



## Person Complaints against Certified Educators

Under the *Teachers Act*, members of the public may submit a written complaint to the Commissioner for Teacher Regulation regarding the conduct or competency of a certified educator whom they believe has failed to maintain the Standards for educators in BC. A matter must amount to a breach of the Standards in order to be under the jurisdiction of the Commissioner.

### Role of the Commissioner for Teacher Regulation

The Commissioner is an independent statutory decision maker, appointed under the *Teachers Act*, who is responsible for overseeing the disciplinary process and ensuring that concerns about the conduct or competence of certified educators are addressed fairly and in the public interest.

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***Certified educators include teachers, vice-principals, principals, directors and superintendents who hold a Ministry of Education teaching certificate.***

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## Frequently Asked Questions

### Where should I go to express my concern or make an inquiry about an educator?

Most concerns are best dealt with at the school level. Before submitting a complaint to the Commissioner, you should discuss your concerns with the educator. If you are unable to resolve the issue, you should then go to the educator's supervisor, or if necessary the superintendent's office/independent school authority. Boards of education and independent school authorities each have their own policy and process for addressing complaints. You should request a copy of your board/authority's policy and go through the local complaint process *before* initiating a complaint with the Commissioner. Parents can also ask a representative from their local parent advisory council, if applicable, to assist them in this process.

If your concern is not adequately addressed at the school level and you have questions about how to submit a complaint to the Commissioner, you can call the Teacher Regulation Branch (TRB) to speak with an Intake Officer whose role is to obtain initial information and explain the complaint process.

### What happens after a complaint is submitted to the Commissioner?

Under the *Teachers Act*, the Commissioner must acknowledge receipt of a complaint, and conduct a preliminary review of the matters raised.

### What does the Commissioner consider during the preliminary review?

The Commissioner will review the file taking into consideration the nature of the allegations, whether the matter has been appropriately dealt with in another forum, whether the alleged conduct or incompetence could possibly amount to misconduct or a finding of incompetence, and whether the matter has also been reported through another avenue.

## Complaint Tool Kit

### Checklist: What you should do *before* submitting a complaint to the Commissioner

- ☐ Attempt to resolve concerns with the educator.
- ☐ If a resolution is not reached, involve the educator's supervisor, or if necessary the superintendent's office/independent school authority.
- ☐ If a resolution is still not reached, confirm on the Online Registry that the educator holds a BC-issued certificate to teach.
- ☐ Examine the Standards for educators to confirm that the conduct or competence of the educator is in conflict with the Standards; otherwise the matter will not be under the Commissioner's jurisdiction.
- ☐ Review the Teacher Regulation Branch (TRB) website for information on how to make a complaint.

### Standards for Educators

Professional standards communicate to certified educators and the public a description of the work of educators - what they know, what they are able to do, and how they must comport themselves as they serve the public. The conduct/competence of a certified educator is measured against the Standards when deciding upon discipline outcomes.

[www.bcteacherregulation.ca/Standards/StandardsOverview.aspx](http://www.bcteacherregulation.ca/Standards/StandardsOverview.aspx)

### Checklist: What to include in a complaint

- ☐ The full name of the certified educator who is the subject of the complaint, and the school or district where he/she works.
- ☐ A description, including specific information related to the conduct/competency in question.
- ☐ A summary of issues/concerns.
- ☐ Information on steps taken to resolve the complaint.

### What are the possible outcomes of a preliminary review?

Upon completing the preliminary review the Commissioner may decide to:

- take no further action and provide reasons for this decision;
- initiate an investigation;
- make or accept a proposal for a consent resolution agreement; or
- issue a citation, which would lead to a hearing by a hearing panel.

### What reasons would the Commissioner have for taking no further action?

Following a preliminary review, the Commissioner may decide not to take further action in respect of one or more of the matters raised in a complaint if the Commissioner determines that any of the following apply:

- the matter is not within his, or a panel's, jurisdiction;
- the matter is frivolous, vexatious or trivial or gives rise to an abuse of process;
- the report or complaint was made in bad faith or filed for an improper purpose or motive;
- there is no reasonable prospect the report or complaint will result in an adverse finding by a panel;
- it is not in the public interest to take further action in respect of the matter; or
- the matter has not been pursued in a timely manner.

