[Français](http://www.ontario.ca/fr/lois/loi/96o12)

Ontario College of Teachers Act, 1996

S.O. 1996, CHAPTER 12

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PART I  
DEFINITIONS

Definitions

**1** (1)  In this Act,

“by-laws” means the by-laws made under this Act; (“règlements administratifs”)

“College” means the Ontario College of Teachers; (“Ordre”)

“committee” includes a subcommittee; (“comité”)

“disciplinary stage complaint resolution process” means a process provided for in section 30.1 that includes mediation, conciliation, negotiation, or any other means of facilitating the resolution of issues in dispute; (“processus de règlement des plaintes à l’étape disciplinaire”)

“document” means a record of information in any form and includes any part of it; (“document”)

“health professional” means a member of a health profession within the meaning of the Regulated Health Professions Act, 1991; (“professionnel de la santé”)

“investigation stage complaint resolution process” means a process provided for in section 26.1 that includes mediation, conciliation, negotiation, or any other means of facilitating the resolution of issues in dispute; (“processus de règlement des plaintes à l’étape de l’enquête”)

“Minister” means the Minister responsible for the administration of this Act; (“ministre”)

“personal health information” has the same meaning as in the Personal Health Information Protection Act, 2004; (“renseignements personnels sur la santé”)

“prescribed sexual act” means an act of a sexual nature that is prohibited under the Criminal Code (Canada) and is prescribed by a regulation made under clause 42 (1) (c.1) of this Act; (“acte sexuel prescrit”)

“professional misconduct” means,

(a) sexual abuse of a student,

(b) sexual misconduct,

(c) engaging in prohibited acts involving child pornography,

(c.1) engaging in a prescribed sexual act, or

(d) any other act or conduct prescribed by the regulations; (“faute professionnelle”)

“prohibited act involving child pornography” means any act prohibited under section 163.1 of the Criminal Code (Canada); (“acte interdit impliquant de la pornographie juvénile”)

“regulations” means the regulations made under this Act; (“règlements”)

“regulatory committee” means the Accreditation Committee, the Accreditation Appeal Committee, the Standards of Practice and Education Committee or any other committee established by the Council by regulation; (“comité de réglementation”)

“school board” means a board as defined in subsection 1 (1) of the Education Act; (“conseil scolaire”)

“sexual abuse” of a student by a member means,

(a) sexual intercourse or other forms of physical sexual relations between the member and the student,

(b) touching, of a sexual nature, of the student by the member, or

(c) behaviour or remarks of a sexual nature by the member towards the student; (“mauvais traitements d’ordre sexuel”)

“sexual misconduct” means inappropriate behaviour or remarks of a sexual nature by the member that is not sexual abuse of a student, where,

(a) one or more students are exposed to the behaviour or remarks, or the member knows or ought to know that one or more students are likely to be exposed to the behaviour or remarks, and

(b) a reasonable person would expect the behaviour or remarks to have the effect of,

(i) causing distress to a student exposed to the behaviour or remarks,

(ii) being detrimental to the physical or mental well-being of a student, or

(iii) creating a negative environment at a school for a student exposed to the behaviour or remarks; (“inconduite sexuelle”)

“statutory committee” means the Investigation Committee, the Discipline Committee, the Fitness to Practise Committee, the Registration Appeals Committee or the Adjudicative Body of Chairs. (“comité prévu par la Loi”) 1996, c. 12, s. 1; 1997, c. 31, s. 161; 2001, c. 14, Sched. B, s. 1; 2002, c. 7, s. 2; 2004, c. 26, s. 1; 2016, c. 24, Sched. 2, s. 1 (1); 2018, c. 8, Sched. 19, s. 1 (1); 2019, c. 3, Sched. 3, s. 1 (1, 2); 2020, c. 36, Sched. 33, s. 1 (1).

Interpretation, sexual abuse and sexual misconduct

(2)  For the purposes of the definitions of “sexual abuse” and “sexual misconduct” in subsection (1), and for the purposes of the provisions listed in subsection (3), a reference to a student is a reference to any of the following:

1. A student who, at the time the behaviour, remarks or conduct occurred or were made, was enrolled in a school or private school in Ontario, within the meaning of the Education Act and was under 18 years old or, in the case of a student who had special needs, was under 22 years old.

2. A student of any age who, at the time the behaviour, remarks or conduct occurred or were made, was enrolled in a school or private school in Ontario, within the meaning of the Education Act if, at that time,

i. the member was one of the student’s teachers,

ii. the member was the principal or vice-principal of the school in which the student was enrolled,

iii. the member assisted in extracurricular activities, including coaching in a sport, and the member and the student dealt with each other directly in the course of the extracurricular activities, or

iv. the member provided any other school-related service, including a support service directly to the student.

3. Any other child who, at the time the behaviour, remarks or conduct occurred or were made, was under 18 years old or, in the case of a child who had special needs, was under 22 years old. 2016, c. 24, Sched. 2, s. 1 (2).

Same

(3)  For the purposes of subsection (2), the provisions are the following:

1. Subsections 26 (4) and (4.11).

2. Clause 29 (3) (b).

3. Subsection 29 (5).

3.1 Clause 29.2 (1) (b).

3.2 Subsection 29.2 (3).

4. Subsection 30 (3).

4.1 Subsections 30.2 (1) and (2).

4.2 Section 30.3.

4.3 Subsections 33 (1.1) and (4.1).

5. Subsection 35 (6).

6. Clause 36 (2.1) (a).

7. Clause 43.3 (1) (b).

8. Subsection 43.3 (1.1).

9. Subsections 47.2 (2) and (3).

10. Subsection 58.1 (3). 2016, c. 24, Sched. 2, s. 1 (2); 2018, c. 8, Sched. 19, s. 1 (2, 3); 2020, c. 36, Sched. 33, s. 1 (2); 2023, c. 11, Sched. 3, s. 1.

Same, spouse

(4)  For the purposes of the definitions of “sexual abuse” and “sexual misconduct” in subsection (1), a reference to a student does not include a person who was the member’s spouse at the time of the sexual abuse or sexual misconduct. 2016, c. 24, Sched. 2, s. 1 (2).

Same

(5)  For the purposes of subsection (4), unless otherwise defined in the regulations,

“spouse”, in relation to a member, means,

(a) a person who is the member’s spouse as defined in section 1 of the Family Law Act, or

(b) a person who has lived with the member in a conjugal relationship outside of marriage continuously for a period of not less than three years. 2016, c. 24, Sched. 2, s. 1 (2).

Same, special needs

(6)  For the purposes of paragraphs 1 and 3 of subsection (2), a student had special needs if the member knew or, exercising reasonable diligence, ought to have known that the student, by reason of some mental or physical disability, was particularly vulnerable to being sexually abused or to the effects of sexual misconduct. 2016, c. 24, Sched. 2, s. 1 (2).

Same, electronic means

(7)  For greater certainty, for the purposes of the definitions of “sexual abuse” and “sexual misconduct” in subsection (1), behaviour, remarks and conduct include acts or remarks that are done or made by electronic means. 2016, c. 24, Sched. 2, s. 1 (2).

Definition

(8)  For the purposes of clauses (b) and (c) of the definition of “sexual abuse” in subsection (1),

“sexual nature” does not include,

(a) touching or behaviour that is necessary for the purposes of diapering, toileting, washing or dressing a student as part of a teacher’s professional responsibilities, or

(b) remarks that are pedagogically appropriate. 2019, c. 3, Sched. 3, s. 1 (3).

**Section Amendments with date in force (d/m/y)**

1997, c. 31, s. 161 - 01/01/1998

[2001, c. 14, Sched. B, s. 1](http://www.ontario.ca/laws/statute/S01014" \l "schedbs1) - 29/06/2001

[2002, c. 7, s. 2](http://www.ontario.ca/laws/statute/S02007" \l "s2) - 03/09/2002

[2004, c. 26, s. 1](http://www.ontario.ca/laws/statute/S04026" \l "s1) - 16/12/2004

[2016, c. 24, Sched. 2, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s1s1) - 05/12/2016

[2018, c. 8, Sched. 19, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S18008" \l "sched19s1s1) - 30/10/2020; [2018, c. 8, Sched. 19, s. 1 (3)](http://www.ontario.ca/laws/statute/S18008" \l "sched19s1s3) - 08/05/2018; [2018, c. 8, Sched. 19, s. 1 (4)](http://www.ontario.ca/laws/statute/S18008" \l "sched19s1s4) - no effect - see [2019, c. 3, Sched. 3, s. 23](http://www.ontario.ca/laws/statute/S19003" \l "sched3s23) - 03/04/2019

[2019, c. 3, Sched. 3, s. 1 (1-3)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s1s1) - 03/04/2019

[2020, c. 36, Sched. 33, s. 1 (1)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s1s1) - 01/02/2021; [2020, c. 36, Sched. 33, s. 1 (2)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s1s2) - 08/12/2020

[2023, c. 11, Sched. 3, s. 1](http://www.ontario.ca/laws/statute/S23011" \l "sched3s1) - 08/06/2023

PART II  
COLLEGE

College established

**2** (1) The College is established under the name Ontario College of Teachers in English and Ordre des enseignantes et des enseignants de l’Ontario in French.

Body corporate

(2)  The College is a body corporate without share capital with all the powers of a natural person.

Non-application of certain Acts

(3)  The Not-for-Profit Corporations Act, 2010 and Corporations Information Act do not apply to the College, except as specifically made applicable by this Act or the regulations. 1996, c. 12, s. 2; 2017, c. 20, Sched. 8, s. 106 (1).

Not a Crown agency

(4)  The College is not an agent of the Crown. 2020, c. 36, Sched. 33, s. 2.

**Section Amendments with date in force (d/m/y)**

[2017, c. 20, Sched. 8, s. 106 (1)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s106s1) - 19/10/2021

[2020, c. 36, Sched. 33, s. 2](http://www.ontario.ca/laws/statute/S20036" \l "sched33s2) - 01/02/2021

Objects

**3** (1)  The College has the following objects:

1. To regulate the profession of teaching and to govern its members.

2. To develop, establish and maintain qualifications for membership in the College.

3. To accredit professional teacher education programs offered by post-secondary educational institutions.

4. To accredit ongoing education programs for teachers offered by post-secondary educational institutions and other bodies.

5. To issue, renew, amend, suspend, cancel, revoke and reinstate certificates of qualification and registration.

6. To provide for the ongoing education of members of the College.

7. To establish and enforce professional standards and ethical standards applicable to members of the College.

8. To receive and investigate complaints against members of the College and to deal with discipline and fitness to practise issues.

9. To develop, provide and accredit educational programs leading to certificates of qualification additional to the certificate required for membership, including but not limited to certificates of qualification as a supervisory officer, and to issue, renew, amend, suspend, cancel, revoke and reinstate such additional certificates.

10. To communicate with the public on behalf of the members of the College.

11. To perform such additional functions as are prescribed by the regulations. 1996, c. 12, s. 3 (1); 2001, c. 14, Sched. B, s. 2; 2004, c. 26, s. 2; 2009, c. 33, Sched. 13, s. 2 (1, 2, 11).

Duty

(2)  In carrying out its objects, the College has a duty to serve and protect the public interest. 1996, c. 12, s. 3 (2).

**Section Amendments with date in force (d/m/y)**

[2001, c. 14, Sched. B, s. 2](http://www.ontario.ca/laws/statute/S01014" \l "schedbs2) - 29/06/2001

[2004, c. 26, s. 2](http://www.ontario.ca/laws/statute/S04026" \l "s2) - 16/12/2004

[2009, c. 33, Sched. 13, s. 2 (1, 2, 11)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s1) - 15/12/2009

Council

**4** (1)  The College shall have a Council that shall be its governing body and board of directors and that shall manage and administer its affairs. 1996, c. 12, s. 4 (1).

Composition of Council

(2)  The Council shall be composed of,

(a) six persons who are members of the College and who are appointed by the Council in accordance with the regulations from among the list of nominees prepared under clause 15.2 (4) (a) by the Selection and Nominating Subcommittee; and

(b) six persons who are not members of the College and who are appointed by the Lieutenant Governor in Council in accordance with the regulations. 2020, c. 36, Sched. 33, s. 3; 2021, c. 34, Sched. 17, s. 1.

Same

(2.1)  In appointing persons under clause (2) (b), the Lieutenant Governor in Council may consider the persons on the list of nominees prepared under clause 15.2 (4) (b) by the Selection and Nominating Subcommittee. 2020, c. 36, Sched. 33, s. 3.

Chair of Council

(2.2)  The Chair of the Council shall be appointed in accordance with the regulations. 2020, c. 36, Sched. 33, s. 3.

Role of Registrar

(3)  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. 1996, c. 12, s. 4 (3); 2009, c. 33, Sched. 13, s. 2 (9).

Expenses and remuneration

(4)  Council members appointed by the Lieutenant Governor in Council shall be paid, by the Minister, such expenses and remuneration as the Lieutenant Governor in Council determines. 1996, c. 12, s. 4 (4).

**Section Amendments with date in force (d/m/y)**

[2006, c. 10, s. 51](http://www.ontario.ca/laws/statute/S06010" \l "s51) - 01/06/2006

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2019, c. 3, Sched. 3, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s2s1) - no effect - see [2020, c. 36, Sched. 33, s. 39](http://www.ontario.ca/laws/statute/S20036" \l "sched33s39) - 08/12/2020

[2020, c. 36, Sched. 33, s. 3](http://www.ontario.ca/laws/statute/S20036" \l "sched33s3) - 01/02/2021

[2021, c. 34, Sched. 17, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S21034" \l "sched17s1s1) - 02/12/2021

**4.1** Repealed: 2020, c. 36, Sched. 33, s. 4.

**Section Amendments with date in force (d/m/y)**

[2006, c. 10, s. 52](http://www.ontario.ca/laws/statute/S06010" \l "s52) - 01/06/2006

[2020, c. 36, Sched. 33, s. 4](http://www.ontario.ca/laws/statute/S20036" \l "sched33s4) - 01/02/2021

Duties of Council members

**4.2** (1)  Every member of the Council shall, in carrying out his or her duties,

(a) serve and protect the public interest; and

(b) act in accordance with such conflict of interest rules as may be prescribed by the regulations. 2006, c. 10, s. 52.

Oath

(2)  Before taking up their duties, every person appointed to the Council shall swear an oath or affirm in the manner and form and within the time period that is prescribed by the regulations. 2020, c. 36, Sched. 33, s. 5.

**Section Amendments with date in force (d/m/y)**

[2006, c. 10, s. 52](http://www.ontario.ca/laws/statute/S06010" \l "s52) - 01/06/2006

[2020, c. 36, Sched. 33, s. 5](http://www.ontario.ca/laws/statute/S20036" \l "sched33s5) - 01/02/2021

Term of office

**5** (1)  No term of a Council member shall exceed three years, except as permitted by regulation. 1996, c. 12, s. 5 (1).

Deemed reappointment for LGIC appointments

(2)  Despite subsection (1), on the expiry of the term of a person appointed under clause 4 (2) (b), and upon the person’s agreement to continue serving as a member of Council for an additional agreed upon period of time, the term may be extended for a further period not exceeding six months or until the appointment is revoked by the Lieutenant Governor in Council, whichever is earlier. 2020, c. 36, Sched. 33, s. 6.

Multiple terms

(3)  Subject to subsections (4) and (5), a person may be a member of the Council for more than one term. 2020, c. 36, Sched. 33, s. 6.

Membership on Council and committee

(4)  Subject to subsection (5), a person appointed to the Council may be a member of the Council, a member of a committee established under subsection 15 (1), or a combination, for a total of no more than six consecutive years and subsequently may not be a member of the Council or a member of such a committee until three years have elapsed since the end of the member’s last term on the Council or such a committee. 2020, c. 36, Sched. 33, s. 6.

Same

(5)  A person whose appointment is extended under subsection (2) may be a member of the Council, a member of a committee established under subsection 15 (1), or a combination, for a total of no more than seven consecutive years and subsequently may not be a member of the Council or a member of such a committee until three years have elapsed since the end of the member’s last term on the Council or such a committee. 2020, c. 36, Sched. 33, s. 6.

**Section Amendments with date in force (d/m/y)**

[2006, c. 10, s. 53 (1, 2)](http://www.ontario.ca/laws/statute/S06010" \l "s53s1) - 01/06/2006

[2019, c. 3, Sched. 3, s. 3](http://www.ontario.ca/laws/statute/S19003" \l "sched3s3) - 03/04/2019

[2020, c. 36, Sched. 33, s. 6](http://www.ontario.ca/laws/statute/S20036" \l "sched33s6) - 01/02/2021

**6** Repealed: 2020, c. 36, Sched. 33, s. 7.

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (10)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s10) - 15/12/2009

[2020, c. 36, Sched. 33, s. 7](http://www.ontario.ca/laws/statute/S20036" \l "sched33s7) - 01/02/2021

Vacancies

**7** Where one or more vacancies occur in the membership of the Council, the members remaining in office constitute the Council so long as their number is not fewer than a quorum. 1996, c. 12, s. 7.

Council meetings

**8** (1)  The Council shall meet at least four times a year.

Open to public

(2)  The meetings of the Council shall be open to the public and reasonable notice shall be given to the members of the College and to the public.

Exclusion of public

(3)  Despite subsection (2), the Council may exclude the public from a meeting or any part of a meeting if it is satisfied that,

(a) financial or personal or other matters may be disclosed of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that meetings be open to the public;

(b) a person involved in a civil or criminal proceeding may be prejudiced;

(c) the safety of a person may be jeopardized;

(d) personnel matters or property transactions will be discussed;

(e) litigation affecting the College will be discussed or instructions will be given to or opinions received from solicitors for the College; or

(f) the Council will deliberate whether to exclude the public from a meeting or a part of a meeting. 1996, c. 12, s. 8.

Officers

**9** (1)  The Council may employ such persons as it considers advisable and shall have the officers provided for by the by-laws. 1996, c. 12, s. 9 (1).

Registrar

(2)  The Council shall appoint one of its employees as the Registrar. 1996, c. 12, s. 9 (2); 2009, c. 33, Sched. 13, s. 2 (9); 2021, c. 34, Sched. 17, s. 2 (1).

Chief executive officer

(3)  The Registrar shall be the chief executive officer of the College. 1996, c. 12, s. 9 (3); 2009, c. 33, Sched. 13, s. 2 (9).

Deputy Registrar

(4)  The Registrar may appoint one or more deputy registrars who shall have the powers of the Registrar for the purposes of this Act. 2021, c. 34, Sched. 17, s. 2 (2).

Fluency in English and French

(5)  Either the Registrar or a deputy registrar must be fluent in English and French. 2021, c. 34, Sched. 17, s. 2 (2).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2016, c. 24, Sched. 2, s. 2](http://www.ontario.ca/laws/statute/S16024" \l "sched2s2) - 05/12/2016

[2021, c. 34, Sched. 17, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S21034" \l "sched17s2s1) - 02/12/2021

Meeting with Minister

**10** (1)  The Council shall meet annually with the Minister.

Open to public

(2)  Subsections 8 (2) and (3) apply to the annual meeting with the Minister. 1996, c. 12, s. 10.

Annual report

**11** (1)  The Council shall report annually to the Minister on the activities and financial affairs of the College.

Tabling of report

(2)  The Minister shall submit the report to the Lieutenant Governor in Council and shall then table the report in the Assembly if it is in session or, if not, at the next session. 1996, c. 12, s. 11.

Powers of Minister

**12** (1)  In addition to his or her other powers and duties under this Act, the Minister may,

(a) review the activities of the Council and require the Council to provide reports and information;

(b) require the Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act;

(c) require the Council to make, amend or revoke a regulation. 1996, c. 12, s. 12 (1).

Council to comply

(2)  If the Minister requires a Council to do anything under subsection (1), the Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report to the Minister respecting the compliance. 1996, c. 12, s. 12 (2).

Regulation

(3)  If the Minister requires the Council to make, amend or revoke a regulation under clause (1) (c) and the Council does not do so within the time and in the manner specified by the Minister, the Lieutenant Governor in Council may, by regulation, make, amend or revoke the regulation. 2020, c. 36, Sched. 33, s. 8.

Authority of Lieutenant Governor in Council

(4)  Subsections (3) does not give the Lieutenant Governor in Council authority to do anything that the Council does not have authority to do. 1996, c. 12, s. 12 (4).

Copies of regulations, orders

(5)  The Council shall ensure that a copy of each regulation made under subsection (3) is available for public inspection in the office of the College. 1996, c. 12, s. 12 (5).

Same

(6)  The Registrar shall provide to any person, on payment of a reasonable charge, a copy of any regulation made under subsection (3). 1996, c. 12, s. 12 (6); 2009, c. 33, Sched. 13, s. 2 (9).

Expenses of College

(7)  The Minister may pay the College for expenses incurred in complying with a requirement under subsection (1). 1996, c. 12, s. 12 (7).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2020, c. 36, Sched. 33, s. 8](http://www.ontario.ca/laws/statute/S20036" \l "sched33s8) - 01/02/2021

Annual meeting of members

**13** The College shall hold an annual meeting of the members not more than 15 months after the holding of the last preceding annual meeting of members. 1996, c. 12, s. 13.

Membership

**14** (1)  Every person who holds a certificate of qualification and registration is a member of the College, subject to any term, condition or limitation to which the certificate is subject. 1996, c. 12, s. 14 (1); 2009, c. 33, Sched. 13, s. 2 (10).

Resignation of membership

(2)  A member may resign his or her membership by filing a resignation in writing with the Registrar. 1996, c. 12, s. 14 (2); 2009, c. 33, Sched. 13, s. 2 (9).

Same

(3)  The certificate of qualification and registration of a person who files a resignation is cancelled. 1996, c. 12, s. 14 (3); 2009, c. 33, Sched. 13, s. 2 (10).

Expiry of membership

(4)  A certificate of qualification and registration that expires in accordance with the regulations is cancelled. 1996, c. 12, s. 14 (4); 2009, c. 33, Sched. 13, s. 2 (10).

Continuing jurisdiction: revocation, cancellation

(5)  A person whose certificate of qualification and registration is revoked or cancelled continues to be subject to the jurisdiction of the College for professional misconduct, incompetence or incapacity referable to any time during which the person held,

(a) a certificate of qualification and registration under this Act; or

(b) an Ontario Teacher’s Certificate or a letter of standing as a teacher under the Education Act. 1996, c. 12, s. 14 (5); 2009, c. 33, Sched. 13, s. 2 (10).

Use of title

(6)  No person except a member of the College in good standing shall use the English title “Ontario Certified Teacher” or the French title “Enseignant(e) agréé(e) de l’Ontario” or an abbreviation of any of those titles to describe themselves or their profession. 2021, c. 34, Sched. 17, s. 3.

Good standing

(7)  For the purposes of subsection (6), a person’s membership in the College is in good standing if the member has paid their annual membership fee and holds a valid certificate of qualification and registration that is not revoked, suspended, or cancelled. 2021, c. 34, Sched. 17, s. 3.

Use of title, inactive/non-practising

(8)  No person except a member of the College whose certificate of qualification and registration has been suspended solely for the reason described in clause 24 (1) (a) shall use the English title “Ontario Certified Teacher — Inactive/Non-Practising” or the French title “Enseignant(e) agréé(e) de l’Ontario — Membre inactif” or an abbreviation of any of those titles to describe themselves or their profession. 2021, c. 34, Sched. 17, s. 3.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 14 (8) of the Act is repealed and the following substituted: (See: 2023, c. 11, Sched. 3, s. 2)

Use of title, inactive/non-practising

(8)  No person, except a member who meets the criteria prescribed in the by-laws, shall use the English title “Ontario Certified Teacher — Inactive/Non-Practising” or the French title “Enseignant(e) agréé(e) de l’Ontario — Membre inactif” or an abbreviation of any of those titles to describe themselves or their profession. 2023, c. 11, Sched. 3, s. 2.

Holding out as a member of the College

(9)  No person except a member of the College shall represent or hold out expressly or by implication that they are a member of the College. 2021, c. 34, Sched. 17, s. 3.

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9, 10)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2021, c. 34, Sched. 17, s. 3](http://www.ontario.ca/laws/statute/S21034" \l "sched17s3) - 02/12/2021

[2023, c. 11, Sched. 3, s. 2](http://www.ontario.ca/laws/statute/S23011" \l "sched3s2) - not in force

Committees

**15** (1)  The following committees are established:

1. Investigation Committee.

2. Discipline Committee.

3. Registration Appeals Committee.

4. Fitness to Practise Committee. 2020, c. 36, Sched. 33, s. 9.

Composition

(2)  Each committee established under subsection (1) shall be composed of persons appointed by the Council in accordance with the regulations from among the list of nominees prepared by the Selection and Nominating Subcommittee under clause 15.2 (4) (c), provided that the Council appoints equal numbers of members of the College and non-members. 2020, c. 36, Sched. 33, s. 9.

Eligibility

(3)  A member of the Council is ineligible to be concurrently appointed as a member of a committee established under subsection (1). 2020, c. 36, Sched. 33, s. 9.

Term of committee members

(4)  No term of a member of a committee established under subsection (1) shall exceed three years, except as permitted by regulation. 2020, c. 36, Sched. 33, s. 9.

Multiple terms

(5)  Subject to subsections 5 (4) and (5), a person may be a member of a committee established under subsection (1) of this section for more than one term. 2020, c. 36, Sched. 33, s. 9.

Chair

(6)  The Chair and Vice-Chair of a committee established under subsection (1) shall be appointed in accordance with the regulations. 2020, c. 36, Sched. 33, s. 9.

Other regulatory committees

(7)  The Council may, by regulation, establish other committees as the Council, from time to time, considers necessary. 2020, c. 36, Sched. 33, s. 9.

Eligibility for regulatory committees

(8)  A member of the Council is ineligible to be concurrently appointed as a member of a regulatory committee. 2020, c. 36, Sched. 33, s. 9.

**Section Amendments with date in force (d/m/y)**

[2019, c. 3, Sched. 3, s. 4](http://www.ontario.ca/laws/statute/S19003" \l "sched3s4) - no effect - see [2020, c. 36, Sched. 33, s. 39](http://www.ontario.ca/laws/statute/S20036" \l "sched33s39) - 08/12/2020

[2020, c. 36, Sched. 33, s. 9](http://www.ontario.ca/laws/statute/S20036" \l "sched33s9) - 01/02/2021

Adjudicative Body of Chairs

**15.1** (1)  The Adjudicative Body of Chairs is established and shall be composed of the following members:

1. The Chairs of the committees established under subsection 15 (1).

2. The Vice-Chairs of the committees established under subsection 15 (1).

3. Any additional persons who are appointed in accordance with the regulations to be on the Adjudicative Body of Chairs under subsection (2). 2020, c. 36, Sched. 33, s. 9.

