



Memo

Date: September 30, 2020
To: Members of Council
From: Chantal Bélisle, OCT
Deputy Registrar
Subject: **Technological Qualifications on Certificates–Regulatory and Bylaw Amendments**

At its September 27-28, 2017 meeting, Council considered and approved a proposal to place technological qualifications on members' certificates and the public register, as outlined in a briefing note attached at GC20201001-118, Attachment 1. This direction ensures equitable treatment of technological and academic qualifications. At the meeting, Council approved the following motion:

That Council recommend to the Minister of Education that the College's Teachers' Qualifications Regulation be amended by addition in Section 1 and Section 19 (1) in order to reflect initial technological qualifications on a certificate of qualification and registration.

The briefing note also sets out a phased implementation: placement of technological qualifications used for initial certification on the certificate and public register (Phase 1) followed by placement of in-service technological qualifications on the certificate and public register (Phase 2).

Regulatory Amendments

The College has worked with the Ministry of Education to draft the necessary regulatory amendments to the Teachers' Qualifications Regulation (O. Reg. 176/10) as outlined in GC20201001-118C, Attachment 2. In order to avoid the College having to make a second request for a regulatory change to accommodate Phase 2, the Ministry has indicated that the regulatory amendments allow for the implementation of both phases.

It is therefore recommended:

That Council approve the amendments to Regulation 176/10, *Teachers' Qualifications Regulation*, as outlined in document GC20201001-118C, Attachment 2.

Bylaw Amendments

At its December 7-8, 2017 meeting, Council also approved amendments to s. 25 of the bylaws to permit the implementation of Phase 1. Further bylaw amendments are required to allow for the implementation of Phase 2 and to align with the regulatory amendments as outlined above. As a result, the following Notice of Motion will be considered by Council at its December 3-4, 2020 meeting:

That Council approve that Section 25 of the College Bylaws be amended by addition and deletion as follows:

25.01 In addition to the information prescribed by section 23 of the Act, the register shall contain:

(...)

- l. any certificate, diploma, ~~or advanced diploma~~ or certificate of apprenticeship granted to the applicant ~~at the time of certification~~ related to their technological education qualifications;**

- m. any acceptable work experience and competence demonstrated by the applicant ~~at the time of certification~~ related to their technological education qualifications;**



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Briefing Note

Inclusion of Technological Qualifications on Certificates of Qualification and Registration

Background

The College records academic qualifications on the Certificate of Qualification and Registration (CQR) in the form of degrees, for all teachers qualified in the Primary and Junior divisions and in the Intermediate and Senior divisions in general education. In contrast, teachers of technological education do not have their qualifications listed unless the member completed a degree. This practice is consistent with section 19(1) of the Teachers' Qualification Regulation (the "TQR"), which requires that every CQR include:

“(d) all acceptable post-secondary degrees granted to the applicant;”
[s. 19(1) of the TQR]

Similarly, the College's bylaws stipulate that the following information be recorded on the public register:

- i. **“any undergraduate, graduate or post-graduate degree granted to a member, with the name of the post-secondary educational institution authorized to grant the degree, and the date the member completed the degree.”**
[s. 25.01 – College bylaw]

Rationale and Proposed Course of Action

Candidates wishing to apply for a CQR in technological education must submit evidence that they hold technological qualifications, in the same way that candidates applying for a CQR in general education must show proof of an acceptable post-secondary degree. Since degrees used to obtain certification are listed on both the CQR and public register for teachers of general education, the College should also display the qualifications obtained by teachers of technological education who become certified. As a result, entries could include degrees, diplomas, evidence of work experience and evidence of competence.

While the proposed course of action will align with the College's current practice of displaying the qualifications for members of general education, there are other reasons why the College should include technological qualifications on the CQR and register. These include:

- Increasing transparency to the public regarding members' qualifications;
- Promoting fairness and equity among all members of the College;

- Assisting employers in hiring and assigning teaching responsibilities; and
- Respecting requests from technological stakeholders.

A phased approach for implementation is proposed: the College would initially only include qualifications completed by applicants of technological education that were used to obtain certification. Consequently, only qualifications related to a member's Basic Qualifications would be included.

A second phase would look into the feasibility of including technological qualifications for members' Additional Basic Qualifications. This phase would be more extensive not only because general education teachers would be impacted, but because qualifications required to gain admission into a technological ABQ course currently fall under the scope of program providers.

Bylaw and Legislative Considerations

Proposed TQR Amendment

The requirements for certification in the TQR can be amended as follows [amendment in bold and underlined]:

- **1(1) "acceptable diploma or advanced diploma" means the diploma that is granted by a post-secondary educational institution authorized to grant the diploma under the *Ontario Colleges of Applied Arts and Technology Act, 2002* or a predecessor Act, or under the *Private Career Colleges Act, 2005* or predecessor Act, or by**

another institution acceptable to the College

- 19 (1) Every general or transitional certificate of qualification and registration shall be issued in the form prescribed by the by-laws, and shall indicate,

(...)