Typically, most cases lead to no further action, often because they have been addressed satisfactorily by the boards/independent school authorities involved; they didn't raise a regulatory concern sufficient to send them to the disciplinary process; or there was no public interest in pursuing the matter further.

### What happens if the Commissioner orders an investigation?

If the Commissioner orders an investigation, he is obligated to notify the person who made the complaint, the certified educator in question, as well as his/her current employer if employed by a board of education or independent school authority.

The investigation is an independent, fact-gathering process under the direction of the Commissioner. The manner in which the investigation is conducted is at the discretion of the Commissioner.

During the course of an investigation, the Commissioner may ask the complainant to take part in an interview with investigators. The Commissioner may also consider any previous decisions not to take further actions, as well as previous investigations, consent resolution agreements, including any findings and/or disciplinary actions taken under the *Teaching Profession Act* concerning the certified educator under investigation.

### What are the possible outcomes if a certified educator is found to have breached the professional Standards?

In any case, whether it is resolved through the disciplinary hearing or the consent resolution process, there are several options available if the certified educator is found to have breached the professional standards. These include: a reprimand; suspension; placing limits or conditions on; or cancellation of a certificate.

### Checklist: How to submit a complaint to the Commissioner

- All complaints should be filled out using the Complaint Form. If you have a complaint about more than one educator, complete a separate form for each.
- Completed forms can be sent to the Commissioner by way of the Teacher Regulation Branch in one of four ways:

**EMAIL:** Send an email and any attachments to [trb.intake@gov.bc.ca](mailto:trb.intake@gov.bc.ca)

#### **MAIL:**

#### **Teacher Regulation Branch**

Ministry of Education

400-2025 West Broadway

Vancouver, BC V6J 1Z6 Canada

**FAX:** 604 775-4858

**IN PERSON:** To the address above.

- The Complaint Form must be signed by the complainant(s).  
*Unless you are named on, and have signed the Complaint Form, you are not considered a complainant.*

### Resources

#### **TRB Website**

[www.bcteacherregulation.ca](http://www.bcteacherregulation.ca)

#### **Complaint Form**

[www.bcteacherregulation.ca/documents/FormsandPublications/ProfConduct/mc\\_form\\_web.pdf](http://www.bcteacherregulation.ca/documents/FormsandPublications/ProfConduct/mc_form_web.pdf)

#### **Online Registry**

[www.bcteacherregulation.ca/CertificateServices/FindATeacher.aspx](http://www.bcteacherregulation.ca/CertificateServices/FindATeacher.aspx)

#### **Discipline Outcomes**

Outcomes and reasons for decision:

[www.bcteacherregulation.ca/ProfessionalConduct/DisciplineDecisions.aspx](http://www.bcteacherregulation.ca/ProfessionalConduct/DisciplineDecisions.aspx)

#### **TRB Intake Contact Information**

Email: [trb.intake@gov.bc.ca](mailto:trb.intake@gov.bc.ca)

Phone: 604 660-6060 or toll-free at

1 800 555-3684 (within North America)

#### **Teachers Act**

[www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_11019\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_11019_01)



## Understanding Your Duty to Report

### Guiding Principle: Public Interest

The concept of "public interest" – as it relates to regulatory discipline – has two main elements:

1. Students must be protected from certificate holders who inflict physical, emotional or sexual harm on them (intentionally or otherwise).
2. Certificate holders cannot conduct themselves – on or off duty – in a way that breaches the Standards for the Education, Competence and Professional Conduct.

### Action: Regulatory and Employment Issues

If a certificate holder's conduct meets either of the following criteria, a regulatory response **is required** even if employment discipline has already been imposed:

- The conduct alleged involves emotional, physical or sexual harm, abuse or exploitation of a student by a certificate holder.
- The alleged conduct calls into question the integrity of the teaching profession or the school system, and/or conflicts with a fundamental value of the school system – even if there is no direct harm to a student.

**Simple rule: When in doubt, err on the side of caution and report.**

Let the Commissioner decide if it is truly a regulatory matter.