Composition

(2)  If, among the persons referred to in paragraphs 1 and 2 of subsection (1), the number of members of the College is not equal to the number of non-members, the Council shall appoint additional members of the statutory committees to be on the Adjudicative Body of Chairs until the number of members of the College and non-members is equal. 2020, c. 36, Sched. 33, s. 9.

Chair

(3)  The Chair of the Adjudicative Body of Chairs shall be appointed in accordance with the regulations. 2020, c. 36, Sched. 33, s. 9.

Same

(4)  For greater certainty, the Adjudicative Body of Chairs is a committee established under this Act. 2020, c. 36, Sched. 33, s. 9.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 9](http://www.ontario.ca/laws/statute/S20036" \l "sched33s9) - 01/02/2021

Selection and Nominating Subcommittee

**15.2** (1)  The Selection and Nominating Subcommittee is established. 2020, c. 36, Sched. 33, s. 9.

Composition

(2)  The Selection and Nominating Subcommittee shall be composed of members of the Council appointed by the Council in accordance with the regulations, provided that the number of members appointed by the Lieutenant Governor in Council under clause 4 (2) (b) who are on the subcommittee is one greater than the number of other members. 2020, c. 36, Sched. 33, s. 9.

Chair of Selection and Nominating Subcommittee

(3)  The Chair of the Selection and Nominating Subcommittee shall be appointed in accordance with the regulations. 2020, c. 36, Sched. 33, s. 9.

Duties of Selection and Nominating Subcommittee

(4)  The Selection and Nominating Subcommittee shall,

(a) review and assess applications of persons who have applied to be appointed to the Council under clause 4 (2) (a), and based on the review and assessment, prepare a list of nominees who may be appointed to the Council under that clause;

(b) review and assess applications of persons who have applied to be appointed to the Council under clause 4 (2) (b), and based on the review and assessment, prepare a list of nominees for the Lieutenant Governor in Council to consider for appointment to the Council under that clause;

(c) review and assess applications of persons who have applied to be appointed to a statutory committee or regulatory committee, and based on the review and assessment, prepare a list of nominees who may be appointed to such a committee;

(d) recommend persons for the positions of Chair of Council and of each regulatory committee, and for Chair and Vice Chair of each statutory committee;

(e) review and assess applications of persons who have applied to be appointed to the roster of eligible panellists under clause 17 (4) (a), and based on the review and assessment, prepare a list of nominees who may be on the roster; and

(f) carry out any other duty prescribed by the regulations. 2020, c. 36, Sched. 33, s. 9.

Consideration and Assessment

(5)  In carrying out its duties under subsection (4), the Selection and Nominating Subcommittee shall consider any criteria prescribed by the regulations. 2020, c. 36, Sched. 33, s. 9.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 9](http://www.ontario.ca/laws/statute/S20036" \l "sched33s9) - 01/02/2021

Audit and Finance Subcommittee, Human Resources Subcommittee

**15.3** (1)  The Audit and Finance Subcommittee and the Human Resources Subcommittee are established. 2020, c. 36, Sched. 33, s. 9.

Composition

(2)  The Audit and Finance Subcommittee and the Human Resources Subcommittee shall each be composed of members of the Council appointed by the Council in accordance with the by-laws, provided that the number of members appointed by the Lieutenant Governor in Council under clause 4 (2) (b) who are on the subcommittee is one greater than the number of other members. 2020, c. 36, Sched. 33, s. 9.

Other subcommittees

(3)  The Council may, by by-law, establish other subcommittees composed of Council members as the Council, from time to time, considers necessary. 2020, c. 36, Sched. 33, s. 9.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 9](http://www.ontario.ca/laws/statute/S20036" \l "sched33s9) - 01/02/2021

Duties of committee members

**16** (1)  Every member of a committee established under this Act shall, in carrying out their duties,

(a) serve and protect the public interest; and

(b) act in accordance with such conflict of interest rules as may be prescribed by the regulations. 2020, c. 36, Sched. 33, s. 9.

Oath

(2)  Before taking up their duties, every member of a committee established under this Act shall swear an oath or affirm in the manner and form and within the time period that is prescribed by the regulations. 2020, c. 36, Sched. 33, s. 9.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 9](http://www.ontario.ca/laws/statute/S20036" \l "sched33s9) - 01/02/2021

Committee panels

**17** (1)  The powers and duties of a committee established under subsection 15 (1) may be exercised by a panel that satisfies the following rules and any requirements set out in the regulations:

1. The panel must consist of at least three persons selected from the committee or the roster of eligible panellists for the committee established under subsection (4).

2. The panel must have at least one member of the College and one non-member.

3. At least one member of the panel shall be a member of the committee, unless the chair of the committee directs that this paragraph does not apply. 2020, c. 36, Sched. 33, s. 9; 2021, c. 34, Sched. 17, s. 4.

Principals and vice-principals

(2)  The powers and duties of a committee established under subsection 15 (1) to hear or review a matter relating to the conduct or actions of a person who, at the time the conduct or actions occurred, was employed as a principal or vice-principal may be exercised by a panel described in subsection (1) of this section that includes at least one person who is employed as a principal or vice-principal or who was previously employed as a principal or vice-principal and is still a member of the College. 2020, c. 36, Sched. 33, s. 9.

Complaint resolution processes

(3)  Subsections (1) and (2) apply for the purposes of sections 26.1 and 30.1 but, for greater certainty, do not apply if a single member of the Investigation Committee is acting on the Committee’s behalf in accordance with subsection 26.1 (12). 2020, c. 36, Sched. 33, s. 9.

Roster of eligible panellists

(4)  The Council shall establish a roster of eligible panellists for a committee established under subsection 15 (1) consisting of,

(a) such persons as the Council considers qualified to serve as members of a panel of the committee who are appointed by the Council in accordance with the regulations from among the list of nominees prepared under clause 15.2 (4) (e) by the Selection and Nominating Subcommittee; and

(b) such persons as the Lieutenant Governor in Council considers appropriate who are appointed by the Lieutenant Governor in Council in accordance with the regulations, if any. 2020, c. 36, Sched. 33, s. 9.

Same, requirements and restrictions

(5)  The inclusion of any person on a roster of panellists for a committee is subject to any requirements that may be prescribed by the regulations. 2020, c. 36, Sched. 33, s. 9.

Eligibility for roster

(6)  A member of the Council is ineligible to be concurrently appointed as a member of the roster. 2020, c. 36, Sched. 33, s. 9.

Not member of committee

(7)  A person included on a roster of panellists for a committee is not a member of the committee by reason of their inclusion on the roster or their service on a panel of the committee. 2020, c. 36, Sched. 33, s. 9.

Decision of committee

(8)  A decision, finding, order, opinion or action of a panel of a committee is deemed to be the decision, finding, order, opinion or action of the committee. 2020, c. 36, Sched. 33, s. 9.

**Section Amendments with date in force (d/m/y)**

[2001, c. 9, Sched. E, s. 1 (1)](http://www.ontario.ca/laws/statute/S01009" \l "schedes1s1) - 29/06/2001

[2016, c. 24, Sched. 2, s. 3](http://www.ontario.ca/laws/statute/S16024" \l "sched2s3) - 05/12/2016

[2019, c. 3, Sched. 3, s. 5](http://www.ontario.ca/laws/statute/S19003" \l "sched3s5) - no effect - see [2020, c. 36, Sched. 33, s. 39](http://www.ontario.ca/laws/statute/S20036" \l "sched33s39) - 08/12/2020

[2020, c. 36, Sched. 33, s. 9](http://www.ontario.ca/laws/statute/S20036" \l "sched33s9) - 01/02/2021

[2021, c. 34, Sched. 17, s. 4](http://www.ontario.ca/laws/statute/S21034" \l "sched17s4) - 02/12/2021

Part II.1 Repealed: 2019, c. 3, Sched. 3, s. 6.

Teacher education program, accreditation

**17.1**A professional teacher education program offered by a post-secondary educational institution shall not be accredited unless it enables students of the program to acquire knowledge of the Ontario curriculum, particularly in relation to math, reading and literacy, and any other element of a professional teacher education program prescribed by the regulations. 2023, c. 11, Sched. 3, s. 3.

**Section Amendments with date in force (d/m/y)**

[2006, c. 10, s. 54](http://www.ontario.ca/laws/statute/S06010" \l "s54) - 01/06/2006

[2019, c. 3, Sched. 3, s. 6](http://www.ontario.ca/laws/statute/S19003" \l "sched3s6) - 03/04/2019

[2023, c. 11, Sched. 3, s. 3](http://www.ontario.ca/laws/statute/S23011" \l "sched3s3) - 08/06/2023

PART III  
REGISTRATION

Procedures to be fair and open

**17.2** (1)  Any power that may be exercised and any duty that must be performed under this Part shall be exercised or performed fairly and in a manner such that any decisions made with respect to an applicant are transparent to and understandable by that applicant, with due regard to his or her individual circumstances. 2006, c. 10, s. 55.

Standards

(2)  The Council shall make regulations, subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, establishing standards, practices and procedures to ensure that the requirements of subsection (1) are fulfilled. 2006, c. 10, s. 55.

**Section Amendments with date in force (d/m/y)**

[2006, c. 10, s. 55](http://www.ontario.ca/laws/statute/S06010" \l "s55) - 01/06/2006

Registration

**18** (1)  The Registrar shall issue a certificate of qualification and registration to a person who,

(a) applies for the certificate in accordance with the regulations;

(b) fulfils the requirements specified in the regulations for the issuance of the certificate; and

(c) successfully completes any prescribed examinations relating to proficiency in mathematics that are required for the issuance of the certificate. 2019, c. 3, Sched. 3, s. 7.

Notation of new teacher program

(1.1)  When the College is notified by a board that a member has successfully completed the new teacher induction program under the Education Act, the Registrar shall note that fact on the member’s certificate. 2006, c. 10, s. 56; 2009, c. 33, Sched. 13, s. 2 (9).

Grounds for refusal

(2)  The Registrar may refuse to issue a certificate of qualification and registration where the Registrar has reasonable grounds to believe that,

(a) the past conduct or actions of the applicant afford grounds for belief that the applicant will not perform his or her duties as a teacher in accordance with the law, including but not limited to this Act, the regulations and the by-laws; or

(b) the applicant does not fulfil the requirements specified in the regulations for the issuance of the certificate. 1996, c. 12, s. 18 (2); 2009, c. 33, Sched. 13, s. 2 (9, 10).

Same

(3)  Except as otherwise directed under this Act, the Registrar shall refuse to issue a certificate of qualification and registration to an applicant who previously held a certificate of qualification and registration that was revoked as a result of a decision of the Discipline Committee or the Fitness to Practise Committee and that was not reinstated under section 33 or 34. 1996, c. 12, s. 18 (3); 2009, c. 33, Sched. 13, s. 2 (9, 10).

Terms, etc., on consent

(4)  If the Registrar is of the opinion that a certificate of qualification and registration should be issued to an applicant with terms, conditions or limitations imposed and the applicant consents to the imposition, the Registrar may do so. 1996, c. 12, s. 18 (4); 2009, c. 33, Sched. 13, s. 2 (9, 10).

Same

(5)  Limitations that may be imposed on consent under subsection (4) include the fixing of a period of not longer than one year during which the applicant may not apply under section 22. 1996, c. 12, s. 18 (5).

**Section Amendments with date in force (d/m/y)**

[2006, c. 10, s. 56](http://www.ontario.ca/laws/statute/S06010" \l "s56) - 12/06/2006

[2009, c. 33, Sched. 13, s. 2 (9, 10)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2019, c. 3, Sched. 3, s. 7](http://www.ontario.ca/laws/statute/S19003" \l "sched3s7) - 01/09/2019

Disclosure of application file

**19** (1)  The Registrar shall give an applicant for a certificate of qualification and registration, at the applicant’s request, a copy of each document the College has that is relevant to the application. 1996, c. 12, s. 19 (1); 2009, c. 33, Sched. 13, s. 2 (9, 10).

Exception

(2)  The Registrar may refuse to give an applicant anything that may, in the Registrar’s opinion, jeopardize the safety of any person. 1996, c. 12, s. 19 (2); 2009, c. 33, Sched. 13, s. 2 (9).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9, 10)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

Notice of proposal to refuse to issue, revoke, etc.

**20** (1)  Where the Registrar proposes,

(a) to refuse to issue a certificate of qualification and registration; or

(b) to impose terms, conditions or limitations on a certificate of qualification and registration to which the applicant has not consented,

the Registrar shall first serve notice of the proposal, with written reasons for it, on the applicant. 1996, c. 12, s. 20 (1); 2009, c. 33, Sched. 13, s. 2 (9, 10).

Exception

(2)  Subsection (1) does not apply where the Registrar refuses to issue a certificate under subsection 18 (3). 1996, c. 12, s. 20 (2); 2009, c. 33, Sched. 13, s. 2 (9).

Contents of notice

(3)  A notice under subsection (1) shall state that the applicant may request a review by the Registration Appeals Committee in accordance with subsection (4). 1996, c. 12, s. 20 (3).

Request for review

(4)  The request for review must be,

(a) in writing;

(b) served on the Registrar within 60 days after the notice under subsection (1) is served on the applicant; and

(c) accompanied by the fee prescribed by the by-laws for the purpose. 1996, c. 12, s. 20 (4); 2009, c. 33, Sched. 13, s. 2 (9).

Submissions

(5)  The request for review may be accompanied by written submissions. 1996, c. 12, s. 20 (5).

Power of Registrar where no review

(6)  Where the applicant does not request a review by the Registration Appeals Committee in accordance with subsection (4), the Registrar may carry out the proposal stated in the notice under subsection (1). 1996, c. 12, s. 20 (6); 2009, c. 33, Sched. 13, s. 2 (9).

Same

(7)  Where the Registrar imposes terms, conditions and limitations on the applicant’s certificate of qualification and registration under subsection (6), the Registrar may fix a period of not longer than one year during which the applicant may not apply under section 22. 1996, c. 12, s. 20 (7); 2009, c. 33, Sched. 13, s. 2 (9, 10).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9, 10)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

Review by Registration Appeals Committee

**21** (1)  Where the applicant requests a review in accordance with subsection 20 (4), the Registration Appeals Committee shall conduct the review. 1996, c. 12, s. 21 (1).

Exception

(2)  Despite subsection (1), the Registration Appeals Committee may refuse to conduct a review if, in its opinion, the request for review is frivolous, vexatious or an abuse of process. 1996, c. 12, s. 21 (2).

Extension of time for requesting review

(3)  The Registration Appeals Committee may extend the time for requesting a review under subsection 20 (4) where it is satisfied that there are apparent grounds for granting relief and that there are reasonable grounds for applying for the extension. 1996, c. 12, s. 21 (3).

Same

(4)  The Committee may give the directions that it considers appropriate consequent on the extension. 1996, c. 12, s. 21 (4).

Same

(5)  Directions may be given under subsection (4) to the applicant, to the Registrar or to both, either before or after the Committee conducts the review. 1996, c. 12, s. 21 (5); 2009, c. 33, Sched. 13, s. 2 (9).

Same

(6)  Directions that may be given to the Registrar under subsection (4) include but are not limited to directions to do one or more of the following:

1. Remove specified terms, conditions or limitations on a certificate of qualification and registration issued under section 20.

2. Impose specified terms, conditions or limitations on a certificate of qualification and registration issued under section 20.

3. Revoke a certificate of qualification and registration issued under section 20.

4. Vary or eliminate a period fixed under subsection 20 (7). 1996, c. 12, s. 21 (6); 2009, c. 33, Sched. 13, s. 2 (9, 10).

Examination of documents, submissions

(7)  The Registration Appeals Committee shall ensure that the person requesting the review is given an opportunity to examine and make written submissions on any documents that the Committee intends to consider in making its decision on the review. 1996, c. 12, s. 21 (7).

No hearing

(8)  Except as provided by section 20 and this section, the Registration Appeals Committee need not hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision or giving a direction under this section. 1996, c. 12, s. 21 (8).

Orders

(9)  After considering the request for review, the submissions and any document that the Committee considers relevant, the Registration Appeals Committee may make an order doing one or more of the following:

1. Directing the Registrar to issue a certificate of qualification and registration.

2. Directing the Registrar to issue a certificate of qualification and registration if the applicant fulfils requirements specified in the regulations for the issuance of the certificate.

3. Directing the Registrar to issue a certificate of qualification and registration subject to specified terms, conditions or limitations.

4. Directing the Registrar to refuse to issue a certificate of qualification and registration. 1996, c. 12, s. 21 (9); 2009, c. 33, Sched. 13, s. 2 (9, 10).

Same

(10)  Where the Registration Appeals Committee makes an order under paragraph 3 of subsection (9), the Committee may fix a period of not longer than one year during which the person who requested the review may not apply under section 22. 1996, c. 12, s. 21 (10).

Order to return fee

(11)  The Registration Appeals Committee may order that the fee paid under subsection 20 (4) be returned to the person who requested the review where, in the opinion of the Committee, to do so would be appropriate in all the circumstances. 1996, c. 12, s. 21 (11).

Service of decision on parties

(12)  The Registration Appeals Committee shall give its decision under this section in writing, with reasons, and shall serve the person who requested the review with a copy. 1996, c. 12, s. 21 (12).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9, 10)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

Variation of registration conditions

**22** (1)  A member may apply to the Registration Appeals Committee for an order directing the Registrar to remove or modify any term, condition or limitation imposed by the Registrar or the Registration Appeals Committee on the member’s certificate of qualification and registration. 1996, c. 12, s. 22 (1); 2009, c. 33, Sched. 13, s. 2 (9, 10).

Same

(2)  The application must be,

(a) in writing; and

(b) accompanied by the fee prescribed for the purpose by the by-laws. 1996, c. 12, s. 22 (2).

Limitations

(3)  The right to apply under subsection (1) is subject to,

(a) any limitation imposed by the Registrar or Registration Appeals Committee under section 18, 20 or 21; and

(b) any limitation imposed under subsection (8) in the disposition of a previous application under this section. 1996, c. 12, s. 22 (3); 2009, c. 33, Sched. 13, s. 2 (9).

Submissions

(4)  The application may be accompanied by written submissions. 1996, c. 12, s. 22 (4).

Examination of documents, submissions

(5)  The Registration Appeals Committee shall ensure that the applicant is given an opportunity to examine and make written submissions on any documents that the Committee intends to consider in making its decision on the application. 1996, c. 12, s. 22 (5).

No hearing

(6)  Except as provided by this section, the Registration Appeals Committee need not hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision or giving a direction under this section. 1996, c. 12, s. 22 (6).

Orders

(7)  After considering the application, the submissions and any document that the Committee considers relevant, the Registration Appeals Committee may make an order doing one or more of the following:

1. Refusing the application.

2. Directing the Registrar to remove any term, condition or limitation imposed on the certificate of qualification and registration.

3. Directing the Registrar to impose specified terms, conditions or limitations on the certificate of qualification and registration. 1996, c. 12, s. 22 (7); 2009, c. 33, Sched. 13, s. 2 (9, 10).

Limitations on application

(8)  The Registration Appeals Committee, in disposing of an application under this section, may fix a period of not longer than six months during which the applicant may not apply under subsection (1). 1996, c. 12, s. 22 (8).

Order to return fee

(9)  The Registration Appeals Committee may order that the fee paid under subsection (2) be returned to the applicant where, in the opinion of the Committee, to do so would be appropriate in all the circumstances. 1996, c. 12, s. 22 (9).

Service of decision on applicant

(10)  The Registration Appeals Committee shall give its decision under this section in writing, with reasons, and shall serve the applicant with a copy. 1996, c. 12, s. 22 (10).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9, 10)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

Register

**23** (1)  The Registrar shall maintain a register. 1996, c. 12, s. 23 (1); 2009, c. 33, Sched. 13, s. 2 (9).

Contents

(2)  The register shall contain,

(a) each member’s name and the class of certificate of qualification and registration and any certificates of additional qualifications that the member holds;

(b) the terms, conditions and limitations imposed on each certificate of qualification and registration, including terms, conditions and limitations resulting from a written undertaking or other agreement between the College and the member;

(b.1) any restrictions imposed on a member’s eligibility to teach by an order of a court or other lawful authority, including the name and location of the court or authority and the date the order was made;

(b.2) a notation of every matter that has been referred to the Discipline Committee under section 26, 29 or 33;

(b.3) for every hearing of the Discipline Committee, a notice of hearing and a notice of the day and time of the hearing, together with a link to the notices as published on the College’s website;

(b.4) if a resolution adopted by the Investigation Committee under section 26.1 provides for a notation to be included in the register, a notation of the resolution, and, if the resolution provides for the resolution, a summary of the resolution or a part of the resolution to be published on the College’s website, a link to that publication;

(b.5) a notation of every decision of the Discipline Committee following a proceeding, together with a link to the decision as published on the College’s website;

(b.6) a notation of every resolution adopted by the Discipline Committee under section 30.1, together with a link to the resolution as published on the College’s website;

(c) subject to clause (c.1), a notation of every revocation, cancellation and suspension of a certificate of qualification and registration;

(c.1) the notation “Inactive/Non-Practising” for a certificate of qualification and registration that is suspended under clause 24 (1) (a);

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 23 (2) (c.1) of the Act is repealed and the following substituted: (See: 2023, c. 11, Sched. 3, s. 4)

(c.1) the notation “Inactive/Non-Practising” for a certificate of qualification and registration, if the person meets the criteria prescribed in the by-laws;

(d) information that a statutory committee directs shall be included; and

(d.1) subject to the regulations, information respecting any current or previous criminal proceedings involving a member that are relevant to his or her membership, including any undertakings of the member in relation to the proceeding;

(e) any other information that the by-laws prescribe as information to be kept in the register. 1996, c. 12, s. 23 (2); 2001, c. 14, Sched. B, s. 3 (1); 2004, c. 26, s. 3 (1); 2009, c. 33, Sched. 13, s. 2 (3, 10); 2016, c. 24, Sched. 2, s. 4 (1-4); 2020, c. 36, Sched. 33, s. 10 (1); 2021, c. 34, Sched. 17, s. 5 (1).

New teacher program

(2.1)  In the case of a member who has successfully completed the new teacher induction program under the Education Act, the Registrar shall, within 60 days of receiving notice that the member has done so, note that information on the register. 2016, c. 24, Sched. 2, s. 4 (5).

Personal information

(2.2)  A committee referred to in clause (2) (d) shall not direct, and a by-law referred to in clause (2) (e) shall not prescribe, that more personal information, within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act and section 28 of the Municipal Freedom of Information and Protection of Privacy Act, or more personal health information, is to be included or kept in the register than is necessary to serve and protect the public interest. 2016, c. 24, Sched. 2, s. 4 (5).

Personal health information

(2.3)  The Registrar shall not include in the register, disclose to an individual or publish on the College’s website or in any other publication more personal health information about a member than is necessary to serve and protect the public interest. 2016, c. 24, Sched. 2, s. 4 (5).

(2.4)  Repealed: 2018, c. 8, Sched. 19, s. 2.

Removal of specified information

(2.5)  The Registrar shall remove from the register, in a timely manner,

(a) any terms, conditions or limitations imposed on a certificate of qualification and registration, as referred to in clause (2) (b), that are no longer applicable other than any terms, conditions or limitations imposed by a decision or resolution ordered or adopted by the Discipline Committee;

(b) any restrictions imposed on a member’s eligibility to teach, as referred to in clause (2) (b.1), that are no longer applicable;

(b.1) the notation referred to in clause (2) (c.1) if the member is reinstated under subsection 24 (3); and

(c) information respecting current or previous criminal proceedings referred to in clause (2) (d.1) that are no longer applicable or relevant to the member’s membership, as provided by the regulations. 2016, c. 24, Sched. 2, s. 4 (5); 2020, c. 36, Sched. 33, s. 10 (2); 2021, c. 34, Sched. 17, s. 5 (2).

Day and time of hearing

(2.6)  The Registrar shall post the notices and links referred to in clause (2) (b.3) on the register and on the College’s website promptly after the notices are served upon the parties to the hearing, and shall remove the information from the register after the proceeding has concluded. 2016, c. 24, Sched. 2, s. 4 (5).

Same, by-laws

(2.7)  Subject to subsection (2.8), the Council may not make by-laws authorizing the removal of any information set out in subsection (2) or (2.1) from the register. 2016, c. 24, Sched. 2, s. 4 (5).

Same

(2.8)  The Council may make by-laws authorizing the removal of information described in clauses (2) (b.2), (b.3), (b.4), (b.5) and (b.6) but only in accordance with the following:

1. The information must not be a notation of a decision or resolution, or a link to a decision or resolution, ordered or adopted by the Discipline Committee that required a reprimand, an admonishment, counselling, a fine or the imposition of a term, condition or limitation on a certificate of qualification and registration.

2. The information must not relate to a matter that resulted in an order to revoke or suspend a certificate. 2016, c. 24, Sched. 2, s. 4 (5); 2020, c. 36, Sched. 33, s. 10 (3).

No publication of specified information

(2.9)  Despite anything in this section, the register shall not contain any information that violates an order made under section 32.1 respecting the publication of information. 2016, c. 24, Sched. 2, s. 4 (5).

Posting and public inspection of register

[(3)](http://www.e-laws.gov.on.ca/html/statutes/french/elaws_statutes_07e07_f.htm" \l "s29s3)  The Registrar shall post the register on the College’s website and shall ensure it is available for public inspection during normal business hours at the offices of the College. 2016, c. 24, Sched. 2, s. 4 (6).

Copies

(4)  The Registrar shall provide to any person, on payment of a reasonable charge, a copy of any part of the register. 1996, c. 12, s. 23 (4); 2009, c. 33, Sched. 13, s. 2 (9).

**Section Amendments with date in force (d/m/y)**

[2001, c. 14, Sched. B, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S01014" \l "schedbs3s1) - 29/06/2001

[2004, c. 26, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S04026" \l "s3s1) - 16/12/2004

[2006, c. 10, s. 57](http://www.ontario.ca/laws/statute/S06010" \l "s57) - 12/06/2006

[2009, c. 33, Sched. 13, s. 2 (3, 9, 10)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s3) - 15/12/2009

[2016, c. 24, Sched. 2, s. 4 (1-6)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s4s1) - 05/12/2016

[2018, c. 8, Sched. 19, s. 2](http://www.ontario.ca/laws/statute/S18008" \l "sched19s2) - 30/10/2020

[2020, c. 36, Sched. 33, s. 10 (1)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s10s1) - 01/02/2021; [2020, c. 36, Sched. 33, s. 10 (2, 3)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s10s2) - 08/12/2020

[2021, c. 34, Sched. 17, s. 5 (1, 2)](http://www.ontario.ca/laws/statute/S21034" \l "sched17s5s1) - 02/12/2021

[2023, c. 11, Sched. 3, s. 4](http://www.ontario.ca/laws/statute/S23011" \l "sched3s4) - not in force

Suspension: failure to pay fees, provide information

**24** (1)  The Registrar may suspend a member’s certificate of qualification and registration for,

(a) failure to pay a fee or penalty prescribed by the by-laws; or

(b) failure to provide information required by the by-laws. 1996, c. 12, s. 24 (1); 2009, c. 33, Sched. 13, s. 2 (9, 10).