(e) all acceptable certificates, diplomas or advanced diplomas granted to the applicant at the time of certification related to their technological education qualifications;

(f) all acceptable work experience and competence demonstrated by the applicant at the time of certification related to their technological education qualifications;

[renumber subsequent subclauses]

Proposed Bylaw Amendment

College By-law 25.01 could be amended as follows [amendment in bold and underlined]:

25.01 In addition to the information prescribed by section 23 of the Act, the register shall contain:

(...)

1. **any certificate, diploma or advanced diploma granted to the applicant at the time of certification related to their technological education qualifications;**

- m. any acceptable work
experience and competence
demonstrated by the applicant
at the time of certification
related to their technological
education qualifications;**

Implementation

Council will consider the proposed policy direction at its September 27-28, 2017 Council meeting. If Council approves a regulatory amendment, the College will begin working with the Ministry of Education to draft regulatory language. At the same meeting, a Notice of Motion for a bylaw amendment would also be read into the Minutes at this meeting (attached at Appendix A). The bylaw amendment would be considered at the December 7-8, 2017 Council meeting.



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Memo

Date: September 30, 2020
To: Members of Council
From: Chantal Bélisle, OCT
Deputy Registrar
Subject: **Professional Misconduct Regulation Amendment**

The Ministry of Education has proposed the following addition to the grounds of professional misconduct listed in the College's professional misconduct regulation [O.Reg. 437/97]:

- 28. Making remarks or engaging in behaviours that expose any person or class of persons to hatred on the basis of a prohibited ground of discrimination under Part I of the *Human Rights Code*.**

Attached at GC20201001-119, Attachment 1 is a briefing note that explains the background to this amendment, including how it is part of the Government of Ontario's recent equity initiatives to help "break down barriers for Black, Indigenous and racialized students and provide all students with an equal opportunity to succeed". The regulatory amendment itself is attached at GC20201001-119C, Attachment 2.

It is therefore recommended:

That Council approve the proposed regulatory amendment to the College's professional misconduct regulation, as outlined in GC20201001-119C, Attachment 2.

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Ordre des enseignantes
et des enseignants
de l'Ontario

Briefing Note

Proposed Amendment to the Professional Misconduct Regulation – O. Reg. 437/97

Issue

The Ministry of Education has proposed the following addition to the grounds of professional misconduct listed in the College's professional misconduct regulation [O.Reg. 437/97]. The amendment provides as follows:

28. Making remarks or engaging in behaviours that expose any person or class of persons to hatred on the basis of a prohibited ground of discrimination under Part I of the *Human Rights Code*.

Background

The proposed amendment is part of the Government's equity initiatives released in July 2020. These initiatives are designed to help "break down barriers for Black, Indigenous and racialized students and provide all students with an equal opportunity to succeed".

Legislative Context

The amending language incorporates the prohibited grounds contained in Part 1 of the Ontario *Human Rights Code*. Those prohibited grounds are: "race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual

orientation, gender identity, gender expression, age, marital status, family status or disability".

The proposed amendment would create an additional ground of professional misconduct, making it an offence to make remarks or engage in behaviours that expose any person or class of persons to hatred on the basis of any of those grounds.

Remarks or behaviour of this nature have, to date, been addressed through the following sections of the professional misconduct regulation: s. 1(5) [failing to maintain the standards of the profession]; s. 1(7) [verbal abuse of a student]; s. 1(7.2) [psychological or emotional abuse of a student]; s. 1(15) [failing to comply with the *Education Act* or the regulations made under that Act, if the member is subject to that Act]; s. 1(18) [conduct that is disgraceful, dishonourable or unprofessional]; and/or s. 1(19) [conduct unbecoming].

Considerations/Analysis

The Ministry of Education has indicated that the amending language is based generally on Saskatchewan's human rights legislation. It has also indicated that "hatred" is to be interpreted in a

manner consistent with the 2013 Supreme Court of Canada decision, *Saskatchewan (Human Rights Commission) v. Whatcott*.

In *Whatcott*, the court said that in the context of human rights legislation, “hatred” should be determined “objectively to determine whether a reasonable person, aware of the context and circumstances, would view the expression as likely to expose a person or persons to detestation and vilification on the basis of a prohibited ground of discrimination.” [para. 59].

It appears the proposed language could apply to conduct and remarks made inside or outside a classroom, and could include conduct and remarks made while a member was off-duty. Conduct or remarks made to students or to anyone else, such as a colleague, would be covered, regardless of the intent. Further, it could include conduct or remarks made electronically – for instance, on a social media platform.

There are other aspects the government may consider, such as mandatory penalties applicable to this new provision in regulation and its retrospectivity.

The proposed change to the professional misconduct regulation will be supported

by a new professional advisory as well as a new Additional Qualification (AQ) guideline to address anti-Black racism, as part of the College's commitment to inclusion and diversity.

Recommendation

It is recommended that Council approve the proposed regulatory amendment to the College's professional misconduct regulation.

Council Motion

That Council approve the proposed regulatory amendment to the College's professional misconduct regulation, as outlined in Document GC20201001-119, Attachment 2.

Link to Strategic Initiatives

This issue relates to the following strategic priorities: strengthening transparency and accountability through making improvements to the discipline process to better reflect public expectations

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Date:
September 29, 2020