

Human Resources Legislative Update

***Protecting Students Act* Passes Third Reading**

Date: November 24, 2016

Editor's Note: Bill 37 received Royal Assent on December 5, 2016.

On November 15, 2016, Bill 37, [Protecting Students Act, 2016](#), passed Third Reading.

Bill 37 amends two statutes. Among other things, amendments to the first statute, *Ontario College of Teachers Act, 1996* (Act):

- add definitions of “professional misconduct”, “prohibited act involving child pornography” and “sexual misconduct”
- add a definition of “student” for the purposes of the definitions of “sexual abuse” and “sexual misconduct”
- make certain changes to Part IV of the Act (Investigation Committee) relating to the complaint process, including:
 - the establishment of an investigation stage complaint resolution process
 - the circumstances when the Investigation Committee can refuse to consider and investigate a complaint
- make certain changes to Part V of the Act (Discipline and Fitness to Practise) including:
 - the establishment of a disciplinary stage complaint resolution process
 - where a member is found guilty by the Discipline Committee of professional misconduct involving specified acts of sexual abuse or a prohibited act involving child pornography, the authority to revoke that member’s certificate and to reprimand the member
 - in certain circumstances, the authority for the Discipline Committee to exclude members of the public (including College members) from all or part of a hearing and to ban the publication of matters disclosed at the hearing
- prohibit a member from applying for a new certificate for at least five years after revocation of a certificate based on a finding of professional misconduct involving sexual abuse of a student, sexual misconduct or a prohibited act involving child pornography
- require the College to publish, among other things, every decision of the Discipline Committee, including reasons, on its website and in its official publication
- require a person or prescribed body, who suspects on reasonable grounds that a person is likely to suffer physical or emotional harm by a member and who believes urgent disclosure is necessary, to immediately report that suspicion to the College.

Among other things, amendments to the second statute, the *Early Childhood Educators Act, 2007* (ECE Act):

- provide that a member may apply to the Registration Appeals Committee for an order to remove or modify any term, condition or limitation placed on the member’s certificate; unless otherwise specified, the Registration Appeals Committee does not need to hold a hearing prior to rendering a decision on the application
- provide for the appointment of panels to exercise the powers and duties of a committee as specified in section 19 of the ECE Act, and regulation-making authority to establish a roster of eligible panelists.

Bill 37 should be consulted for coming into force information.