Same

(2)  The Registrar shall not suspend a member’s certificate of qualification and registration without first giving the member two-months notice of the default and intention to suspend. 1996, c. 12, s. 24 (2); 2009, c. 33, Sched. 13, s. 2 (9, 10).

Re-instatement

(3)  Subject to subsection 47.2 (4), a person whose certificate of qualification and registration was suspended by the Registrar under subsection (1) is entitled to have the suspension removed on payment of the fees and penalties prescribed by the by-laws or on provision of the information required by the by-laws, as the case may be. 1996, c. 12, s. 24 (3); 2009, c. 33, Sched. 13, s. 2 (9, 10); 2023, c. 11, Sched. 3, s. 5 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 24 (3) of the Act is amended by adding “subsection (4) and” after “Subject to”. (See: 2023, c. 11, Sched. 3, s. 5 (2))

Note: On a day to be named by proclamation of the Lieutenant Governor, section 24 of the Act is amended by adding the following subsections: (See: 2023, c. 11, Sched. 3, s. 5 (3))

Revocation

(4)  The Registrar may revoke a certificate of qualification and registration that is suspended under subsection (1) if the suspension is not removed within three years after the date of the suspension or within such shorter time period as may be prescribed by the regulations. 2023, c. 11, Sched. 3, s. 5 (3).

Application for new certificate

(5)  A member whose certificate has been revoked under subsection (4) may apply for a new certificate of qualification and registration in accordance with the regulations. 2023, c. 11, Sched. 3, s. 5 (3).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9, 10)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2023, c. 11, Sched. 3, s. 5 (1)](http://www.ontario.ca/laws/statute/S23011" \l "sched3s5s1) - 08/06/2023; [2023, c. 11, Sched. 3, s. 5 (2, 3)](http://www.ontario.ca/laws/statute/S23011" \l "sched3s5s2) - not in force

Part III.I (ss. 24.1-24.11) Repealed: 2004, c. 26, s. 4.

**Section Amendments with date in force (d/m/y)**

[2001, c. 14, Sched. B, s. 4](http://www.ontario.ca/laws/statute/S01014" \l "schedbs4) - 29/06/2001

[2004, c. 26, s. 4](http://www.ontario.ca/laws/statute/S04026" \l "s4) - 16/12/2004

PART IV  
INVESTIGATION COMMITTEE

Composition of Investigation Committee

**25** (1), (2)  Repealed: 2020, c. 36, Sched. 33, s. 11.

Same

(3)  No person who is a member of the Discipline Committee or the Fitness to Practise Committee shall be a member of the Investigation Committee. 1996, c. 12, s. 25.

**Section Amendments with date in force (d/m/y)**

[2019, c. 3, Sched. 3, s. 8 (1, 2)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s8s1) - no effect - see [2020, c. 36, Sched. 33, s. 39](http://www.ontario.ca/laws/statute/S20036" \l "sched33s39) - 08/12/2020

[2020, c. 36, Sched. 33, s. 11](http://www.ontario.ca/laws/statute/S20036" \l "sched33s11) - 01/02/2021

Duties of Investigation Committee

**26** (1)  The Investigation Committee shall consider and investigate complaints regarding the conduct or actions of a member of the College, including complaints made by,

(a) a member of the public;

(b) a member of the College;

(c) the Registrar;

(d) the Minister. 1996, c. 12, s. 26 (1); 2009, c. 33, Sched. 13, s. 2 (9); 2016, c. 24, Sched. 2, s. 5 (1).

Same

(1.1)  As soon as reasonably possible after receiving a complaint, the Registrar shall,

(a) provide the complainant with confirmation that the complaint was received; and

(b) notify the member that a complaint regarding his or her actions was made and provide the member with a copy of the complaint or, if the Registrar considers it appropriate in the circumstances, a summary of the complaint. 2016, c. 24, Sched. 2, s. 5 (2).

Same

(1.2)  In providing notice of a complaint under clause (1.1) (b), the identity of the individual who made the complaint shall not be disclosed if the Registrar believes, on reasonable and probable grounds, that doing so would expose or be likely to expose the complainant or another person to harm or injury. 2016, c. 24, Sched. 2, s. 5 (2).

Referral for interim order

(1.2.1)  The Investigation Committee may refer a complaint to the Adjudicative Body of Chairs to make an interim order under section 29.2. 2018, c. 8, Sched. 19, s. 3 (1); 2020, c. 36, Sched. 33, s. 12 (1).

Same

(1.2.2)  The Investigation Committee shall continue to consider and investigate the complaint that has been referred to the Adjudicative Body of Chairs under subsection (1.2.1). 2018, c. 8, Sched. 19, s. 3 (1); 2020, c. 36, Sched. 33, s. 12 (2).

Same

(1.3)  Despite subsection (1), if the Registrar refers a complaint to an investigation stage complaint resolution process in accordance with section 26.1, the Investigation Committee shall cease its consideration and investigation of the complaint and this section ceases to apply, unless and until the complaint is referred back to the Committee in accordance with that section. 2016, c. 24, Sched. 2, s. 5 (2).

Same

(2)  Despite subsections (1) and (1.2.2), the Investigation Committee shall refuse to consider and investigate a complaint if, in its opinion,

(a) the complaint does not relate to professional misconduct, incompetence or incapacity on the part of a member;

(b) the complaint is frivolous, vexatious, an abuse of process, manifestly without substance or made for an improper purpose; or

(c) the complaint does not warrant further investigation or it is not in the public interest to investigate the complaint further, and that determination was made in accordance with the regulations. 1996, c. 12, s. 26 (2); 2016, c. 24, Sched. 2, s. 5 (3); 2018, c. 8, Sched. 19, s. 3 (2).

Consultation before making regulation re clause 26 (2) (c)

(2.1)  Before a regulation may be made for the purposes of clause 26 (2) (c), the Council shall hold public consultations, in the manner that the Council considers appropriate, with any persons or bodies that are interested in the content of the proposed regulation. 2016, c. 24, Sched. 2, s. 5 (4).

Same

(2.2)  The following rules apply to a complaint made by a secretary of a school board under section 277.40 or 277.40.5 of the Education Act:

1. Despite subsection (1), the Investigation Committee is not required to consider and investigate the complaint if the Registrar determines in accordance with any regulations, and advises the Committee, that the complaint does not relate to professional misconduct, incompetence or incapacity on the part of a member.

2. The secretary shall,

i. at the same time as making the complaint, provide the member with a copy of the complaint, and

ii. within 30 days of making the complaint, provide the Registrar with any additional information that the school board has that relates to the complaint.

3. If, after receiving the information under subparagraph 2 ii, the Registrar requests that the school board provide the Registrar with more information that relates to the complaint, the board shall do so within 15 days of receiving the request.

4. Within 30 days of providing information to the Registrar under subparagraph 2 ii or paragraph 3, the secretary of the school board shall provide a copy of such information to the member.

5. The Registrar shall, as soon as is reasonably possible, provide a written report respecting the action, if any, taken by the Registrar in response to the complaint to the following:

i. An employer that employs the member, at the time the report is made, to teach or provide services as described in clause 43.2 (7) (a) or (b).

ii. The school board whose secretary made the complaint respecting the member. 2016, c. 24, Sched. 2, s. 5 (5).

Same

(3)  No action shall be taken by the Investigation Committee under subsection (5) unless,

(a) a complaint in writing or in another form that is capable of being reproduced, such as a disc or tape, has been filed with the Registrar;

(b) the member whose conduct or actions are being investigated has been given 60 days, or a different time period if specified under subsection (4), in which to submit in writing to the Committee any explanations or representations the member may wish to make concerning the matter; and

(c) the Committee has examined or has made every reasonable effort to examine all the information and documents that the College has that are relevant to the complaint, including,

(i) any prior decisions of a committee established under this Act that relate to the member,

(ii) any information about or obtained in concurrent proceedings before a committee established under this Act that relates to the member, and

(iii) any resolutions adopted by a committee established under this Act that were reached through a complaint resolution process and relate to the member. 1996, c. 12, s. 26 (3); 2009, c. 33, Sched. 13, s. 2 (9); 2016, c. 24, Sched. 2, s. 5 (6).

Same

(4)  The Investigation Committee may specify a different time period for the purposes of clause (3) (b) in accordance with the following:

1. The Committee may specify a period of time of less than 60 days if the Committee is of the opinion, on reasonable and probable grounds, that the conduct of the member exposes or is likely to expose one or more students to harm or injury.

2. The Committee may specify a period of time that is more than 60 days in accordance with the regulations. 2016, c. 24, Sched. 2, s. 5 (7).

Same

(4.1)  A copy of any explanations or representations submitted by the member under clause (3) (b) shall be provided as soon as reasonably possible to the complainant or, if the Registrar considers it appropriate in the circumstances, a summary of the explanations or representations. 2016, c. 24, Sched. 2, s. 5 (7).

Same

(4.2)  In considering prior decisions in accordance with subclause (3) (c) (i), the Investigation Committee shall not consider any decision made by the Investigation Committee to refuse to consider and investigate a complaint under subsection (2). 2016, c. 24, Sched. 2, s. 5 (7).

Same

(4.3)  If the Investigation Committee considers any information described in subclause (3) (c) (i), (ii) or (iii), the Committee shall notify the member as soon as reasonably possible and shall provide the member with a copy of that information or, if the Committee considers it appropriate in the circumstances, a summary of that information. 2016, c. 24, Sched. 2, s. 5 (7).

Same

(4.4)  If the Investigation Committee receives additional information from any person relating to the complaint, the Committee shall notify the member as soon as reasonably possible and shall provide the member with a description of the additional information. 2016, c. 24, Sched. 2, s. 5 (7).

Incapacity of member

(4.5)  If the Investigation Committee believes that the member may be incapacitated, the Committee shall make the inquiries it considers appropriate. 2018, c. 8, Sched. 19, s. 3 (3).

Notice to member re incapacity

(4.6)  The Investigation Committee shall give the member notice that it intends to inquire into whether the member is incapacitated. 2018, c. 8, Sched. 19, s. 3 (3).

If grounds to believe member is incapacitated

(4.7)  If, after making inquiries, the Investigation Committee has reasonable and probable grounds to believe that the member is incapacitated, it may,

(a) require the member to submit to physical or mental examinations which shall be conducted or ordered by a health professional specified by the Committee; and

(b) make an order, subject to subsection (4.10), directing the Registrar to suspend the member’s certificate of qualification and registration until the member submits to the examinations. 2018, c. 8, Sched. 19, s. 3 (3).

Report

(4.8)  A health professional who conducts an examination of a member required under clause (4.7) (a) shall, following the examination, provide to the Investigation Committee a report containing,

(a) an assessment of whether the member is or has been incapacitated;

(b) an assessment of the extent of any incapacity and the prognosis for recovery; and

(c) any further physical or mental considerations that are relevant to the matter before the Committee. 2018, c. 8, Sched. 19, s. 3 (3).

Copies of report

(4.9)  The Investigation Committee shall give a copy of any report referred to in subsection (4.8) to the member and may give a copy of the report to,

(a) the Adjudicative Body of Chairs, for the purposes of determining whether an interim order should be made under subsection 29 (3) or 29.2 (1); or

(b) the Fitness to Practise Committee, if the matter is referred to that committee under clause (5) (a). 2018, c. 8, Sched. 19, s. 3 (3); 2020, c. 36, Sched. 33, s. 12 (3).

Order to suspend

(4.10)  No order shall be made under clause (4.7) (b), unless the member has been given,

(a) notice of the Investigation Committee’s intention to make the order; and

(b) at least the prescribed time period to make written submissions in respect of the order to the Investigation Committee. 2018, c. 8, Sched. 19, s. 3 (3).

Same

(4.11)  Despite clause (4.10) (b), an order may be made without notice to the member, subject to the right of the member to make submissions while the suspension is in place, if the Investigation Committee is of the opinion on reasonable and probable grounds that the physical or mental state of the member exposes or is likely to expose a student to harm or injury and urgent intervention is needed. 2018, c. 8, Sched. 19, s. 3 (3).

Same

(5)  The Investigation Committee in accordance with the information it receives may,

(a) direct that the matter be referred, in whole or in part, to the Discipline Committee or the Fitness to Practise Committee;

(b) direct that the matter not be referred under clause (a);

(c) require the person complained against to appear before the Investigation Committee to be cautioned or admonished; or

(d) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act, the regulations or the by-laws, including,

(i) issuing a caution, reminder, advice or admonishment to the person complained against, or

(ii) requiring the member to complete remedial training or education. 1996, c. 12, s. 26 (5); 2016, c. 24, Sched. 2, s. 5 (8, 9); 2023, c. 11, Sched. 3, s. 6 (1).

Decision and reasons

(6)  The Investigation Committee shall give its decision in writing to the Registrar for the purposes of subsection (7) and, except where the decision is made under clause (5) (a), its reasons for the decision. 1996, c. 12, s. 26 (6); 2009, c. 33, Sched. 13, s. 2 (9).

Notice

(7)  The Registrar shall provide the complainant and the person complained against with a copy of the written decision made by the Investigation Committee and its reasons for the decision, if any. 1996, c. 12, s. 26 (7); 2009, c. 33, Sched. 13, s. 2 (9).

Same

(7.1)  Despite subsection (7), the Registrar shall not disclose personal health information regarding the member to the complainant, including, without limitation, personal health information set out in any report provided under subsection (4.8). 2018, c. 8, Sched. 19, s. 3 (3).

No hearing

(8)  Except as provided by this section, the Investigation Committee need not hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision or giving a direction under this section or under section 26.1. 1996, c. 12, s. 26 (8); 2016, c. 24, Sched. 2, s. 5 (10).

Application of section, related criminal conviction

(9)  If a member has been convicted or found guilty of an offence under the Criminal Code (Canada) for the same conduct or action that is the subject matter of a complaint, the Investigation Committee may refer the matter, in whole or in part, to the Discipline Committee and, in that case, subsections (1) to (8) cease to apply and the Registrar shall notify the complainant of the referral. 2023, c. 11, Sched. 3, s. 6 (2).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2016, c. 24, Sched. 2, s. 5 (1-11)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s5s1) - 05/12/2016

[2018, c. 8, Sched. 19, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S18008" \l "sched19s3s1) - 08/05/2018; [2018, c. 8, Sched. 19, s. 3 (3)](http://www.ontario.ca/laws/statute/S18008" \l "sched19s3s3) - 30/10/2020

[2019, c. 3, Sched. 3, s. 9](http://www.ontario.ca/laws/statute/S19003" \l "sched3s9) - 03/04/2019

[2020, c. 36, Sched. 33, s. 12 (1-3)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s12s1) - 01/02/2021

[2023, c. 11, Sched. 3, s. 6 (1, 2)](http://www.ontario.ca/laws/statute/S23011" \l "sched3s6s1) - 08/06/2023

Investigation stage complaint resolution process

**26.1** (1)  The Registrar may refer the College and the member who is the subject of a complaint to an investigation stage complaint resolution process to which the College and the member have consented,

(a) if the Registrar determines, on reasonable and probable grounds and in accordance with any regulations, that the complaint, if proven, would likely result in the member receiving a caution, a reminder, advice or admonishment from the Investigation Committee under clause 26 (5) (c) or (d);

(b) if the Investigation Committee has not yet taken action under subsection 26 (5); and

(c) if the matter does not involve an allegation of sexual abuse of a student, sexual misconduct, a prohibited act involving child pornography or a prescribed sexual act. 2016, c. 24, Sched. 2, s. 6; 2019, c. 3, Sched. 3, s. 10.

Same

(2)  The Registrar shall notify the complainant as soon as reasonably possible after referring a complaint to the complaint resolution process. 2016, c. 24, Sched. 2, s. 6.

Same

(3)  Before a resolution that will be proposed to the Investigation Committee under subsection (4) is reached,

(a) the Registrar shall consult, or make reasonable efforts to consult, with the complainant; and

(b) if the complainant is not the member’s employer and the Registrar considers it appropriate in the circumstances, the Registrar may request that the employer provide the Registrar with information that relates to the complaint. 2016, c. 24, Sched. 2, s. 6.

Same

(4)  If the College and the member reach a resolution of a matter that has been referred to the complaint resolution process, they shall propose it to the Investigation Committee and the Committee may,

(a) adopt the proposed resolution;

(b) modify the proposed resolution; or

(c) reject the proposed resolution. 2016, c. 24, Sched. 2, s. 6.

Same

(5)  Before taking action under subsection (4), the Investigation Committee shall consider,

(a) any prior decisions of a committee established under this Act that relate to the member;

(b) any information about or obtained in concurrent proceedings before a committee established under this Act that relates to the member; and

(c) any resolutions adopted by a committee established under this Act that were reached though a complaint resolution process and relate to the member. 2016, c. 24, Sched. 2, s. 6.

Same

(6)  In considering prior decisions in accordance with clause (5) (a), the Investigation Committee shall not consider any decision made by the Investigation Committee to refuse to consider and investigate a complaint under subsection 26 (2). 2016, c. 24, Sched. 2, s. 6.

Same

(7)  If the Investigation Committee modifies the proposed resolution, the Committee shall notify the College and the member of the modifications and,

(a) if both the College and the member agree to the modifications, the proposed resolution shall be considered adopted, as modified, by the Committee; or

(b) if either the College or the member does not agree to the modifications, the proposed resolution shall be considered rejected by the Committee. 2016, c. 24, Sched. 2, s. 6.

Same

(8)  If the Investigation Committee rejects a proposed resolution, the matter shall be referred back to the Committee and section 26 shall continue to apply. 2016, c. 24, Sched. 2, s. 6.

Same

(9)  If there is a failure to resolve a matter that has been referred to the complaint resolution process, it shall be referred back to the Investigation Committee and section 26 shall continue to apply. 2016, c. 24, Sched. 2, s. 6.

Notice, Registrar

(10)  The Investigation Committee shall notify the Registrar of its decision made under subsection (4). 2016, c. 24, Sched. 2, s. 6.

Same, complainant

(11)  The Registrar shall notify the complainant of the outcome of the complaint resolution process. 2016, c. 24, Sched. 2, s. 6.

Single member may act on Committee’s behalf

(12)  A single member of the Investigation Committee may act on the Committee’s behalf for the purposes of subsection (4) and, in that case, references to the Investigation Committee in subsections (5), (7), (8) and (10) shall be references to the member acting on the Committee’s behalf. 2016, c. 24, Sched. 2, s. 6.

Matters referred back to the Investigation Committee

(13)  If the Investigation Committee rejects a proposed resolution and the matter is referred back to the Committee, no person who made a decision for the purposes of subsection (4) shall make a decision in respect of the matter under section 26, except in accordance with any regulations. 2016, c. 24, Sched. 2, s. 6.

Complainant not a party

(14)  For greater certainty, the complainant is not a party to an investigation stage complaint resolution process. 2016, c. 24, Sched. 2, s. 6.

**Section Amendments with date in force (d/m/y)**

[2016, c. 24, Sched. 2, s. 6](http://www.ontario.ca/laws/statute/S16024" \l "sched2s6) - 05/12/2016

[2019, c. 3, Sched. 3, s. 10](http://www.ontario.ca/laws/statute/S19003" \l "sched3s10) - 03/04/2019

Timely disposal

**26.2** (1)  Subject to subsection (2), the Investigation Committee shall use its best efforts to dispose of a complaint within 120 days after the complaint is filed as described in clause 26 (3) (a). 2016, c. 24, Sched. 2, s. 6.

Investigation stage complaint resolution process

(2)  If the Registrar refers a matter to an investigation stage complaint resolution process,

(a) that process must be carried out in accordance with any timelines prescribed by the regulations; and

(b) for the purposes of subsection (1), the time period beginning on the day the referral is made and ending on the day the matter is referred back to the Committee under subsection 26.1 (8) or (9) shall not be counted. 2016, c. 24, Sched. 2, s. 6.

Consultation before making regulation re clause (2) (a)

(3)  Before a regulation may be made for the purposes of clause (2) (a), the Council shall hold public consultations, in the manner that the Council considers appropriate, with any persons or bodies that are interested in the content of the proposed regulation. 2016, c. 24, Sched. 2, s. 6.

If complaint not disposed of

(4)  If the Committee has not disposed of a complaint within 120 days after the complaint was filed, the Registrar shall provide the complainant and the member who is the subject of the complaint with written notice of that fact and an expected date of disposition which shall be no more than 90 days from the date of the written notice. 2016, c. 24, Sched. 2, s. 6.

If further delay

(5)  If the Committee has not disposed of the complaint by the expected date of disposition described in subsection (4), the Registrar shall provide the complainant and the member who is the subject of the complaint with written notice and reasons for the delay and the new expected date of disposition which shall be no more than 30 days from the date of the revised notice or from the expected date of disposition described in subsection (4), whichever is sooner. 2016, c. 24, Sched. 2, s. 6.

**Section Amendments with date in force (d/m/y)**

[2016, c. 24, Sched. 2, s. 6](http://www.ontario.ca/laws/statute/S16024" \l "sched2s6) - 05/12/2016

PART V  
DISCIPLINE and fitness to practise

**27** Repealed: 2020, c. 36, Sched. 33, s. 13.

**Section Amendments with date in force (d/m/y)**

[2019, c. 3, Sched. 3, s. 11 (1, 2)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s11s1) - no effect - see [2020, c. 36, Sched. 33, s. 39](http://www.ontario.ca/laws/statute/S20036" \l "sched33s39) - 08/12/2020

[2020, c. 36, Sched. 33, s. 13](http://www.ontario.ca/laws/statute/S20036" \l "sched33s13) - 01/02/2021

**28** Repealed: 2020, c. 36, Sched. 33, s. 13.

**Section Amendments with date in force (d/m/y)**

[2019, c. 3, Sched. 3, s. 12 (1, 2)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s12s1) - no effect - see [2020, c. 36, Sched. 33, s. 39](http://www.ontario.ca/laws/statute/S20036" \l "sched33s39) - 08/12/2020

[2020, c. 36, Sched. 33, s. 13](http://www.ontario.ca/laws/statute/S20036" \l "sched33s13) - 01/02/2021

Reference by Adjudicative Body of Chairs

**29** (1)  The Adjudicative Body of Chairs may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct or incompetence on the part of a member of the College. 1996, c. 12, s. 29 (1); 2020, c. 36, Sched. 33, s. 14 (1).

Same

(2)  The Adjudicative Body of Chairs may direct the Fitness to Practise Committee to hold a hearing and determine any allegation of incapacity on the part of a member of the College. 1996, c. 12, s. 29 (2); 2020, c. 36, Sched. 33, s. 14 (1).

Interim suspension

(3)  The Adjudicative Body of Chairs may make an interim order directing the Registrar to suspend a member’s certificate of qualification and registration or impose terms, conditions or limitations on a member’s certificate of qualification and registration if,

(a) an allegation respecting the member has been referred to the Discipline Committee or to the Fitness to Practise Committee; and

(b) the Adjudicative Body of Chairs is of the opinion that the actions or conduct of the member exposes or is likely to expose students to harm or injury. 1996, c. 12, s. 29 (3); 2009, c. 33, Sched. 13, s. 2 (9, 10); 2020, c. 36, Sched. 33, s. 14 (1).

Restriction

(4)  No order shall be made under subsection (3) unless the member has been given,

(a) notice of the Adjudicative Body of Chairs’ intention to make the order; and

(b) at least 14 days to make written submissions to the Adjudicative Body of Chairs. 2020, c. 36, Sched. 33, s. 14 (2).

Same

(5)  Clause (4) (b) does not apply where the Adjudicative Body of Chairs is of the opinion that the delay would be inappropriate in view of the risk of harm or injury to students. 1996, c. 12, s. 29 (5); 2020, c. 36, Sched. 33, s. 14 (3).

No hearing

(6)  Except as provided by this section, the Adjudicative Body of Chairs need not hold a hearing or afford any person an opportunity to make oral or written submissions before making a decision or giving a direction under this section. 1996, c. 12, s. 29 (6); 2020, c. 36, Sched. 33, s. 14 (3).

Procedure following order

(7)  If an order is made under subsection (3) in relation to a matter referred to the Discipline Committee or the Fitness to Practise Committee,

(a) the College shall prosecute the matter expeditiously; and

(b) the Discipline Committee or the Fitness to Practise Committee shall give precedence to the matter. 1996, c. 12, s. 29 (7).

Duration of order

(8)  An order under subsection (3) continues in force until the matter is disposed of by the Discipline Committee or the Fitness to Practise Committee. 1996, c. 12, s. 29 (8).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9, 10)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2020, c. 36, Sched. 33, s. 14 (1-3)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s14s1) - 01/02/2021

Complaint, report of child in need of protection, etc.

**29.1** (1)  This section applies with respect to a complaint if the Registrar believes, on reasonable grounds, that the complainant or any other person was likely required to make a report under section 125 of the Child, Youth and Family Services Act, 2017 in relation to the conduct or actions of the member that are the subject of the complaint. 2016, c. 24, Sched. 2, s. 7; 2018, c. 8, Sched. 19, s. 4.

Referral to Adjudicative Body of Chairs

(2)  The Registrar shall promptly refer a complaint described in subsection (1) to the Adjudicative Body of Chairs. 2016, c. 24, Sched. 2, s. 7; 2020, c. 36, Sched. 33, s. 15.

Consideration by Adjudicative Body of Chairs

(3)  If a complaint is referred to the Adjudicative Body of Chairs under subsection (2), the Adjudicative Body of Chairs shall consider whether or not to make a direction under subsection 29 (1) and, if it makes such a direction, shall also consider whether or not to make an interim order under subsection 29 (3). 2016, c. 24, Sched. 2, s. 7; 2020, c. 36, Sched. 33, s. 15.

**Section Amendments with date in force (d/m/y)**

[2016, c. 24, Sched. 2, s. 7](http://www.ontario.ca/laws/statute/S16024" \l "sched2s7) - 05/12/2016

[2018, c. 8, Sched. 19, s. 4](http://www.ontario.ca/laws/statute/S18008" \l "sched19s4) - 08/05/2018

[2020, c. 36, Sched. 33, s. 15](http://www.ontario.ca/laws/statute/S20036" \l "sched33s15) - 01/02/2021

Interim suspension

**29.2** (1)  The Adjudicative Body of Chairs may make an interim order directing the Registrar to suspend a member’s certificate of qualification and registration or impose terms, conditions or limitations on a member’s certificate of qualification and registration if,

(a) a complaint is referred to the Adjudicative Body of Chairs by the Investigation Committee under subsection 26 (1.2.1) or following the appointment of an investigator under section 36; and

(b) the Adjudicative Body of Chairs is of the opinion that the actions or conduct of the member exposes or is likely to expose a student to harm or injury. 2018, c. 8, Sched. 19, s. 5; 2020, c. 36, Sched. 33, s. 16 (1).

