officer

Subject: Proposed Amendments to Sections 4.07, 14.02, 16.04 and 27 of the Bylaws

At the March 21, 2023 Council meeting, a Notice of Motion regarding proposed Bylaw amendments was presented to Council for consideration. As currently required under Section 14.02 of the Ontario College of Teachers Bylaws (the "Bylaws"), the Notice of Motion advised Council that it would be asked to consider four proposed Bylaw amendments at the June 8, 2023 meeting of Council.

The Bylaws may be amended from time to time at the request of Council or the Registrar due to consequential amendments made in other authorities (e.g. legislation, regulations) or to reflect changes in Council policies or College processes and procedures. The proposed amendments and accompanying motions are outlined below.

1. Section 4.07 re: Registrar and Deputy Registrar Conflicts

Section 4 of the Bylaws concerns officers of the College, the Chair of Council and conflicts of interest. In light of the February 8, 2023 restructuring of certain departments within the College's organization structure, staff recommends that the list of Directors set out in section 4.07 of the Bylaws be updated, as follows:

4.07 In the event that the Registrar and Deputy Registrar each have a conflict of interest and cannot carry out duties arising from the complaints, investigations and hearings processes, including signing documentation relevant to the Investigation, Discipline and Fitness to Practise Committees and Adjudicative Body of Chairs, because of the conflict, one of three Directors will act in their place as outlined below:

1. Director of Corporate ~~and Council~~ Services Department; and if they have a conflict of interest then,
2. Director of Standards of Practice and Accreditation Department; and if they have a conflict of interest, then,
3. Director of Membership Services Department.

Staff recommends this amendment because the Director responsible for Council services is now also responsible for Tribunals, thus creating a potential conflict of interest in respect of complaints, investigations and hearings, as well as the interim suspension process. The Director of Corporate Services, similar to the Director of Standards of Practice and Accreditation and the Director of Membership Services, is not involved in processing

investigation and discipline/fitness matters and would be conflict-free, subject to personal knowledge of the member or matter in question.

Motion 1

That Section 4.07 of the College Bylaws be amended by deletion of the words “and Council” in point #1.

2. Section 14.02 re: Notice of Motion

At its December 8, 2022 meeting, Council asked staff to investigate and report back on possible revisions to the notice requirements for Bylaw amendments.

At present, section 14.02 of the Bylaws requires that any Council member¹ who proposes to amend the Bylaws must give notice of that amendment at the preceding Council meeting:

Section 14 – Bylaws

- 14.01** These bylaws may be added to, amended, or revoked by a majority vote at any meeting of Council and, if there is an equality of votes, the question shall be deemed to have been decided in the negative.
- 14.02** Notice, including the text, of any proposed addition, amendment, or revocation of a bylaw shall be given by a member of the Council at the preceding Council meeting.
- 14.03** Every bylaw and every amendment shall be maintained in a consolidated list and available on the College’s external website.

Staff propose amending section 14.02 as follows:

- 14.02** Notice, including the text, of any proposed addition, amendment, or revocation of a bylaw shall be given ~~by a member of the Council at the preceding Council meeting in accordance with section 3.06(c).~~

Section 3.06(c) provides that:

- 3.06** Only the following may be considered or transacted at a Council meeting:

* * *

- c. motions for which a notice of motion was given by a member of the Council at the preceding Council meeting, or in time for the notice of motion to be included in the notice of meeting under section 3.03² [i.e. 10 days’ notice]

¹ The Registrar and CEO can exercise their meeting rights for this purpose: “The Registrar shall serve as secretary to the Council and has all the rights of participation at meetings of the Council that a member of the Council has, other than the right to vote.” [section 4(3) of the *Ontario College of Teachers Act, 1996*]

² “The Registrar shall notify each member of the Council in writing of the place, date, time and agenda for a Council meeting by sending such notification no less than ten (10) days before a regular meeting.”

This change would require a Council member to either (a) give notice of the proposed amendment at the preceding Council meeting (i.e. status quo); or (b) include the notice of the motion to amend the Bylaws (including the proposed text) in the notice of meeting sent to Council at least 10 days in advance.

This amendment would create greater flexibility around Bylaw amendments, while still preserving a high degree of formality and giving Council adequate notice and time to prepare for the discussion. It would also remove the need to rely on section 3.06(d) (which allows Council to consider any motion with a two-thirds vote of those present) given its apparent conflict with section 14.02 governing motions to amend the Bylaws.

Motion 2

That Section 14.02 of the College Bylaws be amended by deletion of the words “by a member of the Council at the preceding Council meeting” and the addition, at the end of the paragraph, of the words “in accordance with section 3.06(c).”

3. Section 27 re: Accreditation Panel Conflicts

Recent amendments to Ontario Regulation 347/02 (Accreditation of Teacher Education Programs) and Ontario Regulation 563/21 (General) necessitate updates to s. 27 of the Bylaws – *Conflicts of Interest for Members of Accreditation Committee Panels*.

First, the conflict of interest rules for Roster members on Accreditation panels are now prescribed in the General regulation rather than the Accreditation of Teacher Education Programs regulation (while conflict of interest rules for non-Roster Accreditation panel members continue to be prescribed in the Bylaws):

29 (7) A member of a [Accreditation Committee] panel,

(a) shall comply with the conflict of interest rules established under section 34 [of the General regulation], if they are a member of the roster; or

(b) shall comply with the conflict of interest rules established under by-law, if they are not a member of the roster.

Second, while the Bylaws reference conflict of interest “guidelines”, the General regulation refers to “rules”.

Section 27 – Conflicts of Interest for Members of Accreditation Committee Panels

27.01 Panel members shall, in the performance of their duties, comply with the provisions of the Act, the regulations and the bylaws.

27.02 The following conflict of interest ~~guidelines~~ **rules** apply to every panel member, ~~as per subsections 6(7) and 39(6) of Regulation 347/02 (Accreditation of Teacher Education Programs)~~ **in addition to the rules set out**

in section 34 of Regulation 563/21 (General) applicable to members of the roster for the Accreditation Committee:

A person shall not carry out the functions of an accreditation panel if that person:

- a. has a contract with, is in partnership with, or owns, or effectively controls, ~~is~~ a private company engaged in business with the permitted institution whose program is under review,
- b. has acted as an associate teacher for the permitted institution whose program is under review during the previous two years,
- c. has family members who are employed by, or are students enrolled at, the permitted institution whose program is under review,
- d. has been paid as a consultant during the previous two years or has received an honorary degree from the permitted institution whose program is under review,
- e. has any other relationship with the permitted institution whose program is under review, as a result of which the participation of the person in the functions of the panel may directly or indirectly confer a benefit on the person or any person with whom the person does not deal at arm's length.

Motion 3

That the first paragraph of Section 27.02 of the College Bylaws be amended by substitution of the word "rules" for "guidelines", and by deletion of "as per subsections 6(7) and 39(6) of Regulation 347/02 (Accreditation of Teacher Education Programs)" and the addition of "in addition to the rules set out in section 34 of Regulation 563/21 (General) applicable to members of the roster for the Accreditation Committee:"