### School Districts/Independent School Authorities Must Report:

- A suspension or dismissal
- Discipline for misconduct that involves:
  - Physical harm to a student or minor
  - Sexual abuse or sexual exploitation of a student or minor, or
  - Significant emotional harm to a student or minor
- A resignation if it is in the "public interest" to report the matter
- Conduct/competence considered to be in breach of the "certification standards" if it is in the public interest to do so
- When it is in the "public interest":
  - Letters of expectation/direction
  - Mental health conditions
  - Less than satisfactory reports
  - Criminal offence arrest

### Your Duty to Report

Section 38 of the *Teachers Act* states that a certificate holder must promptly provide to the Commissioner a written and signed report if he/she has reason to believe that another certificate holder has engaged in conduct that involves any of the following:

- (a) physical harm to a student;
- (b) sexual abuse or sexual exploitation of a student;
- (c) significant emotional harm to a student.

This is **non-negotiable** and applies even if the information on which the belief is based is privileged. The exception to this rule is information as a result of a solicitor-client relationship, or that is confidential and its disclosure is prohibited under another Act.

### Consequences for Professional Misconduct

Certificate holders can face consequences or sanctions at multiple levels for the same conduct:

- Professional regulatory
- Criminal
- Civil
- Employment
- Personal

### What Type of Conduct Could be Sanctioned?

- Professional misconduct
- Conduct unbecoming a certificate holder
- Incompetence
- Incapacity

### Reporting to the Commissioner: The Process

- The process starts with a report from a school district/authority or a complaint from a member of the public about conduct or competency of a certificate holder.
- The report then goes to TRB's Intake Officer who will ensure jurisdiction and that the report has met the criteria in the *Teachers Act*.
- The certificate holder in question is advised of the report and any other necessary notifications are made.
- In the case of a complaint made by the public, the TRB, at the direction of the Commissioner, may seek information related to the complaint from school boards/authorities at the intake stage.
- Once enough information is gathered a summary of the file is prepared for review by the Commissioner.

### Commissioner's Initial File Review

The Commissioner reviews the information gathered and may:

- take no further action and provide reasons for this decision;
- initiate an investigation;
- make or accept a proposal for a consent resolution agreement; or
- issue a citation, which would lead to a hearing.

### If Disciplinary Action is Warranted

Whether the case is resolved through a disciplinary hearing or consent resolution process, there are several options available if a certificate holder is found to have breached the standards:

- A reprimand
- Suspension of a certificate
- Placing limits or conditions on a certificate
- Cancelling a certificate

Discipline decisions are published to provide the public with the confidence that educators who fail to meet the standards are held accountable.

### Discipline Hearings

Panel determines three things:

- Did the alleged misconduct happen?
- If yes, did the misconduct breach the standards of conduct or competence?
- If yes, what is the appropriate penalty?

### Qualifications and Fitness Hearings

If the Director of Certification denies an application on grounds of either failure to meet the qualification standards or fitness, the applicant may request that the Director reconsider. If the denial is maintained, the applicant can bring a "certification appeal" to the Commissioner. The Commissioner then has two options: dismiss the appeal or refer to a hearing.

### Standards for the Education, Competence and Professional Conduct of Educators in BC

1. Educators value and care for all students and act in their best interests.
2. Educators are role models who act ethically and honestly.
3. Educators understand and apply knowledge of student growth and development.
4. Educators value the involvement and support of parents, guardians, families and communities in schools.
5. Educators implement effective practices in areas of planning, instruction, assessment, evaluation and reporting.
6. Educators have a broad knowledge base and understand the subject areas they teach.
7. Educators engage in career-long learning.
8. Educators contribute to the profession.

### Teacher Regulation Branch

Ministry of Education  
400-2025 West Broadway  
Vancouver, BC V6J 1Z6 Canada  
[www.bcteacherregulation.ca](http://www.bcteacherregulation.ca)

604 660-6060 (Metro Vancouver)

### Toll Free

1 800 555-3684 (within Canada and the United States)





### How the Regulator Can Assist Employers in Professional Conduct Matters

The Commissioner, an independent statutory decision maker, oversees all discipline processes and considers certification appeals. This includes receiving reports and complaints about the conduct or competence of certificate holders in both the public and independent school systems as set out in the *Teachers Act*. The Teacher Regulation Branch, as the operational arm of the regulatory structure, provides administrative support to the Office of the Commissioner.