Restriction

(2)  No order shall be made under subsection (1) unless the member has been given,

(a) notice of the Adjudicative Body of Chairs’ intention to make the order; and

(b) at least 14 days to make written submissions to the Adjudicative Body of Chairs. 2020, c. 36, Sched. 33, s. 16 (2).

Same

(3)  Clause (2) (b) does not apply where the Adjudicative Body of Chairs is of the opinion that the delay would be inappropriate in view of the risk of harm or injury to a student. 2018, c. 8, Sched. 19, s. 5; 2020, c. 36, Sched. 33, s. 16 (3).

No hearing

(4)  Except as provided by this section, the Adjudicative Body of Chairs need not hold a hearing or afford any person an opportunity to make oral or written submissions before making a decision or giving a direction under this section. 2018, c. 8, Sched. 19, s. 5; 2020, c. 36, Sched. 33, s. 16 (3).

Procedure following order

(5)  If an order is made under subsection (1), the Investigation Committee shall consider and investigate the matter in accordance with section 26 expeditiously. 2018, c. 8, Sched. 19, s. 5.

Same

(6)  If the Investigation Committee directs under clause 26 (5) (a) that the matter be referred, in whole or in part, to the Discipline Committee or the Fitness to Practise Committee,

(a) the College shall prosecute the matter expeditiously; and

(b) the Discipline Committee or the Fitness to Practise Committee shall give precedence to the matter. 2018, c. 8, Sched. 19, s. 5.

Duration of order

(7)  An order under subsection (1) continues in force until the Investigation Committee makes a decision under clauses 26 (5) (b) to (d) or the matter is disposed of by the Discipline Committee or the Fitness to Practise Committee. 2018, c. 8, Sched. 19, s. 5.

**Section Amendments with date in force (d/m/y)**

[2018, c. 8, Sched. 19, s. 5](http://www.ontario.ca/laws/statute/S18008" \l "sched19s5) - 08/05/2018

[2020, c. 36, Sched. 33, s. 16 (1-3)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s16s1) - 01/02/2021

Discipline Committee, findings of professional misconduct and incompetence

**30** (1)  The Discipline Committee shall,

(a) hear and determine matters directed or referred to it under section 26, 29 or 33; and

(b) perform such other duties as are prescribed by the regulations. 1996, c. 12, s. 30 (1); 2020, c. 36, Sched. 33, s. 17 (1).

Same, complaint resolution process

(1.1)  Despite clause (1) (a), if a matter is referred to a disciplinary stage complaint resolution process in accordance with section 30.1, the Discipline Committee shall cease to hear the matter and this section ceases to apply, unless and until the matter is referred back to the Committee in accordance with that section. 2016, c. 24, Sched. 2, s. 8 (1).

Professional misconduct

(2)  A member may be found guilty of professional misconduct by the Discipline Committee, after a hearing, if the member has been guilty, in the opinion of the Committee, of professional misconduct. 1996, c. 12, s. 30 (2); 2016, c. 24, Sched. 2, s. 8 (2).

Incompetence

(3)  The Discipline Committee may, after a hearing, find a member to be incompetent if, in its opinion, the member has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of a student of a nature or extent that demonstrates that the member is unfit to continue to carry out his or her professional responsibilities or that a certificate held by the member under this Act should be made subject to terms, conditions or limitations. 1996, c. 12, s. 30 (3).

Powers of Discipline Committee

(4)  Where the Discipline Committee finds a member guilty of professional misconduct or to be incompetent, it may make an order doing one or more of the following:

1. Directing the Registrar to revoke any certificate held by the member under this Act.

2. Directing the Registrar to suspend any certificate held by the member under this Act for a stated period, not exceeding 24 months.

3. Directing the Registrar to impose specified terms, conditions or limitations on any certificate held by the member under this Act.

4. Directing that the Registrar not carry out a direction made under paragraph 1, 2 or 3 for a specified period and not carry out the direction at all if specified terms are met within that period.

5. If the act of professional misconduct consists of or includes sexual abuse, a prescribed sexual act or a prohibited act involving child pornography, requiring the member to reimburse the College for funding provided for a person under the program required under section 58.1.

6. If the panel makes an order under paragraph 5, requiring the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse the College under the order under paragraph 5. 1996, c. 12, s. 30 (4); 2009, c. 33, Sched. 13, s. 2 (9); 2016, c. 24, Sched. 2, s. 8 (3); 2018, c. 8, Sched. 19, s. 6; 2020, c. 36, Sched. 33, s. 17 (2).

Same

(5)  Where the Discipline Committee finds a member guilty of professional misconduct, it may, in addition to exercising its powers under subsection (4), make an order doing one or more of the following:

1. Requiring that the member be reprimanded, admonished or counselled by the Committee or its delegate.

2. Imposing a fine in an amount that the Committee considers appropriate, to a maximum of $5,000, to be paid by the member to the Minister of Finance for payment into the Consolidated Revenue Fund.

3. Repealed: 2016, c. 24, Sched. 2, s. 8 (5).

4. Fixing costs to be paid by the member to the College. 1996, c. 12, s. 30 (5); 2016, c. 24, Sched. 2, s. 8 (4, 5); 2020, c. 36, Sched. 33, s. 17 (3).

Same

(6)  In making an order under paragraph 4 of subsection (4), the Committee may specify the terms that it considers appropriate, including but not limited to terms requiring the successful completion by the member of specified courses of study. 1996, c. 12, s. 30 (6).

Same

(7)  In making an order revoking or suspending a certificate or imposing terms, conditions or limitations on a certificate, the Committee may fix a period during which the member may not apply under section 33. 1996, c. 12, s. 30 (7).

(8)  Repealed: 2016, c. 24, Sched. 2, s. 8 (6).

Costs

(9)  Where the Discipline Committee is of the opinion that the commencement of the proceeding was unwarranted, the Committee may order that the College reimburse the member for his or her costs or such portion of them as the Discipline Committee fixes. 1996, c. 12, s. 30 (9).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2016, c. 24, Sched. 2, s. 8 (1-6)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s8s1) - 05/12/2016

[2018, c. 8, Sched. 19, s. 6](http://www.ontario.ca/laws/statute/S18008" \l "sched19s6) - 01/01/2020

[2020, c. 36, Sched. 33, s. 17 (1)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s17s1) - 01/02/2021; [2020, c. 36, Sched. 33, s. 17 (2, 3)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s17s2) - 08/12/2020

Disciplinary stage complaint resolution process

**30.1** (1)  The Discipline Committee may refer the College and the member who is the subject of a matter to a disciplinary stage complaint resolution process to which the College and the member have consented,

(a) if the Committee considers it appropriate to do so;

(b) if the matter has not yet been determined by the Discipline Committee under section 30; and

(c) if the matter does not involve an allegation of sexual abuse of a student, sexual misconduct, a prohibited act involving child pornography or a prescribed sexual act. 2016, c. 24, Sched. 2, s. 9; 2019, c. 3, Sched. 3, s. 13.

Same

(2)  If the College and the member reach a resolution of a matter that has been referred to the complaint resolution process, they shall propose it to the Discipline Committee and the Committee may,

(a) adopt the proposed resolution;

(b) modify the proposed resolution; or

(c) reject the proposed resolution. 2016, c. 24, Sched. 2, s. 9.

Same

(3)  If the Discipline Committee modifies the proposed resolution, the Committee shall notify the College and the member of the modifications and,

(a) if both the College and the member agree to the modifications, the proposed resolution shall be considered adopted, as modified, by the Committee; or

(b) if either the College or the member does not agree to the modifications, the proposed resolution shall be considered rejected by the Committee. 2016, c. 24, Sched. 2, s. 9.

Same

(4)  If the Discipline Committee rejects a proposed resolution, the Committee shall hear and determine the matter in accordance with section 30. 2016, c. 24, Sched. 2, s. 9.

Same

(5)  If there is a failure to resolve a matter that has been referred to the complaint resolution process, it shall be referred back to the Discipline Committee and the Committee shall hear and determine the matter in accordance with section 30. 2016, c. 24, Sched. 2, s. 9.

Meetings of Discipline Committee to be public

(6)  A meeting of the Discipline Committee to consider the action it will take under subsection (2) shall, subject to subsection (7), be open to the public. 2016, c. 24, Sched. 2, s. 9.

Exclusion of public

(7)  The Discipline Committee may make an order that the public, including members of the College, be excluded from the meeting or any part of the meeting if, in the Committee’s opinion, the possibility of serious harm or injustice to any person justifies a departure from the general principle that hearings should be open to the public. 2016, c. 24, Sched. 2, s. 9.

Application of s. 32 (4) and (5)

(8)  Subsections 32 (4) and (5) apply with necessary modifications to meetings of the Discipline Committee to consider actions that it will take under subsection (2). 2016, c. 24, Sched. 2, s. 9.

No right to a hearing

(9)  Nothing in this section shall be construed to require the Discipline Committee to hold a hearing within the meaning of the Statutory Powers Procedure Act before making a decision under subsection (2) and, for greater certainty, there is no right to appeal that decision. 2016, c. 24, Sched. 2, s. 9.

Members disqualified from panel that hears matter

(10)  The following persons may not participate in a panel of the Discipline Committee that hears and determines a matter in accordance with section 30:

1. The members of the panel of the Discipline Committee that referred the matter under subsection (1) or considered making such a referral.

2. The members of the panel of the Discipline Committee that rejected any proposed resolution. 2016, c. 24, Sched. 2, s. 9.

No application to reinstatement and variation procedures

(11)  For greater certainty, an application made under subsection 33 (1) or (2) may not be referred to a complaint resolution process. 2016, c. 24, Sched. 2, s. 9.

Complainant not a party

(12)  For greater certainty, the complainant is not a party to a disciplinary stage complaint resolution process. 2016, c. 24, Sched. 2, s. 9.

Authorization for Registrar to make referrals

(13)  The Discipline Committee may authorize the Registrar to make referrals under subsection (1) on behalf of the Discipline Committee and the following apply when the Registrar acts in accordance with such an authorization:

1. The reference to the Committee in clause (1) (a) is deemed to be a reference to the Registrar.

2. The Registrar is subject to,

i. the limitations the Discipline Committee is subject to under this section,

ii. any limitations in the authorization, and

iii. any limitations prescribed by the regulations.

3. The Registrar shall not refer a matter under subsection (1) if the Registrar had referred the matter to an investigation stage complaint resolution process. 2016, c. 24, Sched. 2, s. 9.

**Section Amendments with date in force (d/m/y)**

[2016, c. 24, Sched. 2, s. 9](http://www.ontario.ca/laws/statute/S16024" \l "sched2s9) - 05/12/2016

[2019, c. 3, Sched. 3, s. 13](http://www.ontario.ca/laws/statute/S19003" \l "sched3s13) - 03/04/2019

Orders relating to sexual abuse, child pornography, etc.

**30.2** (1)  If, under section 30, the Discipline Committee finds a member guilty of an act of professional misconduct consisting of or including an act listed in subsection (2) of this section, the Committee shall, in addition to anything else the Committee may do under subsection 30 (5),

(a) make an order requiring that the member be reprimanded by the Committee;

(b) make an interim order directing the Registrar to suspend the member’s certificate of qualification and registration until the Committee makes an order under clause (c); and

(c) make an order directing the Registrar to revoke the member’s certificate of qualification and registration. 2019, c. 3, Sched. 3, s. 14 (1).

Same

(2)  The acts of professional misconduct referred to in subsection (1) are the following:

1. Sexual abuse of a student.

2. A prohibited act involving child pornography.

3. A prescribed sexual act. 2019, c. 3, Sched. 3, s. 14 (1).

Interpretation

(3)  For greater certainty, nothing in subsections (1) and (2) affects the power of the Discipline Committee to reprimand a member or revoke a member’s certificate under section 30 for committing any other act of professional misconduct. 2016, c. 24, Sched. 2, s. 9.

Statement re impact of sexual abuse

(4)  Before making an order under subsection (1) in relation to a finding of sexual abuse, the Discipline Committee shall consider any written statement that has been filed, and any oral statement that has been made to the Committee, describing the impact of the sexual abuse on the student. 2016, c. 24, Sched. 2, s. 9.

Same

(5)  The statement may be made by the student or by his or her representative. 2016, c. 24, Sched. 2, s. 9.

Same

(6)  The Discipline Committee shall not consider the statement unless a finding of an act of professional misconduct has been made. 2016, c. 24, Sched. 2, s. 9; 2019, c. 3, Sched. 3, s. 14 (2).

Notice to member

(7)  When a written statement is filed, the Discipline Committee shall, as soon as possible, have copies of it provided to the member, to his or her counsel and to the College. 2016, c. 24, Sched. 2, s. 9.

No hearing

(8)  Despite clause 30 (1) (a), the Discipline Committee need not hold a hearing or afford to any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision or giving a direction under section 30 if,

(a) the matter has been referred to the Committee under subsection 26 (5) or (9) and involves or includes an act referred to in subsection (2) of this section; and

(b) the member has been convicted or found guilty of an offence under the Criminal Code (Canada) for the same conduct or action that is the subject of the matter and,

(i) the time for an appeal has expired, or

(ii) an appeal was dismissed or abandoned and no further appeal is available. 2023, c. 11, Sched. 3, s. 7.

Same

(9)  For greater certainty, section 30 applies, with necessary modifications, even if, in accordance with subsection (8) of this section, a hearing is not held. 2023, c. 11, Sched. 3, s. 7.

**Section Amendments with date in force (d/m/y)**

[2016, c. 24, Sched. 2, s. 9](http://www.ontario.ca/laws/statute/S16024" \l "sched2s9) - 05/12/2016

[2018, c. 8, Sched. 19, s. 7 (1, 2)](http://www.ontario.ca/laws/statute/S18008" \l "sched19s7s1) - 08/05/2018

[2019, c. 3, Sched. 3, s. 14 (1, 2)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s14s1) - 03/04/2019

[2023, c. 11, Sched. 3, s. 7](http://www.ontario.ca/laws/statute/S23011" \l "sched3s7) - 08/06/2023

Retroactive revocation

**30.3** A member’s certificate of qualification and registration is deemed to be revoked as of the day this section comes into force if, before that day, an order was made by the Discipline Committee under subsection 30 (4) or (5) in which the member was found guilty of an act of professional misconduct consisting of or including sexual abuse of a student or a prohibited act involving child pornography and,

(a) the Discipline Committee did not order a revocation of the member’s certificate of qualification and registration; or

(b) the Discipline Committee ordered a revocation but the member’s certificate of qualification and registration was later reinstated under subsection 33 (6) or 34 (1). 2020, c. 36, Sched. 33, s. 18.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 18](http://www.ontario.ca/laws/statute/S20036" \l "sched33s18) - 08/12/2020

Fitness to Practise Committee, finding of incapacity

**31** (1)  The Fitness to Practise Committee shall,

(a) hear and determine matters directed or referred to it under section 26, 29 or 33; and

(b) perform such other duties as are prescribed by the regulations. 1996, c. 12, s. 31 (1); 2020, c. 36, Sched. 33, s. 19.

Incapacity

(2)  The Fitness to Practise Committee may, after a hearing, find a member to be incapacitated if, in its opinion, the member is suffering from a physical or mental condition or disorder such that the member is unfit to continue to carry out his or her professional responsibilities or that a certificate held by the member under this Act should be made subject to terms, conditions or limitations. 1996, c. 12, s. 31 (2).

Powers of Fitness to Practise Committee

(3)  Where the Fitness to Practise Committee finds a member to be incapacitated, it may make an order doing one or more of the following:

1. Directing the Registrar to revoke any certificate held by the member under this Act.

2. Directing the Registrar to suspend any certificate held by the member under this Act for a stated period, not exceeding 24 months.

3. Directing the Registrar to impose specified terms, conditions or limitations on any certificate held by the member under this Act.

4. Directing that the imposition of a penalty be postponed for a specified period and not be imposed if specified terms are met within that period. 1996, c. 12, s. 31 (3); 2009, c. 33, Sched. 13, s. 2 (9).

Same

(4)  In making an order under paragraph 4 of subsection (3), the Committee may specify the terms that it considers appropriate, including but not limited to terms requiring the production to the Committee of evidence satisfactory to it that any physical or mental condition or disorder in respect of which the penalty was imposed has been resolved. 1996, c. 12, s. 31 (4).

Same

(5)  In making an order revoking or suspending a certificate or imposing terms, conditions or limitations on a certificate, the Committee may fix a period during which the member may not apply under section 33. 1996, c. 12, s. 31 (5).

(6)  Repealed: 2016, c. 24, Sched. 2, s. 10.

Costs

(7)  Where the Fitness to Practise Committee is of the opinion that the commencement of the proceeding was unwarranted, the Committee may order that the College reimburse the member for his or her costs or such portion of them as the Committee fixes. 1996, c. 12, s. 31 (7).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2016, c. 24, Sched. 2, s. 10](http://www.ontario.ca/laws/statute/S16024" \l "sched2s10) - 05/12/2016

[2020, c. 36, Sched. 33, s. 19](http://www.ontario.ca/laws/statute/S20036" \l "sched33s19) - 01/02/2021

Procedure: incompetence, misconduct, incapacity hearings

**32** (1)  This section applies to hearings of the Discipline Committee under section 30 and to hearings of the Fitness to Practise Committee under section 31. 1996, c. 12, s. 32 (1).

Parties

(2)  The College and the member whose conduct or actions are being investigated are parties to the hearing. 1996, c. 12, s. 32 (2).

Examination of documentary evidence

(3)  A party to the hearing shall be given an opportunity to examine before the hearing any documents that will be given in evidence at the hearing. 1996, c. 12, s. 32 (3).

Fitness to Practise Committee, reports of health professionals

(3.1)  A report prepared and signed by a health professional containing his or her findings and the facts upon which they are based, including the personal health information of the member, is admissible as evidence at a hearing of the Fitness to Practise Committee without proof of its making or of the health professional’s signature if the party introducing the report gives the other parties a copy of the report at least 10 days before the hearing. 2018, c. 8, Sched. 19, s. 8.

Fitness to Practise Committee, testimony of health professionals

(3.2)  A health professional may not give evidence in his or her professional capacity at a hearing of the Fitness to Practise Committee unless a report, prepared and signed by the health professional containing his or her findings and the facts upon which they are based, including the personal health information of the member, is introduced as evidence. 2018, c. 8, Sched. 19, s. 8.

Fitness to Practise Committee, cross-examination

(3.3)  If a report described in subsection (3.1) is introduced by a party, the other parties may summon and cross-examine the person who prepared the report. 2018, c. 8, Sched. 19, s. 8.

Exception

(3.4)  The Fitness to Practise Committee may, in its discretion, allow a party to introduce evidence that is inadmissible under this section and may make directions it considers necessary to ensure that the other parties are not prejudiced. 2018, c. 8, Sched. 19, s. 8.

Members holding hearing not to have taken part in investigation, etc.

(4)  Members of the Discipline Committee or Fitness to Practise Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Adjudicative Body of Chairs considering the referral of the matter to the Discipline Committee or Fitness to Practise Committee, and shall not communicate directly or indirectly about the subject-matter of the hearing with any person or with any party or representative of a party except on notice to all parties. 1996, c. 12, s. 32 (4); 2016, c. 24, Sched. 2, s. 11 (1); 2020, c. 36, Sched. 33, s. 20 (1).

Same

(5)  The Discipline Committee or Fitness to Practise Committee may seek independent legal advice from a lawyer other than a lawyer who is acting as legal counsel to one of the parties in the matter before the Committee and, in that case, the Committee shall communicate the nature of the advice to the parties, despite subsection (4), so that they may make submissions as to the law. 2016, c. 24, Sched. 2, s. 11 (2).

Hearings of Discipline Committee to be public

(6)  A hearing of the Discipline Committee shall, subject to subsections (7) and (7.1), be open to the public. 1996, c. 12, s. 32 (6); 2016, c. 24, Sched. 2, s. 11 (3).

Exclusion of public

(7)  The Discipline Committee may make an order that the public, including members of the College, be excluded from a hearing or any part of a hearing if, in the Committee’s opinion, the possibility of serious harm or injustice to any person justifies a departure from the general principle that hearings should be open to the public. 2016, c. 24, Sched. 2, s. 11 (4).

Same

(7.1)  The Discipline Committee may also make an order that the public, including members of the College, be excluded from any part of a hearing in which it will deliberate whether to exclude them from a hearing or a part of a hearing. 2016, c. 24, Sched. 2, s. 11 (4).

Fitness to Practise Committee hearings to be closed

(8)  A hearing of the Fitness to Practise Committee shall, subject to subsection (9), be closed to the public, including members of the College. 1996, c. 12, s. 32 (8); 2016, c. 24, Sched. 2, s. 11 (5).

Open on request of member in some cases

(9)  A hearing of the Fitness to Practise Committee shall be open to the public if the person who is alleged to be incapacitated requests it in a written notice received by the Registrar before the day the hearing commences, unless the Fitness to Practise Committee is satisfied that,

(a) matters involving public security may be disclosed;

(b) financial or personal or other matters may be disclosed at the hearing of such a nature that the desirability of avoiding public disclosure of them in the interest of any person affected or in the public interest outweighs the desirability of acceding to the request of the person who is alleged to be incapacitated;

(c) a person involved in a civil or criminal proceeding may be prejudiced; or

(d) the safety of a person may be jeopardized.

(e) Repealed: 2016, c. 24, Sched. 2, s. 11 (6).

1996, c. 12, s. 32 (9); 2009, c. 33, Sched. 13, s. 2 (9); 2016, c. 24, Sched. 2, s. 11 (6).

Same

(9.1)  The Fitness to Practise Committee may make an order that the public, including members of the College, be excluded from any part of a hearing in which it will deliberate whether to open the hearing or a part of the hearing to the public under subsection (9). 2016, c. 24, Sched. 2, s. 11 (7).

Recording of evidence

(10)  The oral evidence taken before the Discipline Committee or Fitness to Practise Committee shall be recorded and, if requested by a party, copies of a transcript shall be provided to the party at the party’s expense. 1996, c. 12, s. 32 (10).

Only members at hearing to participate in decision

(11)  No member of the Discipline Committee or Fitness to Practise Committee shall participate in a decision of the Committee following a hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties. 1996, c. 12, s. 32 (11).

Release of documentary evidence

(12)  Documents and things put in evidence at a hearing shall, on the request of the party who produced them, be returned by the Discipline Committee or Fitness to Practise Committee within a reasonable time after the matter in issue has been finally determined. 1996, c. 12, s. 32 (12).

Service of decision, reasons

(13)  Subject to subsection (14), the Discipline Committee or Fitness to Practise Committee shall serve its decision, with reasons,

(a) on the parties; and

(b) on the complainant, where,

(i) the matter was referred to the Discipline Committee or Fitness to Practise Committee as a result of a complaint under subsection 26 (1), or

(ii) the Adjudicative Body of Chairs directed the Discipline Committee or Fitness to Practise Committee to hold a hearing into the matter under subsection 29 (1) or (2). 1996, c. 12, s. 32 (13); 2016, c. 24, Sched. 2, s. 11 (8); 2020, c. 36, Sched. 33, s. 20 (2).

Same

(14)  If the hearing was closed, the Discipline Committee or Fitness to Practise Committee may, in its discretion, withhold reasons when it serves its decision on the complainant. 2016, c. 24, Sched. 2, s. 11 (9).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2016, c. 24, Sched. 2, s. 11 (1-9)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s11s1) - 05/12/2016

[2018, c. 8, Sched. 19, s. 8](http://www.ontario.ca/laws/statute/S18008" \l "sched19s8) - 30/10/2020

[2020, c. 36, Sched. 33, s. 20 (1, 2)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s20s1) - 01/02/2021

Orders preventing public disclosure

**32.1** (1)  In situations under section 32 or 33 in which the Discipline Committee may make an order that the public, including members of the College, be excluded from a hearing, the Committee may make orders it considers necessary to prevent the public disclosure of matters disclosed at the hearing, including orders banning the publication or broadcasting of those matters. 2016, c. 24, Sched. 2, s. 12.

Same, complaint resolution process

(2)  In situations under section 30.1 in which the Discipline Committee may make an order that the public, including members of the College, be excluded from a meeting, the Committee may make orders it considers necessary to prevent the public disclosure of matters disclosed during the disciplinary stage complaint resolution process, including orders banning the publication or broadcasting of those matters. 2016, c. 24, Sched. 2, s. 12.

Witnesses, under 18

(3)  The Discipline Committee shall make an order that no person shall publish the identity of, or any information that could disclose the identity of, any person who is under 18 years old and,

(a) is a witness in a hearing;

(b) is the subject of evidence in a hearing; or

(c) is the subject of, or otherwise involved in, a matter referred to a disciplinary stage complaint resolution process. 2016, c. 24, Sched. 2, s. 12.

Same, sexual abuse, sexual misconduct or child pornography

(4)  If a matter disclosed at a hearing or during a disciplinary stage complaint resolution process involves an allegation of sexual abuse of a student, sexual misconduct, a prohibited act involving child pornography or a prescribed sexual act, the Discipline Committee shall make an order that no person shall publish the identity of, or any information that could disclose the identity of, the person who was allegedly sexually abused or the subject of the misconduct or prohibited act, on the request of that person. 2016, c. 24, Sched. 2, s. 12; 2019, c. 3, Sched. 3, s. 15.

**Section Amendments with date in force (d/m/y)**

[2016, c. 24, Sched. 2, s. 12](http://www.ontario.ca/laws/statute/S16024" \l "sched2s12) - 05/12/2016

[2019, c. 3, Sched. 3, s. 15](http://www.ontario.ca/laws/statute/S19003" \l "sched3s15) - 03/04/2019

PART VI  
REINSTATEMENT AND VARIATION

Reinstatement and variation procedures

Reinstatement after disciplinary proceedings

**33** (1)  Subject to subsection (1.1), a person who has had a certificate revoked or suspended as a result of a proceeding before the Discipline Committee or as a result of a resolution adopted by the Committee under section 30.1 may apply in writing to the Registrar to have a new certificate issued or the suspension removed. 1996, c. 12, s. 33 (1); 2009, c. 33, Sched. 13, s. 2 (9); 2016, c. 24, Sched. 2, s. 13 (1); 2020, c. 36, Sched. 33, s. 21 (1).

