



September 3, 2021

The Honourable Stephen Lecce
Minister of Education
438 University Avenue, 5th Floor
Toronto ON M7A 2A5

Dear Minister Lecce,

We are writing to share recommendations made by the Transition Supervisory Officer (TSO) to amend Ontario Regulation 345/96, Appointments to Council to ensure that former members of the College are not eligible to serve on Council as a public appointee.

A hallmark of the new governance structure for the Ontario College of Teachers, the first of its kind in Ontario, is an equal representation of members of the College and members of the public. This equal voice ensures that parents and other stakeholders have a say in decisions to further the College's mandate in protecting Ontario's students.

Since its inception with a Council of predominantly members of the profession, the public voice on the College Council has been outnumbered. This imbalance was often amplified as government appointees came from the ranks of retired members of the profession.

Under Ontario Regulation 563/21, current and former members of the College are not eligible to be appointed to a public appointee position on a statutory or regulatory committee. The Act ensures that current College members are not eligible for a public Council position. A similar prohibition should exist for former members in the public appointee positions on Council to ensure a true equality is maintained for the incoming, as well as future Councils.

On September 2, 2021, the Transition Supervisory Officer, acting in his capacity as Council, approved the following recommendation to amend government regulation 345/96 to exclude former members of the College from eligibility for public positions on Council:

Members of Council

2. (4) A person is ineligible to be appointed to Council if the person is a former member of the College, or has been a member of the Council, a regulatory committee, a roster or a statutory committee for a combined total of six consecutive years, or seven consecutive years if the person's appointment is extended under subsection 5 (2) of the Act, unless at least three years have elapsed since the end of the person's last term as of the day the term would start.

A supporting briefing note on this topic is enclosed with this letter.

The College looks forward to working with the Ministry of Education staff on the recommended legislative language.

Sincerely,

Handwritten signature of Paul Boniferra in blue ink.

Paul Boniferra
Transition Supervisory Officer

Handwritten signature of Dr. Derek Haime in blue ink.

Dr. Derek Haime, OCT
Registrar and Chief Executive Officer

Encl:

- Former College Member Eligibility for Council Positions

PB/DH/TC/cl-ccs

Former College Member Eligibility for Council Positions

Issue

Currently, former members of the College are eligible to serve as public appointees on Council. There is no prohibition on their eligibility as there is for serving on statutory or regulatory committees (see section 15 (3) of O. Reg. 563/21).

This creates a situation where a government could appoint members of the College with a status other than good standing, for example retired/inactive, to a public appointee position and effectively thwart the central tenant of the new governance structure to have equal representation of members of the profession and members of the public.

Eligibility for the six positions on Council, recommended by the Transition Supervisory Officer (TSO)/Council for appointment by the government is defined in the College's Act section 4 (2) (b) and O. Reg. 345/96 Appointments to Council. Under the Act, current members of the College (those in good standing) are ineligible to serve in a public position. Under O. Reg. 345/96, the eligibility requirements for Council include representing the public interest, linguistic and Indigenous identification, and respecting term limits.

While the appointment screening process approved by the TSO will ensure that former members are not included in the recommendations to the government, this is not a sustainable solution. An amendment is required to ensure future Councils maintain the same prohibition to ensure equal representation of the public and profession on Council. An amendment is also required to ensure future governments do not appoint former members of the profession. **From July 2018 to the dissolution of Council in 2021, some 35 per cent of all government appointees were current or former members of the profession.**

Proposed Solution

In order to ensure that former members are not eligible for a public position on Council, the following amendment is required to O. Reg. 345/96, Appointments to Council:

Members of Council

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