The foundational principles of the *Teachers Act* include the paramount nature of the public interest and transparency. With that in mind, when an employer seeks information about a certificate holder or a person who holds a letter of permission who is charged with a criminal offence or who is the subject of a complaint, the regulator has certain freedoms as well as restrictions in terms of the ability to share information.

Restrictions	What the regulator can do to help
<ul style="list-style-type: none"><li>• Bound by Memorandums of Understanding (MOUs) with local and provincial police forces, which prohibit the sharing of information with a third party, including employers;</li><li>• Limited by the <i>Freedom of Information and Protection of Privacy Act</i> (FOIPPA) as to what information can be disclosed to a third party, including employers;</li><li>• Bound by procedural fairness; and</li><li>• General duty not to prejudice discipline outcomes.</li></ul>	<ul style="list-style-type: none"><li>• Inform the school district or independent school authority where the certificate holder is employed about criminal charges or if the Commissioner receives a complaint against a certificate holder. In both of these circumstances, the Commissioner is obligated to conduct a preliminary review and must notify the employer in the case of deciding to defer, to investigate, or to suspend.</li><li>• Point the employer towards other helpful sources of information about the charge/investigation (i.e. publicly on the Ministry of Justice's online Court Services site at <a href="http://www.ag.gov.bc.ca/courts/">www.ag.gov.bc.ca/courts/</a>).</li><li>• The <i>Teachers Act</i> provides the Commissioner with certain powers. For example, if it is in the public interest, he may initiate his own investigation, and he has the ability to compel statements, or even initiate an immediate suspension, where warranted, until the investigation is resolved. This serves the function of safeguarding the process without breaching privacy rights. A suspension would be warranted where it is deemed there is a risk to children or the allegations and charges are serious.</li><li>• In the case of a suspended certificate, the Commissioner is obligated to advise the teacher and the employer, and the suspension must be recorded in the online public register.</li></ul>



## Understanding Your Duty to Report

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1. Students must be protected from certificate holders who inflict physical, emotional or sexual harm on them (intentionally or otherwise).
2. Certificate holders cannot conduct themselves – on or off duty – in a way that harms or reduces public confidence in the teaching profession or the school system.

### Action: Regulatory and Employment Issues

If a certificate holder's conduct meets either of the following criteria, a regulatory response **is required** even if employment discipline has already been imposed:

- The conduct alleged involves emotional, physical or sexual harm, abuse or exploitation of a student by a certificate holder.
- The alleged conduct calls into question the integrity of the teaching profession or the school system, and/or conflicts with a fundamental value of the school system – even if there is no direct harm to a student.

**Simple rule: When in doubt, report.** Let the Commissioner decide if it is truly a regulatory matter.

### School Districts Must Report:

- A suspension or dismissal
- Discipline for misconduct that involves:
  - Physical harm to a student or minor
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- When it is in the "public interest":
  - Letters of expectation/direction
  - Mental health conditions
  - Less than satisfactory reports
  - Criminal offence arrest

## Your Duty to Report

Section 38 of the *Teachers Act* states that a certificate holder must promptly provide to the Commissioner a written and signed report if they have reason to believe that another certificate holder has engaged in conduct that involves any of the following:

- (a) physical harm to a student;
- (b) sexual abuse or sexual exploitation of a student;
- (c) significant emotional harm to a student.

This is **non-negotiable** and applies even if the information on which the belief is based is privileged. The exception to this rule is information as a result of a solicitor-client relationship, or that is confidential and its disclosure is prohibited under another Act.