No application for reinstatement

(1.1)  Subject to subsections (4.2) and (4.3), subsection (1) does not apply to a person who has had a certificate revoked pursuant to an order made under section 30 or deemed revoked pursuant to section 30.3 for committing an act of professional misconduct that consisted of or included any of the following:

1. Sexual abuse of a student as described in clause (a) or (b) of the definition of “sexual abuse” in subsection 1 (1).

2. A prohibited act involving child pornography.

3. A prescribed sexual act that involves a student. 2020, c. 36, Sched. 33, s. 21 (2).

Variation after disciplinary proceedings

(2)  A person who has a certificate that is subject to terms, conditions or limitations as a result of a proceeding before the Discipline Committee or as a result of a resolution adopted by the Committee under section 30.1 may apply in writing to the Registrar for the removal or modification of the terms, conditions or limitations. 1996, c. 12, s. 33 (2); 2009, c. 33, Sched. 13, s. 2 (9); 2016, c. 24, Sched. 2, s. 13 (2).

Time of application

(3)  An application under subsection (1) or (2) shall not be made before the expiry of the period fixed for the purpose by the Discipline Committee under subsection 30 (7) or under paragraph 6 of subsection (6), as the case may be. 1996, c. 12, s. 33 (3).

Same

(4)  If the Discipline Committee did not fix a period under subsection 30 (7) or under paragraph 6 of subsection (6), an application under subsection (1) or (2) shall not be made earlier than one year from the date of the order under section 30 or the date of the last order made under this section, as the case may be. 1996, c. 12, s. 33 (4).

Same

(4.1)  Despite subsections (3) and (4), if a person has had a certificate revoked pursuant to an order made under section 30 or deemed revoked pursuant to section 30.3 for committing an act of professional misconduct that consisted of or included any of the following, an application under subsection (1) to have a new certificate issued shall not be made earlier than five years from the date of the revocation order or the date of the deemed revocation:

1. Sexual abuse of a student, as described in clause (c) of the definition of “sexual abuse” in subsection 1 (1).

2. Sexual misconduct.

3. A prescribed sexual act that does not involve a student. 2019, c. 3, Sched. 3, s. 16; 2020, c. 36, Sched. 33, s. 21 (3, 4); 2023, c. 11, Sched. 3, s. 8.

Reinstatement after conviction or pardon

(4.2)  Despite anything in this section, if a person’s certificate of qualification and registration is revoked, suspended or made subject to terms, conditions or limitations in relation to a matter that led to a conviction under the Criminal Code (Canada) and the conviction is subsequently overturned on appeal, or the person has been granted a pardon under the Criminal Code (Canada), the person may make an application under subsection (1) or (2) at any time after the conviction was overturned or the pardon was granted. 2020, c. 36, Sched. 33, s. 21 (5).

Same

(4.3)  With respect to a person referred to in subsection (4.2) whose certificate of qualification and registration was deemed revoked pursuant to section 30.3, if the conviction was overturned on appeal or the person was granted a pardon under the Criminal Code (Canada) before the day this section comes into force and the person makes an application under subsection (1) of this section within 60 days of the revocation under section 30.3 and provides proof that the conviction was overturned or the pardon was granted,

(a) the Registrar shall issue a certificate to the applicant immediately upon receiving the application and proof; and

(b) the member may hold the certificate until the Discipline Committee has made an order with respect to the application under subsection (6) of this section. 2020, c. 36, Sched. 33, s. 21 (5).

Referral to Discipline Committee

(5)  The Registrar shall refer an application under subsection (1) or (2) to the Discipline Committee. 1996, c. 12, s. 33 (5); 2009, c. 33, Sched. 13, s. 2 (9).

Order

(6)  The Discipline Committee may, after a hearing, make an order doing one or more of the following:

1. Refusing the application.

2. Directing the Registrar to issue a certificate to the applicant.

3. Directing the Registrar to remove the suspension of the applicant’s certificate.

4. Directing the Registrar to impose specified terms, conditions and limitations on a certificate of the applicant.

5. Directing the Registrar to remove any term, condition or limitation on a certificate of the applicant.

6. Fixing a period during which the applicant may not apply under this section.

7. Directing the Registrar to continue or to revoke a certificate issued under clause (4.3) (a). 1996, c. 12, s. 33 (6); 2009, c. 33, Sched. 13, s. 2 (9); 2020, c. 36, Sched. 33, s. 21 (6).

Parties

(7)  The College and the applicant are parties to the hearing. 1996, c. 12, s. 33 (7).

Examination of documentary evidence

(8)  A party to the hearing shall be given an opportunity to examine before the hearing any documents that will be given in evidence at the hearing. 1996, c. 12, s. 33 (8).

Open or closed hearings

(9)  A hearing of the Discipline Committee under this section shall be open to the public unless,

(a) the proceeding referred to in subsection (1) or (2) that resulted in the person’s certificate being revoked, suspended or subject to terms, conditions or limitations was closed to the public; or

(b) the Committee makes an order under subsection (9.1). 2016, c. 24, Sched. 2, s. 13 (4).

Exclusion of public

(9.1)  The Discipline Committee may make an order that the public, including members of the College, be excluded from a hearing or any part of a hearing if, in the Committee’s opinion, the possibility of serious harm or injustice to any person justifies a departure from the general principle that hearings should be open to the public. 2016, c. 24, Sched. 2, s. 13 (4).

Orders preventing public disclosure

(9.2)  For greater certainty, the Discipline Committee may make an order described in section 32.1 in relation to a hearing under this Part. 2016, c. 24, Sched. 2, s. 13 (4).

Recording of evidence

(10)  If requested by a party, the oral evidence taken before the Discipline Committee under this section shall be recorded and, if requested by a party, copies of a transcript shall be provided to the party at the party’s expense. 1996, c. 12, s. 33 (10).

Only members at hearing to participate in decision

(11)  No member of the Discipline Committee shall participate in a decision of the Committee under this section unless he or she was present throughout the hearing and heard the evidence and the argument of the parties. 1996, c. 12, s. 33 (11).

Release of documentary evidence

(12)  Documents and things put in evidence at a hearing under this section shall, on the request of the party who produced them, be returned by the Discipline Committee within a reasonable time after the matter in issue has been finally determined. 1996, c. 12, s. 33 (12).

Service of decision on parties

(13)  The Discipline Committee shall give its decision under this section in writing, with reasons, and shall serve each party with a copy of the decision. 1996, c. 12, s. 33 (13).

Fitness to Practise Committee

(14)  Subsections (1) to (8) and (10) to (13) apply with necessary modifications to the Fitness to Practise Committee and, for the purpose,

(a) a reference to the Discipline Committee shall be deemed to be a reference to the Fitness to Practise Committee;

(b) a reference to subsection 30 (7) shall be deemed to be a reference to subsection 31 (5);

(c) a reference to section 30 shall be deemed to be a reference to section 31. 1996, c. 12, s. 33 (14); 2016, c. 24, Sched. 2, s. 13 (5).

Same, closed hearings

(14.1)  A hearing of the Fitness to Practise Committee under this section shall be closed to the public unless the applicant requests otherwise, in which case the hearing shall be open to the public and subsection (9.1) applies with necessary modifications. 2016, c. 24, Sched. 2, s. 13 (6).

Application

(15)  This section applies with necessary modifications to,

(a) a person whose certificate of qualification or letter of standing was suspended or cancelled by the Minister before May 20, 1997 under paragraph 13 of subsection 8 (1) of the Education Act, as it read immediately before its repeal; and

(b) a person whose certificate of qualification or letter of standing was suspended or cancelled as a result of a decision of the Minister under paragraph 2 of subsection 2 (2) of Ontario Regulation 276/97 (Transitional Matters — Discipline) made under the Act that was deemed by paragraph 4 or 5 of that subsection to be a decision of the Discipline Committee. 2009, c. 33, Sched. 13, s. 2 (4).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (4, 9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s4) - 15/12/2009

[2016, c. 24, Sched. 2, s. 13 (1-6)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s13s1) - 05/12/2016

[2019, c. 3, Sched. 3, s. 16](http://www.ontario.ca/laws/statute/S19003" \l "sched3s16) - 03/04/2019

[2020, c. 36, Sched. 33, s. 21 (1-6)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s21s1) - 08/12/2020

[2023, c. 11, Sched. 3, s. 8](http://www.ontario.ca/laws/statute/S23011" \l "sched3s8) - 08/06/2023

Reinstatement: no hearing

**34** (1)  The Adjudicative Body of Chairs may, without a hearing, with respect to a person who has had a certificate suspended or revoked for any reason under this Act, make an order doing one or more of the following:

1. Directing the Registrar to issue a certificate to the person.

2. Directing the Registrar to remove the suspension of the person’s certificate. 1996, c. 12, s. 34; 2009, c. 33, Sched. 13, s. 2 (9); 2019, c. 3, Sched. 3, s. 17 (1-3); 2020, c. 36, Sched. 33, s. 22.

Exception

(2)  An order under subsection (1) shall not be made if the person’s certificate was suspended or revoked for committing an act of professional misconduct that consisted of or included any of the following:

1. Sexual abuse of a student.

2. Sexual misconduct.

3. A prohibited act involving child pornography.

4. A prescribed sexual act. 2019, c. 3, Sched. 3, s. 17 (4).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2016, c. 24, Sched. 2, s. 14](http://www.ontario.ca/laws/statute/S16024" \l "sched2s14) - 05/12/2016

[2019, c. 3, Sched. 3, s. 17 (1-4)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s17s1) - 03/04/2019

[2020, c. 36, Sched. 33, s. 22](http://www.ontario.ca/laws/statute/S20036" \l "sched33s22) - 01/02/2021

PART VII  
APPEALS TO COURT

Appeal to court

**35** (1)  A party to a proceeding before the Registration Appeals Committee, the Discipline Committee or the Fitness to Practise Committee may appeal to the Divisional Court, in accordance with the rules of court, from the decision or order of the committee. 1996, c. 12, s. 35 (1).

Same

(2)  For the purposes of this section,

(a) a person who requests a review under section 21 is a party to the review under section 21 by the Registration Appeals Committee; and

(b) a person who applies for an order under section 22 is a party to the proceeding under section 22 by the Registration Appeals Committee. 1996, c. 12, s. 35 (2); 2001, c. 14, Sched. B, s. 5; 2004, c. 26, s. 5.

Certified copy of record

(3)  On the request of a party desiring to appeal to the Divisional Court and on payment of the fee prescribed by the by-laws for the purpose, the Registrar shall give the party a certified copy of the record of the proceeding, including any documents received in evidence and the decision or order appealed from. 1996, c. 12, s. 35 (3); 2009, c. 33, Sched. 13, s. 2 (9).

Powers of court on appeal

(4)  An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and that the court considers appropriate and, for the purpose, the court may substitute its opinion for that of the committee or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers appropriate. 1996, c. 12, s. 35 (4).

No stay of certain orders pending appeal

(5)  The following orders directing the Registrar to revoke, suspend or impose terms, conditions or limitations on a member’s certificate take effect immediately despite any appeal:

1. An order made by the Discipline Committee on the grounds of incompetence.

2. An order made by the Discipline Committee on the grounds of professional misconduct.

3. An order made by the Fitness to Practise Committee on the grounds of incapacity. 2016, c. 24, Sched. 2, s. 15; 2023, c. 11, Sched. 3, s. 9.

Orders where public at risk

(6)  If the conduct of the member exposes or is likely to expose one or more students to harm or injury and urgent intervention is needed, the College may apply to a judge of the Superior Court of Justice for an order declaring that an order that was made by the Discipline Committee on the grounds of professional misconduct and that directs the Registrar to revoke, suspend or impose terms, conditions or limitations on the member’s certificate shall take effect immediately despite any appeal and any other Act. 2016, c. 24, Sched. 2, s. 15.

**Section Amendments with date in force (d/m/y)**

[2001, c. 14, Sched. B, s. 5](http://www.ontario.ca/laws/statute/S01014" \l "schedbs5) - 29/06/2001

[2004, c. 26, s. 5](http://www.ontario.ca/laws/statute/S04026" \l "s5) - 16/12/2004

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2016, c. 24, Sched. 2, s. 15](http://www.ontario.ca/laws/statute/S16024" \l "sched2s15) - 05/12/2016

[2023, c. 11, Sched. 3, s. 9](http://www.ontario.ca/laws/statute/S23011" \l "sched3s9) - 08/06/2023

PART VIII  
REGISTRAR’S POWERS OF INVESTIGATION

Registrar’s investigation

**36** (1)  Where the Registrar believes on reasonable and probable grounds,

(a) that a member has committed an act of professional misconduct or is incompetent or incapacitated;

(b) that there is cause to refuse to issue a certificate applied for under this Act;

(c) that there is cause to suspend or revoke a certificate issued under this Act; or

(d) that there is cause to impose terms, conditions or limitations on a certificate applied for or issued under this Act,

the Registrar may appoint one or more investigators to investigate whether such act has occurred, such incompetence or incapacity exists or there is such cause. 1996, c. 12, s. 36 (1); 2009, c. 33, Sched. 13, s. 2 (9).

Approval of Adjudicative Body of Chairs

(2)  The Registrar shall not make an appointment under subsection (1) without the approval of the Adjudicative Body of Chairs. 1996, c. 12, s. 36 (2); 2009, c. 33, Sched. 13, s. 2 (9); 2020, c. 36, Sched. 33, s. 23.

Emergencies

(2.1)  The Registrar may appoint an investigator if,

(a) the Registrar believes on reasonable and probable grounds that the conduct of the member exposes or is likely to expose one or more students to harm or injury, and that the investigator should be appointed immediately; and

(b) there is not time to seek approval from the Adjudicative Body of Chairs. 2016, c. 24, Sched. 2, s. 16; 2020, c. 36, Sched. 33, s. 23.

Report

(2.2)  Where an investigator has been appointed under subsection (2.1), the Registrar shall report the appointment of the investigator to the Adjudicative Body of Chairs within five days. 2016, c. 24, Sched. 2, s. 16; 2020, c. 36, Sched. 33, s. 23.

Powers of investigator

(3)  The investigator may inquire into and examine the conduct or actions of the member to be investigated as the conduct or actions relate to the member’s professional responsibilities. 1996, c. 12, s. 36 (3).

Application of *Public Inquiries Act, 2009*

(4)  Section 33 of the Public Inquiries Act, 2009 applies to the investigation. 2009, c. 33, Sched. 6, s. 76.

Same

(5)  The investigator may, on production of his or her appointment, enter at any reasonable time the place of work of the member or the premises of the member’s employer and may examine anything found there that is relevant to the investigation. 1996, c. 12, s. 36 (5).

Obstruction of investigator

(6)  No person shall obstruct an investigator in the course of his or her duties or withhold or conceal from him or her or destroy anything that is relevant to the investigation. 1996, c. 12, s. 36 (6).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 6, s. 76](http://www.ontario.ca/laws/statute/S09033" \l "sched6s76) - 01/06/2011; [2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2016, c. 24, Sched. 2, s. 16](http://www.ontario.ca/laws/statute/S16024" \l "sched2s16) - 05/12/2016

[2020, c. 36, Sched. 33, s. 23](http://www.ontario.ca/laws/statute/S20036" \l "sched33s23) - 01/02/2021

Entries and searches

**37** (1)  A justice of the peace may, on the application of an investigator, issue a warrant authorizing the investigator to enter and search a place and examine anything that is relevant to the investigation if the justice of the peace is satisfied that the investigator has been properly appointed and that there are reasonable and probable grounds for believing that,

(a) the member being investigated has committed an act of professional misconduct or is incompetent or incapacitated; and

(b) there is something relevant to the investigation at the place.

Searches by day unless stated

(2)  A warrant issued under subsection (1) does not authorize an entry or search after sunset and before sunrise unless it is expressly stated in the warrant.

Assistance and entry by force

(3)  An investigator entering and searching a place under the authority of a warrant issued under subsection (1) may be assisted by other persons and may enter a place by force.

Investigator to show identification

(4)  An investigator entering and searching a place under the authority of a warrant issued under subsection (1) shall produce his or her identification, on request, to any person at the place. 1996, c. 12, s. 37.

Relevant documents and objects

Copying

**38** (1)  An investigator may copy, at the College’s expense, a document or object that an investigator may examine under section 36 or under the authority of a warrant issued under section 37.

Removal

(2)  An investigator may remove a document or object described in subsection (1) if,

(a) it is not practicable to copy it in the place where it is examined; or

(b) a copy of it is not sufficient for the purposes of the investigation.

Return

(3)  If it is practicable to copy a document or object removed under subsection (2), the investigator shall,

(a) if it was removed under clause (2) (a), return the document or object within a reasonable time; or

(b) if it was removed under clause (2) (b), provide the person who was in possession of the document or object with a copy of it within a reasonable time.

Copy as evidence

(4)  A copy of a document or object certified by an investigator to be a true copy shall be received in evidence in any proceeding to the same extent and shall have the same evidentiary value as the document or object itself. 1996, c. 12, s. 38.

Report of investigation

**39** The Registrar shall report the results of an investigation to one or more of the Adjudicative Body of Chairs, the Investigation Committee the Discipline Committee or the Fitness to Practise Committee, as the Registrar considers appropriate. 1996, c. 12, s. 39; 2009, c. 33, Sched. 13, s. 2 (9); 2020, c. 36, Sched. 33, s. 24.

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2020, c. 36, Sched. 33, s. 24](http://www.ontario.ca/laws/statute/S20036" \l "sched33s24) - 01/02/2021

PART IX  
REGULATIONS AND BY-LAWS

Regulations made by Council

**40** (1)  Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

1. making any provision of the Business Corporations Act, the Not-for-Profit Corporations Act, 2010 and the Corporations Information Act applicable to the College, with such modifications as the Council considers necessary or advisable;

2., 3. Repealed: 2020, c. 36, Sched. 33, s. 25 (1).

4. governing the composition of, and appointment of persons to, the Council under clause 4 (2) (a) and governing the qualifications of such persons and related application and nomination procedures;

4.1 Repealed: 2020, c. 36, Sched. 33, s. 25 (1).

4.2 prescribing the form of any oath or affirmation required under this Act or a regulation made under this Act, the manner in which it shall be made and the time period within which it shall be made;

4.3 setting out procedures for the purposes of determining whether a member has contravened the oath or affirmation required under section 4.2;

4.4 governing conflict of interest with respect to members of the Council and for members of committees and persons included on rosters for committees, including, but not limited to, prescribing conflict of interest rules or guidelines and setting out procedures for the purposes of determining whether the rules or guidelines have been broken;

5. prescribing the conditions for disqualifying members from sitting on the Council and for suspending a person from his or her office as a member of the Council and governing the removal of suspended or disqualified members of the Council;

6. governing the filling of vacancies on the Council by the departure of members of the Council appointed under clause 4 (2) (a);

6.1 Repealed: 2019, c. 3, Sched. 3, s. 18 (1).

7. governing terms of office of members of the Council who are appointed under clause 4 (2) (a) and extending such terms by up to six months;

8. prescribing the quorum of the Council;

9. establishing regulatory committees;

9.1 governing the composition of, and appointment of persons to, statutory committees, regulatory committees and the Selection and Nominating Subcommittee, the appointment of the Chair and Vice Chair and the qualifications of such persons and related application and nomination procedures;

9.2 prescribing powers and duties of statutory committees, regulatory committees and the Selection and Nominating Subcommittee;

9.3 prescribing the conditions for disqualifying members from sitting on statutory committees, regulatory committees or the Selection and Nominating Subcommittee, for suspending a person from their office as a member of such a committee or subcommittee and governing the removal of suspended or disqualified members of such a committee or subcommittee;

10. governing the filling of vacancies on statutory committees, regulatory committees and the Selection and Nominating Subcommittee;

11. governing terms of office of members of statutory committees, regulatory committees and the Selection and Nominating Subcommittee;

12. respecting practice and procedure of statutory committees, regulatory committees and the Selection and Nominating Subcommittee;

13. prescribing the quorums of statutory committees, regulatory committees and the Selection and Nominating Subcommittee;

14. governing the establishment, composition, powers and duties of panels of statutory committees and regulatory committees;

14.1 prescribing the criteria that the Selection and Nominating Subcommittee shall consider in assessing and reviewing applications of persons under subsection 15.2 (4);

14.2 respecting the establishment of a roster of eligible panellists under subsection 17 (4), including prescribing requirements and restrictions that apply for the purpose of including persons on the roster, prescribing qualifications of eligible panellists and requiring persons on the roster to take an oath or affirmation;

14.2.1 governing terms of office of members of the roster of eligible panellists;

14.3 governing, for the purposes of clauses 23 (2) (d.1) and 23 (2.5) (c), whether information respecting current or previous criminal proceedings involving a member should be included on the register or removed from the register;

14.3.1 prescribing a time period for the purposes of subsection 24 (4);

14.4 governing a determination made by the Investigation Committee under clause 26 (2) (c) that a complaint does not warrant further investigation or it is not in the public interest to investigate a complaint further, including prescribing circumstances or conditions in which such a determination may be made;

14.5 governing a determination made by the Registrar under paragraph 1 of subsection 26 (2.2), including prescribing the factors that the Registrar shall consider and the factors that the Registrar shall not consider in making the determination;

14.6 governing the circumstances in which the committee may extend the time period for a member, and prescribing the maximum number of days by which that time period may be extended, for the purposes of subsection 26 (4);

14.7 setting out requirements respecting the investigation stage complaint resolution process or the disciplinary stage complaint resolution process and otherwise governing the processes, including,

i. governing a determination made by the Registrar under clause 26.1 (1) (a) or under an authorization under subsection 30.1 (13), including prescribing factors that the Registrar shall consider and factors that the Registrar shall not consider in making the determination,

ii. prescribing timelines for the complaint resolution processes,

iii. prescribing circumstances in which the resolution of a matter that has been referred to a complaint resolution process shall be considered to have failed for the purposes of subsections 26.1 (9) and 30.1 (5),

iv. governing the circumstances in which a person who made or participated in a decision or referral for the purposes of subsection 26.1 (4) or 30.1 (1) or (2) may be a member of a panel that makes a decision in respect of the matter under section 26 or subsection 30.1 (2), or hears and determines the matter under section 30, as the case may be,

v. prescribing limitations for the purposes of subparagraph 2 iii of subsection 30.1 (13);

14.8 prescribing restrictions on a member’s duties for the purposes of clause 43.2 (6) (e) or (8) (c);

14.9 prescribing employers for the purposes of clause 43.5 (2) (b);

14.10 governing the removal of decisions and resolutions that the College has published on a website under subsection 45.1 (4), for the purposes of clause 45.1 (7) (b);

15. designating persons or bodies for the purposes of section 47;

16. prescribing classes of certificates of qualification and registration, including but not limited to classes of certificates that are temporary, provisional or otherwise limited;

17. respecting terms, conditions and limitations that may be imposed on certificates of qualification and registration;

18. respecting requirements, including but not limited to standards, qualifications, examinations and experience requirements, for the issuance of certificates of qualification and registration and providing for exemptions from those requirements;

19. respecting accreditation of teacher education programs offered by post-secondary educational institutions and ongoing education programs for teachers offered by post-secondary educational institutions and other bodies;

20. respecting requirements, including but not limited to standards, qualifications, examinations and experience requirements in respect of qualifications of members additional to those required for a certificate of qualification and registration, including but not limited to additional qualifications as a supervisory officer;

21. providing for exemptions from requirements under paragraph 20;

22. respecting the development, provision and accreditation of educational programs leading to qualifications of members additional to those required for a certificate of qualification and registration, including but not limited to additional qualifications as a supervisory officer;

23. establishing processes and criteria for granting to members qualifications additional to those required for a certificate of qualification and registration, including but not limited to additional qualifications as a supervisory officer;

23.1 providing for qualifications additional to those required for a certificate of qualification and registration to be indicated on a certificate of qualification and registration or for certificates to be issued for such additional qualifications;

24. prescribing ongoing education requirements for members;

24.1 governing requirements relating to members’ professional learning about their reporting duties under the Child, Youth and Family Services Act, 2017 and governing how members’ compliance with such requirements is determined;

25. establishing processes and criteria for suspending certificates of members who fail to meet ongoing education requirements;

26. establishing processes and criteria for removing the suspension of certificates where the suspension was as a result of failure to meet ongoing education requirements;

27. establishing processes and criteria for suspending a certificate of qualification and registration under section 275 of the Education Act;

28. respecting any matter ancillary to this Act with respect to the issuance, expiry, renewal, amendment, suspension, cancellation, revocation and reinstatement of certificates issued under this Act;

29. requiring employers of members to deduct members’ fees from their salaries and to submit the fees directly to the College, in the manner and within the times specified in the regulations;

30. prescribing penalties to be paid by employers for the late submission of fees to the College;

31. prescribing acts and conduct for the purposes of the definition of “professional misconduct” in subsection 1 (1).

32. prescribing alternative requirements for eligibility for funding under clause 58.1 (3) (b);

33. prescribing the circumstances in respect of which a person’s eligibility for funding ceases for the purposes of subsection 58.1 (6). 1996, c. 12, s. 40 (1); 2001, c. 9, Sched. E, s. 1 (2); 2001, c. 14, Sched. B, ss. 6-8; 2002, c. 7, s. 3 (1); 2004, c. 26, s. 6; 2006, c. 10, s. 58 (1-7); 2009, c. 33, Sched. 13, s. 2 (5-7, 10, 11); 2016, c. 24, Sched. 2, s. 17 (1-4); 2017, c. 20, Sched. 8, s. 106 (2); 2018, c. 8, Sched. 19, s. 9; 2019, c. 3, Sched. 3, s. 18 (1, 2, 4-7); 2020, c. 36, Sched. 33, s. 25 (1-6); 2023, c. 11, Sched. 3, s. 10.

Due process

(1.0.1)  Without limiting the generality of paragraphs 4.3, 4.4 and 5 of subsection (1), a regulation made under any of those paragraphs shall provide for procedures by which a member may appeal a determination that is adverse to him or her. 2006, c. 10, s. 58 (8).

(1.1)  Repealed: 2016, c. 24, Sched. 2, s. 17 (5).

Copies of regulations

(2)  The Council shall ensure that a copy of each regulation is available for public inspection in the office of the College. 1996, c. 12, s. 40 (2).

Same

(3)  The Registrar shall provide to any person, on payment of a reasonable charge, a copy of any regulation made under this section. 1996, c. 12, s. 40 (3); 2009, c. 33, Sched. 13, s. 2 (9).

Filling of vacancies

(4)  The regulations under paragraphs 7 and 10 of subsection 40 (1) must set out procedures for filling vacancies on the Council, statutory committees, regulatory committees and the Selection and Nominating Subcommittee and must require that each procedure for filling a vacancy begin within 10 days of the vacancy arising. 1996, c. 12, s. 40 (4); 2020, c. 36, Sched. 33, s. 25 (7).

