Human Resources Legislative Update

Ontario Re-Introduces Bill to Protect Students

Date: May 26, 2016

On May 17, 2016, the Ontario government re-introduced legislation to improve the discipline and investigation processes of the Ontario College of Teachers.

If passed, Bill 200, the *Protecting Students Act, 2016* would amend the *Ontario College of Teachers Act,1996* (Act) to, among other things:

- add definitions of “professional misconduct” and “sexual misconduct” to the Act
- establish an investigation stage complaint resolution process and a disciplinary stage complaint resolution process
- require the Discipline Committee of the College to revoke a member’s certificate where he or she has been found guilty of professional misconduct, which includes specified acts of sexual abuse of a student and acts involving child pornography. An application for, or issuance of, a new certificate to a person whose certificate was revoked for these reasons would be prohibited for five years from the date of revocation
- ensure that a disciplinary panel of a committee reviewing the actions or conduct of a principal or vice-principal includes a principal or vice-principal who is or was employed in that capacity and who is a member of the College
- require a designated person or body to report to the College where that person or body suspects on reasonable grounds that there is a risk that a person is likely to suffer harm by a member and believes that disclosure is urgently needed
- require the College to post specified information on its website including decisions of the Discipline Committee, subject to certain exceptions
- require an employer to provide a written report to the Registrar of the College and the member within 30 days where a member’s employment has been terminated, suspended or restricted.

Bill 200 would also amend the *Early Childhood Educators Act*, *2007* to, among other things:

- allow a member to appeal to the Registration Appeals Committee for an order removing or modifying any terms, conditions or limitations imposed on the member’s certificate of registration by the Registrar or the Committee
- require that a hearing be held for a member who applies for a new certificate where his or her certificate had been previously revoked for reasons of sexual misconduct, sexual abuse of a student or an activity involving child pornography.