### Consequences for Professional Misconduct

Certificate holders can face consequences or sanctions at multiple levels for the same conduct:

- Professional regulatory
- Criminal
- Civil
- Employment
- Personal

### What Type of Conduct is Sanctionable?

- Professional misconduct
- Conduct unbecoming a certificate holder
- Incompetence
- Incapacity

## Reports: The Process at the TRB

- The process starts with a report from a school district/authority or a complaint from a member of the public about conduct or competency of a certificate holder.
- The report then goes to TRB's Intake Officer who will ensure jurisdiction and that the report has met the criteria in the *Teachers Act*.
- The certificate holder in question is advised of the report and any other necessary notifications are made.
- In the case of a complaint made by the public, the TRB, at the direction of the Commissioner, may seek information related to the complaint from school boards/authorities at the intake stage.
- Once enough information is gathered a summary of the file is prepared for review by the Commissioner.

## Commissioner's Initial File Review

The Commissioner reviews the information gathered and may:

- take no further action and provide reasons for this decision;
- initiate an investigation;
- make or accept a proposal for a consent resolution agreement; or
- issue a citation, which would lead to a hearing.

## If Disciplinary Action is Warranted

Whether the case is resolved through a disciplinary hearing or consent resolution process, there are several options available if a certificate holder is found guilty:

- A reprimand
- Suspension of a certificate
- Placing limits or conditions on a certificate
- Cancelling a certificate

Discipline decisions are published to provide the public with the confidence that educators who fail to meet the standards are held accountable.

## Discipline Hearings

Panel determines three things:

- Did the alleged misconduct actually happen?
- If yes, did the misconduct breach the standards of conduct or competence?
- If yes, what is the appropriate penalty?

## Qualifications and Fitness Hearings

If the Director of Certification denies an application on grounds of either failure to meet the qualification standards or fitness, the applicant may request that the Director reconsider. If the denial is maintained, the applicant can bring a "certification appeal" to the Commissioner. The Commissioner then has two options: dismiss the appeal or referral to a hearing.

## Standards for the Education, Competence & Professional Conduct of Educators in British Columbia

1. Educators value and care for all students and act in their best interests.
2. Educators are role models who act ethically and honestly.
3. Educators understand and apply knowledge of student growth and development.
4. Educators value the involvement and support of parents, guardians, families and communities in schools.
5. Educators implement effective practices in areas of classroom management, planning, instruction, assessment, evaluation and reporting.
6. Educators have a broad knowledge base and understand the subject areas they teach.
7. Educators engage in career-long learning.
8. Educators contribute to the profession.

### Teacher Regulation Branch

Ministry of Education  
400-2025 West Broadway  
Vancouver, BC V6J 1Z6 CA  
[www.bcteacherregulation.ca](http://www.bcteacherregulation.ca)

604-731-8170 (Metro Vancouver)

### Toll Free

1-800-555-3684 (within North America)



## How the Teacher Regulation Branch Can Assist Employers in Professional Conduct Matters

The mandate of the Teacher Regulation Branch (TRB) is to administer the certification and discipline of certificate holders in the public and independent schools systems. Under the Teachers Act, the TRB is guided by two foundational principles: the paramount nature of the public interest and transparency.

With that in mind, when an employer seeks information about a certificate holder or a person who holds a letter of permission who is charged with a criminal offense or who is the subject of a complaint to the TRB, we have certain freedoms as well as restrictions in our ability to disclose what we know.

Employer Assistance from the TRB	
Our restrictions	What we can do to help
<ul style="list-style-type: none"> <li>The TRB is limited in terms of the type of information we share because we are: <ul style="list-style-type: none"> <li>Bound by Memorandums of Understanding (MOUs) with local and provincial police forces, which prohibit the sharing of information with a third party, including employers;</li> <li>Limited by the <i>Freedom of Information and Protection of Privacy Act</i> (FOIPPA) as to what information can be disclosed to a third party, including employers; and</li> <li>Limited by our own processes. We cannot share any information that may seriously hinder our own intake and investigation processes.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>We may inform the school district or independent school authority where the certificate holder is employed if we learn a certificate holder is charged with a criminal offence or if the Commissioner receives a complaint against a certificate holder. In both of these circumstances, the Commissioner is obligated to conduct a preliminary review and must notify the employer in the case of deciding to defer, to investigate, or to suspend.</li> <li>We may point the employer towards other helpful sources of information about the charge/investigation (i.e. publicly on the Ministry of Justice's <a href="#">Court Services Online website</a>).</li> <li>If deemed there is a risk to children or the allegations and charges are serious, the Commissioner may impose an interim suspension on the certificate holder's certificate.</li> <li>In the case of a suspended certificate, the Commissioner must advise the certificate holder and the employer, and the suspension must be recorded in the online public register.</li> <li>If the Commissioner decides to take no further action in regards to an employer report, he/she must provide the employer with written reasons.</li> </ul>