**Section Amendments with date in force (d/m/y)**

[2001, c. 14, Sched. B, s. 6, 7 (4), 8](http://www.ontario.ca/laws/statute/S01014" \l "schedbs6) - 29/06/2001

[2002, c. 7, s. 3 (1, 2)](http://www.ontario.ca/laws/statute/S02007" \l "s3s1) - 03/09/2002

[2004, c. 26, s. 6 (1-3)](http://www.ontario.ca/laws/statute/S04026" \l "s6s1) - 16/12/2004

[2006, c. 10, s. 58 (1-8)](http://www.ontario.ca/laws/statute/S06010" \l "s58s1) - 01/06/2006

[2009, c. 33, Sched. 13, s. 2 (5-7, 9-11)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s5) - 15/12/2009

[2016, c. 24, Sched. 2, s. 17 (1-5)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s17s1) - 05/12/2016

[2017, c. 20, Sched. 8, s. 106 (2)](http://www.ontario.ca/laws/statute/S17020" \l "sched8s106s2) - 19/10/2021

[2018, c. 8, Sched. 19, s. 9 (1)](http://www.ontario.ca/laws/statute/S18008" \l "sched19s9s1) - 08/05/2018; [2018, c. 8, Sched. 19, s. 9 (2)](http://www.ontario.ca/laws/statute/S18008" \l "sched19s9s2) - 01/01/2020

[2019, c. 3, Sched. 3, s. 18 (1, 2, 4-7)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s18s1) - 03/04/2019; [2019, c. 3, Sched. 3, s. 18 (3, 8)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s18s3) - no effect - see [2020, c. 36, Sched. 33, s. 39](http://www.ontario.ca/laws/statute/S20036" \l "sched33s39) - 08/12/2020

[2020, c. 36, Sched. 33, s. 25 (1-7)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s25s1) - 01/02/2021

[2023, c. 11, Sched. 3, s. 10](http://www.ontario.ca/laws/statute/S23011" \l "sched3s10) - 08/06/2023

By-laws made by Council

**41** (1)  The Council may make by-laws relating to the administrative and domestic affairs of the College including but not limited to by-laws,

1. prescribing the seal and other insignia of the College and providing for their use;

2. providing for the execution of documents by the College;

3. respecting banking and finance;

4. fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;

5. respecting conflict of interest rules for officers and employees of the College;

6. respecting indemnification by the College of members of the Council, of members of committees and of officers and employees of the College;

7. respecting the calling, holding and conducting of meetings of the Council and the duties of members of the Council;

8. providing for the remuneration of members of the Council and committees, other than persons appointed by the Lieutenant Governor in Council, and of the Transition Supervisory Officer, and for the payment of the expenses of the Council, committees and the Transition Supervisory Officer in the conduct of their business;

8.1 respecting the application and nomination procedures for persons seeking to be considered by the Selection and Nominating Subcommittee for positions other than the positions on Council;

9. respecting the calling, holding and conducting of meetings of the members;

10. authorizing voting, by mail or other means, by the members on any of the business of the College and prescribing procedures for such voting;

11. prescribing positions of officers of the College, providing for the election or appointment of officers and prescribing the duties of officers;

12. prescribing forms and formats and providing for their use;

13. providing procedures for making, amending and revoking by-laws;

14. respecting the management of property of the College;

15. respecting the borrowing of money by the College and the giving of security in respect of the borrowing;

16. providing for the method of service of any document or class of documents given or served under this Act;

16.1 establishing subcommittees composed of members of the Council appointed by the Council;

16.2 respecting practices and procedures of the Council and subcommittees other than the Selection and Nominating Subcommittee;

17. governing the composition, election or appointment, powers, duties and quorums of subcommittees other than the Selection and Nominating Subcommittee;

17.1 respecting the training of eligible panellists on the roster established under subsection 17 (4);

17.2 respecting the practices and procedures of the roster of eligible panellists established under subsection 17 (4) and other administrative matters;

18. prescribing terms of office of members of subcommittees other than the Selection and Nominating Subcommittee;

19. prescribing the conditions for disqualifying members of the Council from sitting on subcommittees other than the Selection and Nominating Subcommittee, for suspending a person from their office as a member of the subcommittee and governing the removal of suspended or disqualified members of the subcommittee;

20. governing the filling of vacancies on subcommittees other than the Selection and Nominating Subcommittee;

21. respecting reports to Council to be made by committees;

22. prescribing professional standards and ethical standards applicable to members;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 41 (1) of the Act is amended by adding the following paragraph: (See: 2023, c. 11, Sched. 3, s. 11)

22.1 respecting the use of the Inactive/Non-Practising title by members of the College;

23. prescribing annual membership fees and other fees payable by members, applicants for membership and other persons for anything the Registrar or any committee is required or authorized to do under this Act;

24. prescribing penalties to be paid by members for the late payment of any fee;

25. prescribing any fee referred to in this Act as prescribed by the by-laws;

26. respecting the reporting and publication of decisions of the College, the Council and the committees;

27. respecting the keeping of a register of members, including but not limited to by-laws prescribing the information that must be kept in the register;

27.1 subject to subsection 23 (2.8), authorizing the removal from the register of information described in clauses 23 (2) (b.2), (b.3), (b.4), (b.5) and (b.6) and of information regarding the removal of a suspension of a certificate of registration under subsection 24 (3);

28. requiring members to provide the College with information necessary for establishing and maintaining the register and for establishing and maintaining records necessary for the proper functioning of the College;

29. requiring members to provide the College with information about their participation in ongoing education programs;

30. respecting membership of the College in other organizations the objects of which are not inconsistent with and are complementary to those of the College, the payment of fees to such organizations and representation at meetings of such organizations;

31. providing for the establishment and dissolution and governing the operation of groups of members and respecting grants by the College to such groups;

32. authorizing the making of grants to advance knowledge of education or to maintain or improve standards of teaching or support or encourage public information and interest in education;

33. respecting scholarships, bursaries and prizes to assist in the education of teachers or persons wishing to become teachers.

34. requiring members to pay specified amounts to pay for the program required under section 58.1, including amounts,

i. that are specified in the by-law, or

ii. that are calculated according to a method set out in the by-law;

35. authorizing the College to require therapists and counsellors who are providing therapy or counselling that is funded through the program required under section 58.1 and persons who are receiving such therapy or counselling to provide a written statement, signed in each case by the therapist or counsellor and by the person, containing details of the therapist’s or counsellor’s training and experience, and confirming that therapy or counselling is being provided and that the funds received are being devoted only to that purpose. 1996, c. 12, s. 41 (1); 2001, c. 9, Sched. E, s. 1 (3); 2001, c. 14, Sched. B, s. 9; 2004, c. 26, s. 7; 2006, c. 10, s. 59; 2009, c. 33, Sched. 13, s. 2 (9); 2016, c. 24, Sched. 2, s. 18 (1, 2); 2018, c. 8, Sched. 19, s. 10; 2019, c. 3, Sched. 3, s. 19; 2020, c. 36, Sched. 33, s. 26.

Meetings by telecommunications, etc.

(2)  A by-law made under paragraph 7 or 9 of subsection (1) may provide for the meetings to be held in any manner that allows all the persons participating to communicate with each other simultaneously and instantaneously. 1996, c. 12, s. 41 (2).

Conflict, qualifications of persons on roster

(2.1)  For greater certainty, in the event of a conflict between a by-law made under paragraph 17.1 of subsection (1) and a regulation made under paragraph 14.2 of subsection 40 (1), the regulation prevails. 2016, c. 24, Sched. 2, s. 18 (3).

Unanimous by-laws, etc.

(3)  A by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council called, constituted and held for the purpose. 1996, c. 12, s. 41 (3).

Copies of by-laws

(4)  The Council shall ensure that a copy of each by-law is given to the Minister and is available for public inspection in the office of the College. 1996, c. 12, s. 41 (4).

Same

(5)  The Registrar shall provide to any person, on payment of a reasonable charge, a copy of any by-law made under this section. 1996, c. 12, s. 41 (5); 2009, c. 33, Sched. 13, s. 2 (9).

**Section Amendments with date in force (d/m/y)**

[2001, c. 9, Sched. E, s. 1 (3)](http://www.ontario.ca/laws/statute/S01009" \l "schedes1s3) - 29/06/2001; [2001, c. 14, Sched. B, s. 9 (1, 2)](http://www.ontario.ca/laws/statute/S01014" \l "schedbs9s1) - 29/06/2001

[2004, c. 26, s. 7 (1, 2)](http://www.ontario.ca/laws/statute/S04026" \l "s7s1) - 16/12/2004

[2006, c. 10, s. 59 (1-6)](http://www.ontario.ca/laws/statute/S06010" \l "s59s1) - 01/06/2006

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2016, c. 24, Sched. 2, s. 18 (1-3)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s18s1) - 05/12/2016

[2018, c. 8, Sched. 19, s. 10](http://www.ontario.ca/laws/statute/S18008" \l "sched19s10) - 01/01/2020

[2019, c. 3, Sched. 3, s. 19 (1-4)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s19s1) - 03/04/2019

[2020, c. 36, Sched. 33, s. 26 (1, 2)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s26s1) - 01/02/2021

[2023, c. 11, Sched. 3, s. 11](http://www.ontario.ca/laws/statute/S23011" \l "sched3s11) - not in force

Regulations made by Lieutenant Governor in Council

**42** (1)  The Lieutenant Governor in Council may make regulations,

(0.a) defining “spouse” for the purposes of subsection 1 (5);

(a) prescribing additional functions of the College for the purposes of paragraph 11 of subsection 3 (1);

(b) governing the composition of, and appointment of persons to, the Council under clause 4 (2) (b), including their terms of office, governing the qualifications of such persons and related application and nomination procedures and specifying how different interests are to be represented on the Council;

(b.1) governing the appointment of the Chair of the Council;

(b.2) governing duties of the Chair of the Council, in addition to any duties that may be set out in a by-law made by the Council under paragraph 7 of subsection 41 (1);

(c) respecting the appointment of persons to a roster of eligible panellists under subsection 17 (4), including but not limited to regulations prescribing requirements and restrictions that apply for that purpose, including,

(i) prescribing qualifications of eligible panellists, and

(ii) requiring persons on a roster to take an oath and prescribing the form of the oath, the manner in which it shall be made and the time period within which it shall be made;

(c.0.0.1) respecting examinations that relate to proficiency in mathematics for the purposes of clause 18 (1) (c), including but not limited to the development, form, content, administration and provision of such examinations, any exemptions from such examinations and any other matters the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of such examinations;

(c.0.1) prescribing a time period for the purposes of clause 26 (4.10) (b);

(c.1) prescribing provisions under the Criminal Code (Canada) that are prescribed sexual acts;

(c.2) requiring a member to report to the Registrar,

(i) any findings of professional negligence made against the member,

(ii) any findings of professional misconduct or incompetence made against the member by another body that governs a profession inside or outside of Ontario, or

(iii) any other findings or decisions that relate to the member’s suitability to practise;

(c.3) governing reports required to be made to the Registrar for the purposes of this Act;

(d) designating persons or bodies for the purposes of section 47.1;

(d.0.1) governing funding under the program required under section 58.1, including regulations,

(i) prescribing the maximum amount, or a means of establishing the maximum amount, of funding that may be provided for a person in respect of a case of sexual abuse, a prescribed sexual act or a prohibited act involving child pornography,

(ii) prescribing the period of time during which funding may be provided for a person in respect of a case of sexual abuse, a prescribed sexual act or a prohibited act involving child pornography;

(d.0.2) prescribing additional purposes for which funding may be provided under the program the College is required to maintain under section 58.1, and prescribing additional persons or classes of persons to whom funding may be paid for the purposes of subsection 58.1 (9);

(d.1) providing for any transitional matters the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of the amendments to this Act made by Schedule 2 to the Protecting Students Act, 2016;

(d.1.1) governing the sexual abuse prevention program required under section 47.2, including prescribing other measures of the program for the purposes of clause 47.2 (3) (e);

(d.2) providing for any transitional matters the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of the amendments to this Act made by Schedule 3 to the Safe and Supportive Classrooms Act, 2019;

(d.3) providing for any transitional matters the Lieutenant Governor in Council considers necessary or advisable in connection with the amendments to this Act made by Schedule 33 to the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, other than matters referred to in subsection 66 (3), including,

(i) prescribing the day on which the transition period ends, and

(ii) prescribing any additional duties of the Transition Supervisory Officer;

(d.4) providing for any transitional matters the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of the amendments to this Act made by Schedule 3 to the Better Schools and Student Outcomes Act, 2023, including prescribing a date for the purposes of subsection 63.4 (2);

(e) providing for such other matters as the Lieutenant Governor in Council considers necessary or advisable in connection with the College. 1996, c. 12, s. 42 (1); 2006, c. 10, s. 60 (1, 2); 2016, c. 24, Sched. 2, s. 19 (1); 2018, c. 8, Sched. 19, s. 11 (1-3); 2019, c. 3, Sched. 3, s. 20 (4-6); 2020, c. 36, Sched. 33, s. 27 (1-5); 2023, c. 11, Sched. 3, s. 12.

Regulations — transition

(2)  A regulation made under clause (1) (d.1) may provide that it applies despite this Act. 2019, c. 3, Sched. 3, s. 20 (7).

Same

(3)  A regulation made under clause (1) (d.2) may provide that it applies despite this Act and any by-laws or other regulations made under this Act. 2019, c. 3, Sched. 3, s. 20 (7).

Same

(3.1)  A regulation made under clause (1) (d.3) may provide that it applies despite this Act and any by-laws or other regulations made under this Act. 2020, c. 36, Sched. 33, s. 27 (6).

Conflicts

(4)  If there is a conflict between a regulation made under clause (1) (b.1) and a by-law made under paragraph 11 of subsection 41 (1), the regulation prevails. 2019, c. 3, Sched. 3, s. 20 (8).

Same

(5)  If there is a conflict between a regulation made under clause (1) (b.2) and a by-law made under paragraph 7 of subsection 41 (1), the regulation prevails. 2019, c. 3, Sched. 3, s. 20 (8).

Same

(6)  If there is a conflict between a regulation made under clause (1) (c.0.0.1) and a regulation made under paragraph 18 of subsection 40 (1), the regulation made under clause (1) (c.0.0.1) prevails. 2019, c. 3, Sched. 3, s. 20 (9).

**Section Amendments with date in force (d/m/y)**

[2006, c. 10, s. 60 (1-3)](http://www.ontario.ca/laws/statute/S06010" \l "s60s1) - 01/06/2006

[2016, c. 24, Sched. 2, s. 19 (1, 2)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s19s1) - 05/12/2016

[2018, c. 8, Sched. 19, s. 11 (1)](http://www.ontario.ca/laws/statute/S18008" \l "sched19s11s1) - 30/10/2020; [2018, c. 8, Sched. 19, s. 11 (2)](http://www.ontario.ca/laws/statute/S18008" \l "sched19s11s2) - 08/05/2018; [2018, c. 8, Sched. 19, s. 11 (3)](http://www.ontario.ca/laws/statute/S18008" \l "sched19s11s3) - 01/01/2020

[2019, c. 3, Sched. 3, s. 20 (1-3)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s20s1) - no effect - see [2020, c. 36, Sched. 33, s. 39](http://www.ontario.ca/laws/statute/S20036" \l "sched33s39) - 08/12/2020; [2019, c. 3, Sched. 3, s. 20 (4, 9)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s20s4) - 01/09/2019; [2019, c. 3, Sched. 3, s. 20 (5-7)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s20s5) - 03/04/2019; [2019, c. 3, Sched. 3, s. 20 (8)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s20s8) - 01/02/2021

[2020, c. 36, Sched. 33, s. 27 (1)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s27s1) - 01/02/2021; [2020, c. 36, Sched. 33, s. 27 (2, 3, 5, 6)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s27s2) - 08/12/2020; [2020, c. 36, Sched. 33, s. 27 (4)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s27s4) - 01/01/2022

[2023, c. 11, Sched. 3, s. 12](http://www.ontario.ca/laws/statute/S23011" \l "sched3s12) - 08/06/2023

**42.1** Repealed: 2004, c. 26, s. 8.

**Section Amendments with date in force (d/m/y)**

[2001, c. 14, Sched. B, s. 10](http://www.ontario.ca/laws/statute/S01014" \l "schedbs10) - 29/06/2001; [2001, c. 24, s. 6](http://www.ontario.ca/laws/statute/S01024" \l "s6) - 12/12/2001

[2004, c. 26, s. 8](http://www.ontario.ca/laws/statute/S04026" \l "s8) - 16/12/2004

**42.2** Repealed: 2004, c. 26, s. 9.

**Section Amendments with date in force (d/m/y)**

[2001, c. 14, Sched. B, s. 10](http://www.ontario.ca/laws/statute/S01014" \l "schedbs10) - 29/06/2001

[2004, c. 26, s. 9](http://www.ontario.ca/laws/statute/S04026" \l "s9) - 16/12/2004

Regulations and by-laws: general or specific

**43** (1)  A regulation or by-law made under any provision of this Act may be general or specific.

Same

(2)  Without limiting the generality of subsection (1), a regulation or by-law may be limited in its application to any class of members, certificates or qualifications.

Classes

(3)  A class under this Act may be defined with respect to any attribute and may be defined to consist of or to exclude any specified member of the class, whether or not with the same attributes. 1996, c. 12, s. 43.

PART IX.1  
Reporting requirements related to Professional Misconduct

Application of Part

Special needs

**43.1** (1)  For the purposes of this Part, a student within the meaning of subsection 1 (2) has special needs if,

(a) in the opinion of the employer, the person, by reason of some mental or physical disability, is particularly vulnerable to being sexually abused or to the effects of sexual misconduct; or

(b) the employer, exercising reasonable diligence, should have formed the opinion that the person, by reason of some mental or physical disability, is particularly vulnerable to being sexually abused or to the effects of sexual misconduct. 2016, c. 24, Sched. 2, s. 20.

(2)  Repealed: 2016, c. 24, Sched. 2, s. 20.

Crown bound

(3)  This Part binds the Crown. 2002, c. 7, s. 4.

**Section Amendments with date in force (d/m/y)**

[2002, c. 7, s. 4](http://www.ontario.ca/laws/statute/S02007" \l "s4) - 03/09/2002

[2016, c. 24, Sched. 2, s. 20](http://www.ontario.ca/laws/statute/S16024" \l "sched2s20) - 05/12/2016

Employer reports re: termination, etc.

**43.2** (1)  An employer of a member of the College who terminates the member’s employment, suspends the member or imposes restrictions on the member’s duties for reasons of professional misconduct shall file with the Registrar within 30 days after the termination, suspension or restriction a written report setting out the reasons. 2016, c. 24, Sched. 2, s. 21 (1).

Same

(2)  If an employer of a member intended to terminate the member’s employment, to suspend the member or to impose restrictions on the member’s duties for reasons of professional misconduct but the employer did not do so because the member resigned, the employer shall file with the Registrar within 30 days after the resignation a written report setting out the reasons on which the employer had intended to act. 2002, c. 7, s. 4; 2009, c. 33, Sched. 13, s. 2 (9); 2016, c. 24, Sched. 2, s. 21 (2).

Same

(3)  If a member resigns while his or her employer is engaged in an investigation into allegations of an act or omission by the member that would, if proven, have caused the employer to terminate the member’s employment, to suspend the member or to impose restrictions on the member’s duties for reasons of professional misconduct, the employer shall file with the Registrar within 30 days after the resignation a written report stating the nature of the allegations being investigated. 2002, c. 7, s. 4; 2009, c. 33, Sched. 13, s. 2 (9); 2016, c. 24, Sched. 2, s. 21 (3).

Employer information re: termination, etc.

(3.1)  Where an employer files a report with the Registrar under subsection (1), (2) or (3), the employer shall,

(a) at the same time, provide the member with a copy of the report; and

(b) within 30 days of filing the report, provide the Registrar with any additional information that the employer has that relates to the member’s professional misconduct. 2016, c. 24, Sched. 2, s. 21 (4).

Same

(3.2)  If, after receiving the information under clause (3.1) (b), the Registrar requests that the employer provide the Registrar with more information that relates to the member’s professional misconduct, the employer shall do so within 15 days of receiving the request. 2016, c. 24, Sched. 2, s. 21 (4).

Same

(3.3)  Within 30 days of providing additional information to the Registrar under clause (3.1) (b) or subsection (3.2), the employer shall provide a copy of such information to the member. 2016, c. 24, Sched. 2, s. 21 (4).

Registrar to report back

(4)  Where an employer makes a report to the Registrar under subsection (1), (2) or (3), the Registrar shall, as soon as is reasonably possible, provide the employer with a written report respecting the action, if any, taken by the Registrar in response to the employer’s report. 2002, c. 7, s. 4; 2009, c. 33, Sched. 13, s. 2 (9).

Same

(5)  The following are the employers who shall receive the report referred to in subsection (4):

1. An employer who employs the member at the time the report referred to in subsection (4) is made.

2. The employer who made the report respecting the member under subsection (1), (2) or (3). 2016, c. 24, Sched. 2, s. 21 (4).

Restrictions

(6)  For the purposes of this section, where an employer is considered under subsection (7) to employ or to have employed a member, restrictions on a member’s duties include,

(a) restrictions on the age of students, grades or subjects that a member may teach or supervise;

(b) restrictions on a member’s eligibility to teach without supervision;

(c) restrictions on a member’s participation in or supervision of extracurricular activities;

(d) restrictions on a member’s assignment to duties that relate to teaching or education, which may be done by reassigning the member to duties that are not related to teaching or to education; and

(e) any other restriction prescribed by the regulations. 2016, c. 24, Sched. 2, s. 21 (4).

Same

(7)  An employer shall be considered to employ or to have employed a member only if the employer employs or employed the member,

(a) to teach a person who is under 18 years old or, in the case of a person who has special needs, is under 22 years old or to teach a person of any age if the person is a student enrolled in a school or private school in Ontario within the meaning of the Education Act; or

(b) to provide services, including support services, related to the education of a person who is under 18 years old or, in the case of a person who has special needs, is under 22 years old or to provide services, including support services, related to the education of a person of any age if the person is a student enrolled in a school or private school in Ontario within the meaning of the Education Act. 2016, c. 24, Sched. 2, s. 21 (4).

Same

(8)  For the purposes of this section, with respect to an employer other than an employer described in subsection (7), restrictions on a member’s duties include,

(a) restrictions on a member’s eligibility to perform his or her duties without supervision;

(b) restrictions on the services or activities that the member may engage in; or

(c) any other restriction prescribed by the regulations. 2016, c. 24, Sched. 2, s. 21 (4).

Interpretation

(9)  The requirement to report under subsections (1), (2) and (3) applies to all terminations, suspensions and restrictions imposed in the circumstances described in those subsections, regardless of the length or severity of the penalty. 2016, c. 24, Sched. 2, s. 21 (4).

Same

(10)  For greater certainty, this section does not apply in the case of suspensions or restrictions imposed on a member’s duties for reasons other than professional misconduct. 2016, c. 24, Sched. 2, s. 21 (4).

**Section Amendments with date in force (d/m/y)**

[2002, c. 7, s. 4](http://www.ontario.ca/laws/statute/S02007" \l "s4) - 03/09/2002

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2016, c. 24, Sched. 2, s. 21 (1-4)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s21s1) - 05/12/2016

Employer reports re: certain offences, conduct

**43.3** (1)  An employer shall report to the Registrar in writing when the employer becomes aware that a member who is or has been employed by the employer,

(a) has been charged with or convicted of an offence under the Criminal Code (Canada) involving sexual conduct and minors;

(b) has been charged with or convicted of an offence under the Criminal Code (Canada) that in the opinion of the employer indicates that students may be at risk of harm or injury; or

(c) has engaged in conduct or taken action that, in the opinion of the employer, should be reviewed by a committee of the College. 2002, c. 7, s. 4; 2016, c. 24, Sched. 2, s. 22 (1).

Timing of report

(1.1)  The employer shall report to the Registrar within 30 days after becoming aware of the charge, conviction, conduct or action unless the employer has reasonable grounds to believe that the member will continue to sexually abuse a student, or that the misconduct, incompetence or incapacity of the member is likely to expose a student to harm or injury and there is urgent need for intervention, in which case the report must be filed forthwith. 2016, c. 24, Sched. 2, s. 22 (2).

Same

(1.2)  Where an employer reports to the Registrar under subsection (1), the employer shall,

(a) at the same time, provide the member with a copy of the report; and

(b) within 30 days of making the report, provide the Registrar with any additional information that the employer has that relates to the charge, conviction, conduct or action. 2016, c. 24, Sched. 2, s. 22 (2).

Same

(1.3)  If, after receiving the information under subsection (1.2), the Registrar requests that the employer provide the Registrar with more information that relates to the charge, conviction, conduct or action, the employer shall do so within 15 days of receiving the request. 2016, c. 24, Sched. 2, s. 22 (2).

Same

(1.4)  Within 30 days of providing additional information to the Registrar under clause (1.2) (b) or subsection (1.3), the employer shall provide a copy of such information to the member. 2016, c. 24, Sched. 2, s. 22 (2).

Same

(2)  An employer who makes a report under subsection (1) respecting a charge or conviction shall promptly report to the Registrar in writing if the employer becomes aware that the charge was withdrawn, the member was discharged following a preliminary inquiry, the charge was stayed, or the member was acquitted. 2002, c. 7, s. 4; 2016, c. 24, Sched. 2, s. 22 (3).

Registrar to report back

(3)  Where an employer makes a report to the Registrar under subsection (1), the Registrar shall, as soon as is reasonably possible, provide the employer with a written report respecting the action, if any, taken by the Registrar in response to the employer’s report. 2016, c. 24, Sched. 2, s. 22 (4).

Same

(4)  The following are the employers who shall receive the report referred to in subsection (3):

1. An employer who employs the member at the time the report referred to in subsection (3) is made.

2. The employer who made the report respecting the member under subsection (1). 2016, c. 24, Sched. 2, s. 22 (4).

**Section Amendments with date in force (d/m/y)**

[2002, c. 7, s. 4](http://www.ontario.ca/laws/statute/S02007" \l "s4) - 03/09/2002

[2016, c. 24, Sched. 2, s. 22 (1-4)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s22s1) - 05/12/2016

Employer report deemed to be complaint

**43.3.1**Where the Registrar refers an employer’s report filed under section 43.2 or 43.3 to the Adjudicative Body of Chairs or a committee established under section 15, the report is deemed, for the purposes of Parts IV and V, to be a complaint that was filed on the day the Registrar referred the report and the Registrar is deemed to be the complainant. 2023, c. 11, Sched. 3, s. 13.

**Section Amendments with date in force (d/m/y)**

[2016, c. 24, Sched. 2, s. 23](http://www.ontario.ca/laws/statute/S16024" \l "sched2s23) - 05/12/2016

[2020, c. 36, Sched. 33, s. 28](http://www.ontario.ca/laws/statute/S20036" \l "sched33s28) - 01/02/2021

[2023, c. 11, Sched. 3, s. 13](http://www.ontario.ca/laws/statute/S23011" \l "sched3s13) - 08/06/2023

College reports to employers

**43.4** (1)  The College shall provide employers of members with information respecting certain decisions and orders under this Act in accordance with the following rules and with subsection (2):

1. If a decision respecting a member is made under subsection 26 (5), the Registrar shall provide the documents referred to in subsection 26 (7) to the member’s employer.

1.1 If a referral respecting a member is made under subsection 26 (9), the Registrar shall notify the employer of the referral.

1.2 If a direction respecting a member is made under subsection 29 (1), the Registrar shall notify the employer of the direction.

2. If an order respecting a member is made under subsection 29 (3), the Registrar shall provide a copy of the order to the member’s employer.

2.1 If an interim order respecting a member is made under subsection 29.2 (1), the Registrar shall provide a copy of the order to the member’s employer.

3. If an order respecting a member is made under section 30 or 31, the Discipline Committee or the Fitness to Practise Committee, as the case may be, shall provide the employer with the same material as is served on the parties under subsection 32 (13).

4. If a decision respecting a member is made under section 33, the Discipline Committee or the Fitness to Practise Committee, as the case may be, shall provide the employer with the same material as is served on the parties under subsection 33 (13) or (14).

5. If an order respecting a member is made under section 34, the Registrar shall provide a copy of the order to the member’s employer.

6. If a court order respecting a member is made under section 35, the Registrar shall provide a copy of the order, with reasons, if any, to the member’s employer. 2002, c. 7, s. 4; 2009, c. 33, Sched. 13, s. 2 (9); 2016, c. 24, Sched. 2, s. 24 (1); 2018, c. 8, Sched. 19, s. 12; 2023, c. 11, Sched. 3, s. 14.

Same

(2)  The following are the employers who shall receive the information referred to in subsection (1):

1. An employer who employed the member at the time the relevant decision or order referred to in subsection (1) was made.

2. An employer who made a report respecting the member under section 43.2 or 43.3, if the subject of the report is related to the decision or order referred to in subsection (1). 2002, c. 7, s. 4; 2016, c. 24, Sched. 2, s. 24 (2).

**Section Amendments with date in force (d/m/y)**

[2002, c. 7, s. 4](http://www.ontario.ca/laws/statute/S02007" \l "s4) - 03/09/2002

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

[2016, c. 24, Sched. 2, s. 24 (1, 2)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s24s1) - 05/12/2016

[2018, c. 8, Sched. 19, s. 12](http://www.ontario.ca/laws/statute/S18008" \l "sched19s12) - 08/05/2018

[2023, c. 11, Sched. 3, s. 14](http://www.ontario.ca/laws/statute/S23011" \l "sched3s14) - 08/06/2023

Application of s. 43.2, 43.3 and 43.4

**43.5** (1)  Sections 43.2, 43.3 and 43.4 apply to a home child care agency that arranges for the provision of home child care or in-home services and the person who provides the care or services, except that a reference to an employer in those sections shall be read as a reference to the home child care agency. 2016, c. 24, Sched. 2, s. 25.

Parents as employers

(2)  Sections 43.2, 43.3 and 43.4 do not apply to,

(a) an employer in respect of a member who provides temporary care for or supervision of a child, if the employer is the child’s parent; or

(b) a prescribed employer. 2016, c. 24, Sched. 2, s. 25.

Definitions

(3)  In this section, “home child care”, “home child care agency”, “in-home services”, “parent” and “temporary care for or supervision of a child” have the same meaning as in the Child Care and Early Years Act, 2014. (“services de garde en milieu familial”, “agence de services de garde en milieu familial”, “services à domicile”, “parent”, “garde ou surveillance temporaire d’un enfant”) 2016, c. 24, Sched. 2, s. 25.

**Section Amendments with date in force (d/m/y)**

[2016, c. 24, Sched. 2, s. 25](http://www.ontario.ca/laws/statute/S16024" \l "sched2s25) - 05/12/2016

PART X  
MISCELLANEOUS

Right to use French

**44** (1)  A person has the right to use French in all dealings with the College.

Council to ensure

(2)  The Council shall take all reasonable measures and make all reasonable plans to ensure that persons may use French in all dealings with the College.

Limitation

(3)  The right to use French given by this section is subject to the limits that are reasonable in the circumstances.

Definition

(4)  In this section,

“dealings” means any service or procedure available to the public or to members of the College and includes giving or receiving communications, information or notices, making applications, taking examinations or tests and participating in programs or in hearings or reviews. 1996, c. 12, s. 44.

Official publication

**45** The Council shall establish and maintain an official publication of the College. 1996, c. 12, s. 45; 2016, c. 24, Sched. 2, s. 26.

**Section Amendments with date in force (d/m/y)**

[2016, c. 24, Sched. 2, s. 26](http://www.ontario.ca/laws/statute/S16024" \l "sched2s26) - 05/12/2016

Publication requirements

Publication on website

**45.1** (1)  The College shall publish the following on its website:

1. Every decision of the Discipline Committee and its reasons.

2. Every resolution adopted by the Discipline Committee under section 30.1.

3. If a resolution adopted by the Investigation Committee under section 26.1 provides for publication of the resolution, a summary of the resolution, or a part of the resolution on the College’s website, the resolution, summary or part. 2016, c. 24, Sched. 2, s. 27.

Publication in official publication of the College

(2)  The College shall publish the following in the official publication of the College:

1. A summary of every decision of the Discipline Committee and a summary of its reasons.

2. A summary of every resolution adopted by the Discipline Committee under section 30.1.

3. If a resolution adopted by the Investigation Committee under section 26.1 provides for publication of the resolution, a summary of the resolution, or a part of the resolution in the official publication of the College, the resolution, summary or part.

4. A determination by the Fitness to Practise Committee that an allegation of incapacity was unfounded, on the request of the member against whom the allegation was made. 2016, c. 24, Sched. 2, s. 27.

Exception, unfounded allegations

(3)  Despite paragraphs 1 and 2 of subsection (2), if the Discipline Committee determines, or adopts a resolution that provides, that an allegation of professional misconduct or incompetence was unfounded, the College shall only publish the summary described in paragraph 1 or 2 of subsection (2) in its official publication on the request of the member against whom the allegation was made. 2016, c. 24, Sched. 2, s. 27.

Other publications

(4)  The College may publish anything set out in subsection (1), in detail or in summary, in any manner or medium that the College considers appropriate, other than in its official publication. 2016, c. 24, Sched. 2, s. 27.

Publication of member’s name

(5)  For greater certainty, for the purposes of paragraphs 1 and 2 of subsection (1) and paragraphs 1 and 2 of subsection (2), the College shall publish the name of the member who is the subject of the matter. 2016, c. 24, Sched. 2, s. 27.

No publication of specified information

(6)  Despite anything in this section, the College shall not publish any information that violates an order made under section 32.1 respecting the publication of information. 2016, c. 24, Sched. 2, s. 27.

Removal of information

(7)  If a notation of a decision or resolution is removed from the register, or other specified information is removed from the register under subsection 23 (2.5), the College may remove the decision, resolution or other specified information,

(a) from its website; and

(b) from any other website on which it has published the information under subsection (4), if required by and in accordance with the regulations. 2016, c. 24, Sched. 2, s. 27; 2020, c. 36, Sched. 33, s. 29.

**Section Amendments with date in force (d/m/y)**

[2016, c. 24, Sched. 2, s. 27](http://www.ontario.ca/laws/statute/S16024" \l "sched2s27) - 05/12/2016

[2020, c. 36, Sched. 33, s. 29](http://www.ontario.ca/laws/statute/S20036" \l "sched33s29) - 08/12/2020

Leave of absence

**46** (1)  A person who is a member of the Council, a member of a committee established under this Act or a member of a panel of a committee established under this Act shall be granted, on request, a paid leave of absence by his or her employer for the purposes of,

(a) attending a meeting or other proceeding of the Council, committee or panel of the committee during work hours; or

(b) performing other work of the College during work hours at the request of the Registrar or his or her delegate. 2001, c. 9, Sched. E, s. 1 (4); 2009, c. 33, Sched. 13, s. 2 (9).

Employer reimbursement

(2)  If an employer has provided a leave of absence to a person under subsection (1), the College shall reimburse the employer for the salary expense, if any, incurred by the employer in temporarily hiring someone else to replace the person in the workplace. 2001, c. 9, Sched. E, s. 1 (4).

**Section Amendments with date in force (d/m/y)**

[2001, c. 9, Sched. E, s. 1 (4)](http://www.ontario.ca/laws/statute/S01009" \l "schedes1s4) - 29/06/2001

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

Information and disclosure

**47** (1)  For the purpose of carrying out its objects, the College may require the Provincial Schools Authority, a school board or any other person or body designated by the regulations to provide the College with information, including personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act or section 28 of the Municipal Freedom of Information and Protection of Privacy Act, in respect of members of the College. 1996, c. 12, s. 47 (1).

Same

(2)  If the College requires a person or body to provide information under subsection (1), the person or body shall do so within the time period specified in writing by the College or, if no time period is specified, within 30 days of receiving the request. 2016, c. 24, Sched. 2, s. 28.

Same

(3)  For greater certainty, a person or body may be designated by the regulations for the purposes of subsection (1) regardless of whether the person or body is engaged in the provision of education. 2016, c. 24, Sched. 2, s. 28.

(4)  Repealed: 2002, c. 7, s. 5.

Information provided by Minister to College

(5)  If required by the College for the purpose of carrying out its objects, the Minister may provide to the College information, including personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act, in respect of its members, former members and applicants for membership. 1996, c. 12, s. 47 (5).

Information provided by College to Minister

(6)  For the purpose of carrying out his or her duties under the Education Act, the Minister has the authority to collect from the College information, including personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act, in respect of its members, former members and applicants for membership. 1996, c. 12, s. 47 (6).

**Section Amendments with date in force (d/m/y)**

[2002, c. 7, s. 5](http://www.ontario.ca/laws/statute/S02007" \l "s5) - 03/09/2002

[2016, c. 24, Sched. 2, s. 28](http://www.ontario.ca/laws/statute/S16024" \l "sched2s28) - 05/12/2016

Duty to report person at risk

**47.1** (1)  If a person or body designated by the regulations suspects, on reasonable grounds, that there is a risk that a person is likely to suffer physical or emotional harm inflicted by a member and believes, on reasonable grounds, that urgent disclosure is needed, the person or body shall immediately report the suspicion and the information on which it is based to the College. 2016, c. 24, Sched. 2, s. 29.

Disclosure of personal information

(2)  A person or body may disclose such personal information, within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act and section 28 of the Municipal Freedom of Information and Protection of Privacy Act, as is reasonably necessary for the purpose of complying with subsection (1). 2016, c. 24, Sched. 2, s. 29.

**Section Amendments with date in force (d/m/y)**

[2016, c. 24, Sched. 2, s. 29](http://www.ontario.ca/laws/statute/S16024" \l "sched2s29) - 05/12/2016

Sexual abuse prevention program

**47.2** (1)  The College shall have a sexual abuse prevention program. 2020, c. 36, Sched. 33, s. 30.

Measures

(2)  The sexual abuse prevention program must include measures for preventing and dealing with sexual abuse of students. 2020, c. 36, Sched. 33, s. 30.

Same

(3)  The measures for preventing and dealing with sexual abuse of students must include,

(a) educational requirements for members;

(b) guidelines for the conduct of members with students;

(c) training for the College’s staff;

(d) the provision of information to the public; and

(e) any other measures prescribed by regulation. 2020, c. 36, Sched. 33, s. 30.

Removal of suspensions, etc.

(4)  The Registrar shall not remove a suspension of a certificate of qualification and registration made under subsection 24 (1), 29 (3), 29.2 (1), 30 (4) or 31 (3) or issue a certificate or remove a suspension of a certificate in accordance with an order made under section 33 or subsection 34 (1) unless the person whose certificate is the subject of the suspension or order provides evidence satisfactory to the Registrar that they have successfully completed the sexual abuse prevention program educational requirements referred to in subsection (3) of this section. 2023, c. 11, Sched. 3, s. 15.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 30](http://www.ontario.ca/laws/statute/S20036" \l "sched33s30) - 01/01/2022

[2023, c. 11, Sched. 3, s. 15](http://www.ontario.ca/laws/statute/S23011" \l "sched3s15) - 08/06/2023

Confidentiality

**48** (1)  Every person employed, retained or appointed for the purposes of the administration of this Act and every member of a Council or committee of the College shall keep confidential all information that comes to his or her knowledge in the course of his or her duties and shall not communicate any information to any other person except,

(a) in connection with the administration of this Act, including, without limiting the generality of this, in connection with anything relating to the registration of members, complaints about members, allegations of members’ incapacity, incompetence or acts of professional misconduct or the governing of the profession;

(b) to his or her counsel;

(c) with the consent of the person to whom the information relates;

(d) to the extent that the information is available to the public under this Act;

(e) to a police officer to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;

(f) to a body that governs a profession inside or outside of Ontario; or

(g) as otherwise required by law. 2016, c. 24, Sched. 2, s. 30 (1).

Testimony in civil proceeding

(2)  No person to whom subsection (1) applies shall be compelled to give testimony in any civil proceeding, other than a proceeding under this Act or an appeal or judicial review relating to a proceeding under this Act, with regard to information obtained in the course of his or her duties.

Evidence on civil proceedings

(3)  No record of a proceeding under this Act and no document or thing prepared for or statement given at such a proceeding and no order or decision made in such a proceeding is admissible in any civil proceeding, other than a proceeding under this Act or an appeal or judicial review relating to a proceeding under this Act.

Offence

(4)  Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $25,000. 1996, c. 12, s. 48.

Definition

(5)  For the purposes of clause (1) (e),

“law enforcement proceeding” means a proceeding in a court or tribunal that could result in a penalty or sanction being imposed. 2016, c. 24, Sched. 2, s. 30 (2).

**Section Amendments with date in force (d/m/y)**

[2016, c. 24, Sched. 2, s. 30 (1, 2)](http://www.ontario.ca/laws/statute/S16024" \l "sched2s30s1) - 05/12/2016

Offence: failure to report

**48.1** Every employer who contravenes subsection 43.2 (1), (2), (3), (3.1) or (3.2) or subsection 43.3 (1), (1.1), (1.2), (1.3) or (2) is guilty of an offence and on conviction is liable to a fine of not more than $25,000. 2002, c. 7, s. 6; 2023, c. 11, Sched. 3, s. 16.

**Section Amendments with date in force (d/m/y)**

[2002, c. 7, s. 6](http://www.ontario.ca/laws/statute/S02007" \l "s6) - 03/09/2002

[2023, c. 11, Sched. 3, s. 16](http://www.ontario.ca/laws/statute/S23011" \l "sched3s16) - 08/06/2023

Order directing compliance

**49** Where it appears to the College that any person does not comply with this Act or the regulations or by-laws, despite the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the College may apply to a judge of the Superior Court of Justice for an order directing the person to comply with the provision, and the judge may make the order or such other order as the judge thinks fit. 1996, c. 12, s. 49; 2006, c. 19, Sched. C, s. 1 (1).

**Section Amendments with date in force (d/m/y)**

[2006, c. 19, Sched. C, s. 1 (1)](http://www.ontario.ca/laws/statute/S06019" \l "schedcs1s1) - 22/06/2006

Offence: improper use of title or holding out as member

**49.1** Any person who contravenes subsection 14 (6), (8) or (9) is guilty of an offence and on conviction is liable to a fine of not more than $5,000 for a first offence and not more than $10,000 for a subsequent offence. 2021, c. 34, Sched. 17, s. 6.

**Section Amendments with date in force (d/m/y)**

[2021, c. 34, Sched. 17, s. 6](http://www.ontario.ca/laws/statute/S21034" \l "sched17s6) - 02/12/2021

Offence: obstruction of investigator

**50** Any person who contravenes subsection 36 (6) is guilty of an offence and on conviction is liable to a fine of not more than $10,000. 1996, c. 12, s. 50.

Offence: false representation to obtain certificate

**51** (1)  Every person who makes a representation, knowing it to be false, for the purpose of having a certificate issued under this Act is guilty of an offence and on conviction is liable to a fine of not more than $10,000.

Assisting in false representation

(2)  Every person who knowingly assists a person in committing an offence under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $10,000. 1996, c. 12, s. 51.

Reporting by members re: offences

**51.1** (1)  A member shall file a report in writing with the Registrar if the member has been found guilty of an offence. 2020, c. 36, Sched. 33, s. 31.

Timing of report

(2)  The report must be filed as soon as reasonably practicable after the member receives notice of the finding of guilt. 2020, c. 36, Sched. 33, s. 31.

Contents of report

(3)  The report must contain,

(a) the name of the member filing the report;

(b) the nature of, and a description of the offence;

(c) the date the member was found guilty of the offence;

(d) the name and location of the court that found the member guilty of the offence; and

(e) the status of any appeal initiated respecting the finding of guilt. 2020, c. 36, Sched. 33, s. 31.

Publication ban

(4)  The report shall not contain any information that violates a publication ban. 2020, c. 36, Sched. 33, s. 31.

Same

(5)  No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban. 2020, c. 36, Sched. 33, s. 31.

Additional reports

(6)  A member who files a report under subsection (1) shall file an additional report if there is a change in status of the finding of guilt as the result of an appeal. 2020, c. 36, Sched. 33, s. 31.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 31](http://www.ontario.ca/laws/statute/S20036" \l "sched33s31) - 08/12/2020

Reporting by members re: charges and bail conditions, etc.

**51.2** (1)  A member shall file a report in writing with the Registrar if the member has been charged with an offence, and the report shall include information about every bail condition or other restriction imposed on, or agreed to, by the member in connection with the charge. 2020, c. 36, Sched. 33, s. 31.

Timing of report

(2)  The report must be filed as soon as reasonably practicable after the member receives notice of the charge, bail condition or restriction. 2020, c. 36, Sched. 33, s. 31.

Contents of report

(3)  The report must contain,

(a) the name of the member filing the report;

(b) the nature of, and a description of, the charge;

(c) the date the charge was laid against the member;

(d) the name and location of the court in which the charge was laid or in which the bail condition or restriction was imposed on or agreed to by the member;

(e) every bail condition imposed on the member as a result of the charge;

(f) any other restriction imposed on or agreed to by the member relating to the charge; and

(g) the status of any proceedings with respect to the charge. 2020, c. 36, Sched. 33, s. 31.

Publication ban

(4)  The report shall not contain any information that violates a publication ban. 2020, c. 36, Sched. 33, s. 31.

Same

(5)  No action shall be taken under this section which violates a publication ban and nothing in this section requires or authorizes the violation of a publication ban. 2020, c. 36, Sched. 33, s. 31.

Additional reports

(6)  A member who files a report under subsection (1) shall file an additional report if there is a change in the status of the charge or bail conditions. 2020, c. 36, Sched. 33, s. 31.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 31](http://www.ontario.ca/laws/statute/S20036" \l "sched33s31) - 08/12/2020

Service of notice or document

**52** (1)  A notice or document to be given or served under this Act is sufficiently given or served if it is,

(a) delivered personally;

(b) sent by mail; or

(c) given or served in accordance with by-laws respecting service.

Same

(2)  Where a notice or document to be given under this Act is sent by mail addressed to a person at the last address of the person in the records of the College, there is a rebuttable presumption that the notice or document is delivered to the person on the fifth day after the day of mailing. 1996, c. 12, s. 52.

Registrar’s certificate as evidence

**53** Any statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the College, is admissible in evidence in a court of law as proof, in the absence of evidence to the contrary, of the facts stated in it, without proof of the appointment or signature of the Registrar and without proof of the seal. 1996, c. 12, s. 53; 2009, c. 33, Sched. 13, s. 2 (9).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (9)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s9) - 15/12/2009

*Statutory Powers Procedure Act*

**54** In the event of a conflict between this Act, the regulations or the by-laws and the Statutory Powers Procedure Act, the provisions of this Act, the regulations and the by-laws prevail. 1996, c. 12, s. 54.

Immunity of College

**55** No proceeding for damages shall be instituted against the College, the Council, a committee established under this Act, a member of the Council, a member of a committee established under this Act or a member of a panel of a committee established under this Act, or an officer, employee, agent or appointee of the College for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power. 2001, c. 9, Sched. E, s. 1 (5).

**Section Amendments with date in force (d/m/y)**

[2001, c. 9, Sched. E, s. 1 (5)](http://www.ontario.ca/laws/statute/S01009" \l "schedes1s5) - 29/06/2001

Deemed loan

**56** (1)  Any payment made by the Minister that is charged to an appropriation of the Ministry of Education and Training made for the fiscal year beginning on April 1, 1994 or for any subsequent fiscal year, for the purpose of establishing or operating the College, shall be deemed to have been a loan from the Province of Ontario to the College. 1996, c. 12, s. 56 (1).

Same

(2)  A payment for the purpose of the Ontario Teaching Council Implementation Committee established by Order in Council to advise the Minister in respect of the establishment and mandate of the College is a payment for the purpose of establishing the College within the meaning of subsection (1). 1996, c. 12, s. 56 (2).

Same

(3)  The Minister shall notify the College of the amount of any payment described in subsection (1) and shall, by order, direct the repayment of the amount by the College to the Province of Ontario. 1996, c. 12, s. 56 (3).

Same

(4)  The determination by the Minister of the amount of a payment described in subsection (1) is final and shall not be reviewed in any court. 1996, c. 12, s. 56 (4).

Same

(5)  An order under subsection (3) may fix a schedule for repayment of an amount and may prescribe the rate of interest payable on the amount from the date of the order until the date on which the amount is repaid in full. 1996, c. 12, s. 56 (5).

Same

(6)  A rate of interest prescribed in an order under subsection (3) shall not exceed the prime rate of the bank listed in Schedule I or II of the Bank Act (Canada) that has the highest prime rate on the day that the order is made. 1996, c. 12, s. 56 (6).

Same

(7)  An order under subsection (3) is not a regulation within the meaning of Part III (Regulations) of the Legislation Act, 2006. 1996, c. 12, s. 56 (7); 2006, c. 21, Sched. F, s. 136 (1).

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007

Guarantee of loans

**57** (1)  The Lieutenant Governor in Council may, by order, authorize the Minister of Finance, on behalf of Ontario, to agree to guarantee the repayment of loans made to the College, including interest.

Same

(2)  A guarantee given under subsection (1) is subject to any conditions that the Minister of Finance imposes. 1996, c. 12, s. 57.

Regulations under Teaching Profession Act

**58** (1)  The Minister may require the board of governors of The Ontario Teachers’ Federation to amend or revoke a regulation made under the Teaching Profession Act if, in the Minister’s opinion, the regulation conflicts with or overlaps with this Act or a regulation or by-law under this Act. 1996, c. 12, s. 58 (1).

Same

(2)  If the Minister requires the board of governors of The Ontario Teachers’ Federation to amend or revoke a regulation under subsection (1) and the board of governors does not do so within the time and in the manner specified by the Minister, the Lieutenant Governor in Council may, by regulation, amend or revoke the regulation. 2020, c. 36, Sched. 33, s. 32.

Same

(3)  Subsection (2) does not give the Lieutenant Governor in Council authority to do anything that the board of governors of The Ontario Teachers’ Federation does not have authority to do. 1996, c. 12, s. 58 (3).

*Legislation Act, 2006*

(4)  Part III (Regulations) of the Legislation Act, 2006 does not apply to a regulation made under subsection (2). 2006, c. 21, Sched. F, s. 123.

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. F, s. 123](http://www.ontario.ca/laws/statute/S06021" \l "schedfs123) - 25/07/2007

[2020, c. 36, Sched. 33, s. 32](http://www.ontario.ca/laws/statute/S20036" \l "sched33s32) - 01/02/2021

PART X.1  
FUNDING FOR THERAPY AND COUNSELLING

Funding provided by College

**58.1** (1)  There shall be a program, established and administered by the College, to provide funding for the following purposes in connection with allegations of sexual abuse, a prescribed sexual act or a prohibited act involving child pornography by members:

1. Therapy and counselling for the student who is the subject of sexual abuse a prescribed sexual act or a prohibited act involving child pornography in which an allegation has been made against a member.

2. Any other purposes prescribed by regulations made under clause 42 (1) (d.0.2). 2018, c. 8, Sched. 19, s. 13; 2020, c. 36, Sched. 33, s. 33 (1, 2).

Funding governed by regulations

(2)  The funding shall be provided in accordance with the regulations. 2018, c. 8, Sched. 19, s. 13.

Eligibility

(3)  A person is eligible for funding if,

(a) it is alleged in a complaint or report against a member received by the College that the student was the subject of sexual abuse, a prescribed sexual act or a prohibited act involving child pornography; or

(b) the alternative requirements prescribed by the regulations made by the Council are satisfied. 2018, c. 8, Sched. 19, s. 13; 2020, c. 36, Sched. 33, s. 33 (3); 2023, c. 11, Sched. 3, s. 17.

Timing

(4)  Where a request is made for funding pursuant to subsection (1), a determination of the person’s eligibility for such funding in accordance with subsection (3) shall be made within a reasonable period of time of the request having been received. 2018, c. 8, Sched. 19, s. 13.

Not a finding

(5)  The determination of a person’s eligibility for funding in accordance with subsection (3) does not constitute a finding against the member and shall not be considered by any committee of the College dealing with the member. 2018, c. 8, Sched. 19, s. 13.

Cessation of eligibility

(6)  Despite subsection (3), a person’s eligibility to receive funding pursuant to subsection (1) ceases upon the occurrence of any of the prescribed circumstances. 2018, c. 8, Sched. 19, s. 13.

No assessment

(7)  A person is not required to undergo a psychological or other assessment before receiving funding. 2018, c. 8, Sched. 19, s. 13.

Choice of therapist or counsellor

(8)  A person who is eligible for funding under subsection (3) is entitled to choose any therapist or counsellor, subject to the following restrictions:

1. The therapist or counsellor must not be a person to whom the eligible person has any family relationship.

2. The therapist or counsellor must not be a person who, to the College’s knowledge, has at any time or in any jurisdiction been found guilty of professional misconduct of a sexual nature or been found civilly or criminally liable for an act of a similar nature.

3. If the therapist or counsellor is not a health professional, the College may require the person to sign a document indicating that he or she understands that the therapist or counsellor is not subject to professional discipline. 2018, c. 8, Sched. 19, s. 13.

Payment

(9)  Funding shall be paid only to the therapist or counsellor chosen by the person or to other persons or classes of persons prescribed by any regulation made under clause 42 (1) (d.0.2). 2018, c. 8, Sched. 19, s. 13.

Use of funding

(10)  Funding shall be used only to pay for therapy or counselling and for any other purposes prescribed by any regulation made under clause 42 (1) (d.0.2) and shall not be applied directly or indirectly for any other purpose. 2018, c. 8, Sched. 19, s. 13.

Same

(11)  Funding may be used to pay for therapy or counselling that was provided at any time after the alleged sexual abuse, prescribed sexual act or prohibited act involving child pornography took place. 2018, c. 8, Sched. 19, s. 13; 2020, c. 36, Sched. 33, s. 33 (4).

Other coverage

(12)  The funding that is provided to a person for therapy and counselling shall be reduced by the amount that the Ontario Health Insurance Plan or a private insurer is required to pay for therapy or counselling for the person during the period of time during which funding may be provided for the person under the program. 2018, c. 8, Sched. 19, s. 13.

Right of recovery

(13)  The College is entitled to recover from the member, in a proceeding brought in a court of competent jurisdiction, money paid in accordance with this section for an eligible person where the Discipline Committee has made a finding that,

(a) the member has committed an act of professional misconduct that consisted of or included sexual abuse, a prescribed sexual act or a prohibited act involving child pornography; and

(b) the eligible person was the subject of the sexual abuse, prescribed sexual act or prohibited act involving child pornography. 2018, c. 8, Sched. 19, s. 13; 2020, c. 36, Sched. 33, s. 33 (5, 6).

Person not required to testify

(14)  The eligible person shall not be required to appear at or testify in the proceeding referred to in subsection (13). 2018, c. 8, Sched. 19, s. 13.

**Section Amendments with date in force (d/m/y)**

[2018, c. 8, Sched. 19, s. 13](http://www.ontario.ca/laws/statute/S18008" \l "sched19s13) - 01/01/2020

[2020, c. 36, Sched. 33, s. 33 (1-6)](http://www.ontario.ca/laws/statute/S20036" \l "sched33s33s1) - 08/12/2020

[2023, c. 11, Sched. 3, s. 17](http://www.ontario.ca/laws/statute/S23011" \l "sched3s17) - 08/06/2023

PART XI  
TRANSITIONAL PROVISIONS

**59** Repealed: 2006, c. 10, s. 61.

**Section Amendments with date in force (d/m/y)**

[2006, c. 10, s. 61](http://www.ontario.ca/laws/statute/S06010" \l "s61) - 01/06/2006

First meeting of members

**60** The College shall hold its first annual meeting of the members not more than 15 months after the first Council is duly elected and appointed. 1996, c. 12, s. 60.

**61** Repealed: 2006, c. 10, s. 61.

**Section Amendments with date in force (d/m/y)**

[2006, c. 10, s. 61](http://www.ontario.ca/laws/statute/S06010" \l "s61) - 01/06/2006

Transition: initial membership

**62** (1)  Every person who, on a day to be specified in a regulation made under subsection (2), holds an Ontario Teacher’s Certificate or a letter of standing issued under the Education Act shall be deemed to hold a certificate of qualification and registration under this Act. 1996, c. 12, s. 62 (1); 2009, c. 33, Sched. 13, s. 2 (10).

Same

(2)  Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations specifying a day for the purposes of subsection (1) and providing a concordance between,

(a) qualifications held under the Education Act by persons affected by subsection (1) before the specified day; and

(b) certificates, including any terms, conditions or limitations on those certificates, held under this Act on and after the specified day. 1996, c. 12, s. 62 (2).

Same

(3)  For the purposes of subsection (2), qualifications include,

(a) qualifications set out in Regulation 297 of the Revised Regulations of Ontario, 1990;

(b) qualifications set out on Ontario Teacher’s Qualifications Record Cards;

(c) qualifications set out on any other records of qualification held by the Ministry in respect of any person affected by subsection (1). 1996, c. 12, s. 62 (3).

Same

(4)  Regulations that may be made under subsection (2) include but are not limited to regulations,

(a) classifying certificates of qualification and registration that come into being as a result of subsection (1);

(b) deeming certificates of qualification and registration of any class prescribed under clause (a) to be subject to specified terms, conditions and limitations;

(c) deeming terms, conditions and limitations referred to in clause (b) to have been imposed by the Registrar under this Act;

(d) deeming any person who holds a certificate of qualification and registration of any class prescribed under clause (a) to also hold one or more additional certificates of qualification;

(e) deeming additional certificates referred to in clause (d) to have been issued under this Act. 1996, c. 12, s. 62 (4); 2009, c. 33, Sched. 13, s. 2 (8, 9, 11).

(5)  Repealed: 2006, c. 10, s. 62.

Same

(6)  Subsections 40 (2) and (3) apply to a regulation made under subsection (2). 1996, c. 12, s. 62 (6).

**Section Amendments with date in force (d/m/y)**

[2006, c. 10, s. 62](http://www.ontario.ca/laws/statute/S06010" \l "s62) - 01/06/2006

[2009, c. 33, Sched. 13, s. 2 (8-11)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s8) - 15/12/2009

Transition: persons in programs

**63** (1)  Any person who,

(a) is enrolled in a program of professional education within the meaning of Regulation 297 of the Revised Regulations of Ontario, 1990 on the date specified under subsection 62 (2); and

(b) fulfils the requirements for an Ontario Teacher’s Certificate as they existed immediately before the date specified under subsection 62 (2),

shall be deemed to have fulfilled the requirements for the issuance of a certificate of qualification and registration. 1996, c. 12, s. 63 (1); 2009, c. 33, Sched. 13, s. 2 (10).

Same

(2)  Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations providing for any matter that it considers necessary or advisable in connection with the issuance of certificates of qualification and registration under subsection (1), including but not limited to regulations,

(a) relating to terms, conditions and limitations to be imposed on the certificates;

(b) relating to the classification of the certificates; and

(c) respecting processes and criteria for the issuance of the certificates. 1996, c. 12, s. 63 (2); 2009, c. 33, Sched. 13, s. 2 (11).

Same

(3)  Subsections 40 (2) and (3) apply to a regulation made under subsection (2). 1996, c. 12, s. 63 (3).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 13, s. 2 (10, 11)](http://www.ontario.ca/laws/statute/S09033" \l "sched13s2s10) - 15/12/2009

Transition: Protecting Students Act, 2016

Definition

**63.1** (1)  In this section,

“commencement date” means the day the Protecting Students Act, 2016 receives Royal Assent. 2016, c. 24, Sched. 2, s. 31.

Matters begun before commencement date

(2)  If, before the commencement date, a complaint was made under subsection 26 (1), an application was made under subsection 33 (1) or (2) or an employer’s report was made under section 43.2 or 43.3, the following rules apply:

1. Subsection 17 (2.1), as it read on the day before section 9 of Schedule 33 to the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 came into force, applies to the matter, in the case of a committee to which the matter was referred on or after the commencement date but before the day section 9 of Schedule 33 to the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 comes into force.

1.1 Subsection 17 (2) applies to the matter, except in the case of a committee to which the matter was referred before the commencement date.

2. The amendments made by Schedule 2 to the Protecting Students Act, 2016 to subsection 23 (2), and subsection 23 (2.8), apply to the matter, unless before the commencement date an order has been made in respect of the matter under subsection 30 (4), 31 (3) or 33 (6).

3. Unless before the commencement date an order has been made in respect of the matter under subsection 30 (4), 31 (3) or 33 (6), in dealing with the matter, the Registrar or a committee, as the case may be, shall apply the amendments made by Schedule 2 to the Protecting Students Act, 2016 to Parts IV, V and VI to the extent possible, but are not required to,

i. return to an earlier stage or repeat earlier steps in dealing with the matter, or

ii. change any determination or decision that was made before the commencement date.

4. Paragraph 3 does not apply for the purposes of section 30.2 and subsections 33 (4.1) and 34 (2).

5. Despite paragraph 3, subsection 26 (4.1) does not apply in the case of explanations or representations that were submitted under clause 26 (3) (b) before the commencement date.

6. Despite paragraph 3, section 26.2 does not apply to the matter.

7. Section 45.1 applies to the matter, unless before the commencement date an order has been made in respect of the matter under subsection 30 (4), 31 (3) or 33 (6). 2016, c. 24, Sched. 2, s. 31; 2020, c. 36, Sched. 33, s. 34.

Register

(3)  For the purposes of clauses 23 (2) (b), (b.1) and (d.1), the register is not required to contain the following information, other than such information that the register was required to contain before the commencement date:

1. Terms, conditions or limitations imposed on a certificate before the commencement date.

2. Restrictions imposed on a member’s eligibility to teach before the commencement date.

3. Information about criminal proceedings that was provided to the Registrar before the commencement date. 2016, c. 24, Sched. 2, s. 31.

Same

(4)  Clause 23 (2.5) (a) applies for the purposes of any terms, conditions or limitations imposed on a certificate that the register contained on the commencement date. 2016, c. 24, Sched. 2, s. 31.

Section 30.2 re sexual abuse

(5)  Section 30.2 applies to an act of professional misconduct that consisted of or included sexual abuse of a student that occurred before the commencement date, if no order has been made in respect of the matter under subsection 30 (4) before the commencement date. 2016, c. 24, Sched. 2, s. 31; 2019, c. 3, Sched. 3, s. 21 (2).

Subsections 33 (4.1) and 34 (2) re application for reinstatement

(6)  Subsections 33 (4.1) and 34 (2) apply to an act of professional misconduct that consisted of or included sexual abuse of a student that occurred before the commencement date, if no order has been made in respect of the matter under subsection 30 (4) before the commencement date. 2016, c. 24, Sched. 2, s. 31; 2019, c. 3, Sched. 3, s. 21 (3).

Same

(7)  Subsections (5) and (6) apply whether the complaint or employer’s report was made before or after the commencement date. 2016, c. 24, Sched. 2, s. 31.

Same

(8)  For the purposes of the meaning of sexual abuse of a student in subsections (5) and (6), subsections 1 (2) to (5) apply. 2016, c. 24, Sched. 2, s. 31.

Subsection 35 (5) re stay of certain orders pending appeal

(9)  Subsection 35 (5) does not apply to an order made before the commencement date. 2016, c. 24, Sched. 2, s. 31.

Sections 43.2, 43.3 and 43.4 re employer’s reports

(10)  The amendments made by Schedule 2 to the Protecting Students Act, 2016 to sections 43.2, 43.3 and 43.4 do not apply to a report made under those sections before the commencement date. 2016, c. 24, Sched. 2, s. 31.

Subsection 47 (2) re provision of information

(11)  For the purposes of subsection 47 (2), if before the commencement date the College required a person or body to provide information, and did not specify a time period within which the information must be provided, the person or body shall do so within 30 days of the commencement date. 2016, c. 24, Sched. 2, s. 31.

**Section Amendments with date in force (d/m/y)**

[2001, c. 14, Sched. B, s. 11](http://www.ontario.ca/laws/statute/S01014" \l "schedbs11) - 29/06/2001; [2001, c. 24, s. 7 (1-3)](http://www.ontario.ca/laws/statute/S01024" \l "s7s1) - 12/12/2001

[2004, c. 26, s. 10](http://www.ontario.ca/laws/statute/S04026" \l "s10) - 16/12/2004

[2016, c. 24, Sched. 2, s. 31](http://www.ontario.ca/laws/statute/S16024" \l "sched2s31) - 05/12/2016

[2019, c. 3, Sched. 3, s. 21 (1)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s21s1) - no effect - see [2020, c. 36, Sched. 33, s. 39](http://www.ontario.ca/laws/statute/S20036" \l "sched33s39) - 08/12/2020; [2019, c. 3, Sched. 3, s. 21 (2, 3)](http://www.ontario.ca/laws/statute/S19003" \l "sched3s21s2) - 03/04/2019

[2020, c. 36, Sched. 33, s. 34](http://www.ontario.ca/laws/statute/S20036" \l "sched33s34) - 01/02/2021

Transition: Safe and Supportive Classrooms Act, 2019

Sexual abuse

**63.2** Section 30.2, as amended by section 14 of Schedule 3 to the Safe and Supportive Classrooms Act, 2019, applies to an act of professional misconduct that consists of or includes sexual abuse of a student that occurred before the day section 22 of that Schedule came into force if no order has been made in respect of the matter under subsection 30 (4) of this Act before that day. 2019, c. 3, Sched. 3, s. 22; 2023, c. 11, Sched. 3, s. 18.

**Section Amendments with date in force (d/m/y)**

[2018, c. 8, Sched. 19, s. 14](http://www.ontario.ca/laws/statute/S18008" \l "sched19s14) - 08/05/2018

[2019, c. 3, Sched. 3, s. 22](http://www.ontario.ca/laws/statute/S19003" \l "sched3s22) - 03/04/2019

[2023, c. 11, Sched. 3, s. 18](http://www.ontario.ca/laws/statute/S23011" \l "sched3s18) - 08/06/2023

Transition, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

**63.3** Subsection 33 (1.1) applies to an act of professional misconduct that occurred before the day subsection 21 (2) of Schedule 33 to the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 came into force. 2020, c. 36, Sched. 33, s. 35.

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 35](http://www.ontario.ca/laws/statute/S20036" \l "sched33s35) - 08/12/2020

Transition, Better Schools and Student Outcomes Act, 2023

**63.4**(1)  In this section,

“transition date” means the day section 3 of Schedule 3 to the Better Schools and Student Outcomes Act, 2023 comes into force. 2023, c. 11, Sched. 3, s. 19.

Transition, s. 24 (4)

(2)  If a date is prescribed by the regulations for the purposes of this subsection, subsection 24 (4) does not apply before the prescribed date in respect of a certificate that was suspended before the transition date. 2023, c. 11, Sched. 3, s. 19.

Transition, s. 26 (5)

(3)  Subsection 26 (5), as amended by subsection 6 (1) of Schedule 3 to the Better Schools and Student Outcomes Act, 2023, applies in respect of a complaint that is made before the transition date if no decision has been made in respect of the matter before that date by the Investigation Committee under subsection 26 (5) of this Act. 2023, c. 11, Sched. 3, s. 19.

Transition, s. 26 (9)

(4)  Subsection 26 (9), as re-enacted by subsection 6 (2) of Schedule 3 to the Better Schools and Student Outcomes Act, 2023, applies in respect of a complaint that is made before the transition date if no decision has been made in respect of the matter before that date by the Investigation Committee under subsection 26 (5) of this Act. 2023, c. 11, Sched. 3, s. 19.

Transition, s. 30.2 (8)

(5)  Subsection 30.2 (8) applies in respect of a matter referred to the Discipline Committee before the transition date if a hearing by a panel of the Discipline Committee respecting the matter has not been commenced before the transition date. 2023, c. 11, Sched. 3, s. 19.

Transition, s. 33 (4.1)

(6)  For greater certainty, subsection 33 (4.1), as amended by section 8 of Schedule 3 to the Better Schools and Student Outcomes Act, 2023, applies in respect of a certificate revoked before the transition date pursuant to an order made under section 30 or deemed revoked pursuant to section 30.3. 2023, c. 11, Sched. 3, s. 19.

Transition, s. 35 (5)

(7)  Paragraph 2 of subsection 35 (5), as amended by section 9 of Schedule 3 to the Better Schools and Student Outcomes Act, 2023, does not apply to an order of the Discipline Committee made before the transition date. 2023, c. 11, Sched. 3, s. 19.

Transition, s. 47.2 (4)

(8)  Subsection 47.2 (4) applies to a suspension or order that was made before the transition date if the suspension is not removed or the certificate is not issued before that date. 2023, c. 11, Sched. 3, s. 19.

**Section Amendments with date in force (d/m/y)**

[2023, c. 11, Sched. 3, s. 19](http://www.ontario.ca/laws/statute/S23011" \l "sched3s19) - 08/06/2023

Note: On a day to be named by proclamation of the Lieutenant Governor, Part XII of the Act is repealed. (See: 2020, c. 36, Sched. 33, s. 38)

PART XII  
TransitionAL Provisions: Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020

Definitions

**64** In this Part,

“transition date” means the day section 37 of Schedule 33 to the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 comes into force; (“date de transition”)

“transition period” means the period that begins on the transition date and ends on the day prescribed by the regulations. (“période de transition”) 2020, c. 36, Sched. 33, s. 36.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 64 of the Act is repealed. (See: 2020, c. 36, Sched. 33, s. 38)

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 36](http://www.ontario.ca/laws/statute/S20036" \l "sched33s36) - 08/12/2020; [2020, c. 36, Sched. 33, s. 38](http://www.ontario.ca/laws/statute/S20036" \l "sched33s38) - see [2023, c. 11, Sched. 3, s. 20](http://www.ontario.ca/laws/statute/S23011" \l "sched3s20) - not in force

Appointment

**65** (1)  The Lieutenant Governor in Council may appoint an individual to act as the Transition Supervisory Officer. 2020, c. 36, Sched. 33, s. 36.

Duties of Transition Supervisory Officer

(2)  The Transition Supervisory Officer shall,

(a) before, during and after the transition period, advise the Registrar and the Minister on matters related to the amendments made by Schedule 33 to the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020;

(b) make such appointments to the Council and to statutory committees, regulatory committees and the roster of eligible panellists as required under this Part; and

(c) perform any other duty set out in this Act or prescribed by the regulations. 2020, c. 36, Sched. 33, s. 36.

Restriction re appointments

(3)  A person shall not be appointed to the Council, a statutory committee or regulatory committee if they previously have been a member of the Council for six or more consecutive years, unless three years have elapsed since the end of the person’s most recent term on the Council. 2020, c. 36, Sched. 33, s. 36.

Same

(4)  A person who was a member of the Council immediately before the transition date shall not be appointed to a term on the Council, a statutory committee or regulatory committee that exceeds the difference between six years and the number of consecutive years they served on the Council immediately before the transition date. 2020, c. 36, Sched. 33, s. 36.

Same

(5)  The Transition Supervisory Officer may direct the Registrar and other employees of the College to perform any of the Transition Supervisory Officer’s responsibilities during the transition period. 2020, c. 36, Sched. 33, s. 36.

Remuneration

(6)  The expenses and remuneration of the Transition Supervisory Officer shall be paid by the College. 2020, c. 36, Sched. 33, s. 36.

Immunity

(7)  Section 55 applies with necessary modifications to the Transition Supervisory Officer. 2020, c. 36, Sched. 33, s. 36.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 65 of the Act is repealed. (See: 2020, c. 36, Sched. 33, s. 38)

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 36](http://www.ontario.ca/laws/statute/S20036" \l "sched33s36) - 08/12/2020; [2020, c. 36, Sched. 33, s. 38](http://www.ontario.ca/laws/statute/S20036" \l "sched33s38) - see [2023, c. 11, Sched. 3, s. 20](http://www.ontario.ca/laws/statute/S23011" \l "sched3s20) - not in force

Dissolution of Council

**66** (1)  On the transition date, the Council in place immediately before the transition date is dissolved. 2020, c. 36, Sched. 33, s. 37.

Duties and powers of Council during transition

(2)  During the transition period,

(a) the Transition Supervisory Officer shall have the duties and powers that the Council and the Executive Committee had under this Act before they were dissolved, including the power to make regulations pursuant to the authority under subsection 40 (1); and

(b) any reference in this Act or the regulations to the Council or the Adjudicative Body of Chairs shall be read as a reference to the Transition Supervisory Officer, with necessary modifications. 2020, c. 36, Sched. 33, s. 37.

Regulations

(3)  For greater certainty, the Transition Supervisory Officer may make regulations under subsection 40 (1) relating to the establishment, under this Part, of the Council and its subcommittees, statutory committees, regulatory committees, roster and panels, including making regulations respecting the appointment of persons, their terms of office and practices and procedures of committees and subcommittees. 2020, c. 36, Sched. 33, s. 37.

First Council established during transition period

(4)  During the transition period, a Council shall be established in accordance with this Act and the regulations. 2020, c. 36, Sched. 33, s. 37.

Same

(5)  The Council established under subsection (4) shall be the first Council after the transition period and shall be composed of,

(a) six persons who are members of the College and who are appointed by the Transition Supervisory Officer in accordance with the regulations; and

(b) six persons who are not members of the College and who are appointed by the Lieutenant Governor in Council in accordance with the regulations. 2020, c. 36, Sched. 33, s. 37; 2021, c. 34, Sched. 17, s. 7.

Duties and powers of Council during transition period

(6)  Despite subsection (2), during the transition period, the Council established under subsection (4) may,

(a) establish subcommittees and appoint its members to such subcommittees in accordance with this Act, the regulations or by-laws, as the case may be;

(b) appoint a Chair in accordance with the regulations;

(c) make by-laws respecting the practices and procedures of Council and its subcommittees, implement practices and procedures and engage in other administrative tasks to set up the Council or subcommittees; and

(d) implement practices and procedures set out in the regulations as are applicable to the Selection and Nominating Subcommittee and engage in other administrative tasks to set up that subcommittee. 2020, c. 36, Sched. 33, s. 37.

Duties and powers of Council after transition period

(7)  Starting on the day immediately following the end of the transition period,

(a) the Council established under subsection (4) shall have the duties and powers of the Council under this Act; and

(b) any reference in this Act or the regulations to a person appointed under clause 4 (2) (a) or (b) shall be read to also include a person appointed under clause (5) (a) or (b) of this section, respectively. 2020, c. 36, Sched. 33, s. 37.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 66 of the Act is repealed. (See: 2020, c. 36, Sched. 33, s. 38)

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 37](http://www.ontario.ca/laws/statute/S20036" \l "sched33s37) - 01/02/2021; [2020, c. 36, Sched. 33, s. 38](http://www.ontario.ca/laws/statute/S20036" \l "sched33s38) - see [2023, c. 11, Sched. 3, s. 20](http://www.ontario.ca/laws/statute/S23011" \l "sched3s20) - not in force

[2021, c. 34, Sched. 17, s. 7](http://www.ontario.ca/laws/statute/S21034" \l "sched17s7) - 02/12/2021

Dissolution of committees

**67** (1)  On the transition date, every committee established under this Act that was in place immediately before the transition date, and every panel of such a committee, is dissolved. 2020, c. 36, Sched. 33, s. 37.

If matter not complete before transition date

(2)  Despite subsection (1) and subsection 68 (1), the Accreditation Appeal Committee or a panel of a committee established under subsection 15 (1) or of the Accreditation Committee shall continue to deal with any matter before it on the transition date until the matter is disposed of. 2020, c. 36, Sched. 33, s. 37.

First statutory committees during transition period

(3)  During the transition period, all of the statutory committees shall be established in accordance with this Act and the regulations. 2020, c. 36, Sched. 33, s. 37.

Same

(4)  The statutory committees established under subsection (3) shall be the first statutory committees after the transition period and shall each be composed of both members of the College and non-members who are appointed by the Transition Supervisory Officer in accordance with this Act and the regulations. 2020, c. 36, Sched. 33, s. 37.

Duties and powers of statutory committees during transition period

(5)  During the transition period, the statutory committees established under subsection (3) may,

(a) appoint a Chair and Vice Chair in accordance with the regulations; and

(b) implement such practices and procedures set out in the regulations as are applicable to the committees and engage in other administrative tasks to set up the committee. 2020, c. 36, Sched. 33, s. 37.

Duties and powers of committees after transition period

(6)  Starting on the day immediately following the end of the transition period, the statutory committees established under subsection (3) shall have the duties and powers of the statutory committees under this Act. 2020, c. 36, Sched. 33, s. 37.

First other committees

(7)  The Transition Supervisory Officer may establish regulatory committees during the transition period in accordance with the regulations. 2020, c. 36, Sched. 33, s. 37.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 67 of the Act is repealed. (See: 2020, c. 36, Sched. 33, s. 38)

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 37](http://www.ontario.ca/laws/statute/S20036" \l "sched33s37) - 01/02/2021; [2020, c. 36, Sched. 33, s. 38](http://www.ontario.ca/laws/statute/S20036" \l "sched33s38) - see [2023, c. 11, Sched. 3, s. 20](http://www.ontario.ca/laws/statute/S23011" \l "sched3s20) - not in force

Dissolution of roster

**68** (1)  On the transition date, the roster of eligible panellists established under subsection 17 (4) that was in place immediately before the transition date is dissolved. 2020, c. 36, Sched. 33, s. 37.

Roster during transition

(2)  During the transition period,

(a) a roster of eligible panellists shall be established in accordance with the regulations, if any;

(b) the Transition Supervisory Officer and the Lieutenant Governor in Council may appoint persons to be on the roster of eligible panelists, and the Transition Supervisory Officer shall ensure that a sufficient number of persons are appointed to the roster for the purposes of establishing panels under subclause (d) (i);

(c) the Transition Supervisory Officer may appoint persons to be on the roster established for the purposes of the Accreditation Committee and the Accreditation Appeal Committee, and the Transition Supervisory Officer shall ensure that a sufficient number of persons are appointed to the roster for the purposes of establishing panels under subclause (d) (ii); and

(d) the Transition Supervisory Officer may direct the Registrar to establish a panel, in accordance with this Act and the regulations, if any,

(i) from among the persons appointed to the roster of eligible panelists, to exercise the powers and duties of a statutory committee, other than the Adjudicative Body of Chairs, or

(ii) from among the persons appointed to the roster established for the purposes of the Accreditation Committee and the Accreditation Appeal Committee, to exercise the powers and duties of those committees. 2020, c. 36, Sched. 33, s. 37.

Panels during transition

(3)  During the transition period, any reference in this Act or the regulations to a committee established under subsection 15 (1), the Accreditation Committee or the Accreditation Appeal Committee, shall be read as a reference to the corresponding panel established under clause (2) (d) of this section, with necessary modifications. 2020, c. 36, Sched. 33, s. 37.

If matter not complete at end of transition period

(4)  A panel established under clause (2) (d) shall continue to deal with any matter before it on the last day of the transition period until the matter is disposed of. 2020, c. 36, Sched. 33, s. 37.

First roster after transition period

(5)  Starting on the day immediately following the end of the transition period, the roster established under subclause (2) (a) shall be the roster for the purposes of subsection 17 (4). 2020, c. 36, Sched. 33, s. 37.

If matter not complete at end of transition period

(6)  The Transition Supervisory Officer shall continue to deal with a matter that is before them on the last day of the transition period until the matter is disposed of, if it is a matter that would otherwise be dealt with by the Adjudicative Body of Chairs. 2020, c. 36, Sched. 33, s. 37.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 68 of the Act is repealed. (See: 2020, c. 36, Sched. 33, s. 38)

**Section Amendments with date in force (d/m/y)**

[2020, c. 36, Sched. 33, s. 37](http://www.ontario.ca/laws/statute/S20036" \l "sched33s37) - 01/02/2021; [2020, c. 36, Sched. 33, s. 38](http://www.ontario.ca/laws/statute/S20036" \l "sched33s38) - see [2023, c. 11, Sched. 3, s. 20](http://www.ontario.ca/laws/statute/S23011" \l "sched3s20) - not in force

**69** Omitted (enacts short title of this Act). 1996, c. 12, s. 69.

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