## Ministry of Education Teacher Regulation Branch

400 - 2025 W. Broadway  
Vancouver, BC V6J 1Z6  
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TOLL FREE · 1 800 555 3684

[BCTEACHERREGULATION.CA](http://BCTEACHERREGULATION.CA)

# The Discipline Process

## Teachers Act

The BC Teachers' Council sets standards for the professional conduct and competence of certificate holders. The Teacher Regulation Branch of the Ministry of Education administers the provisions of the *Teachers Act*.

While the Teacher Regulation Branch can provide certificate holders with information about the process, it cannot provide advice. Certificate holders may contact their association or legal counsel to obtain representation and advice.

*An overview of the steps in the disciplinary process is set out in this brochure, but for specific details, please refer to the Teachers Act at:*  
[www.bcteacherregulation.ca](http://www.bcteacherregulation.ca)



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## The Commissioner

The Commissioner is appointed under the *Teachers Act* to ensure concerns about teacher\* competence and conduct are addressed fairly and in the public interest.

*Concerns can be brought to the attention of the Commissioner in four ways:*

- A report regarding disciplinary action taken or a resignation under the *School Act* or the *Independent School Act*
- A written complaint from any person
- A written report from another teacher about serious misconduct which is required to be made under the *Teachers Act*, or
- On the Commissioner's own initiative, when he or she becomes aware of information related to the competence or conduct of a teacher, including information about criminal proceedings.

## Preliminary Review

*The Commissioner will conduct a preliminary review of the matter and determine whether:*

- To take no action if certain considerations set out in the *Teachers Act* apply, for example if the complaint is not within the jurisdiction of the Commissioner
- To defer acting on the matter if it is being addressed in another process, for example if the Commissioner decides to wait for the outcome of a criminal trial or an investigation by a school district or independent school authority
- To make or accept a proposal for consent resolution
- To initiate an investigation, or
- To issue a citation.

The Commissioner will advise the teacher and the person who made a report or complaint of the outcome of the preliminary review. If the outcome is the initiation of an investigation, then any employer school district or independent school authority will be notified.

## Investigations

The teacher will be given information about the allegations and an opportunity to respond to them, and may be required to attend an interview.

Investigators will gather information through interviews of any persons who may have relevant information and may review documents and other records, and report to the Commissioner.

*The Commissioner may then decide to:*

- Require further investigation
- Take no further action providing reasons to the person who made the complaint or report, the teacher, and the teacher's school district or independent school authority employer
- Make or accept a proposal for a consent resolution
- Issue a citation for a hearing.

If the Commissioner thinks there is a serious risk to the health or safety of students, the Commissioner can order that the teacher's certificate be suspended until the final outcome is determined by a hearing or consent resolution.

## Consent Resolution

In some circumstances, the Commissioner and the teacher may agree on an appropriate outcome that can include remedial actions that must be taken by the teacher and/or consequences that affect the teacher's certification. Either the teacher or the Commissioner can propose an agreement. If an agreement is entered into, the district or independent school authority will be provided with a copy. The agreement will be made public, unless that would cause significant hardship to a person who was harmed by the teacher. Disciplinary outcomes will be recorded on the register of teachers.

## Citation

After an investigation, the Commissioner may issue a citation for a hearing by a hearing panel. The citation will set out a description of the matter and the facts to be considered at the hearing. The person who made the complaint or report will also receive notice of the citation.

## Pre-hearing

The Commissioner may hold a pre-hearing conference to ensure all procedural matters have been considered and the matter is ready for the hearing. The Commissioner will decide if the hearing should be conducted by way of oral hearing or by written submissions, set the date (and location if it is an oral hearing), and appoint a panel for the hearing.

## Hearing

*The panel will consider the evidence and submissions and determine if the citation should be dismissed or if the teacher:*

- Has been or is guilty of misconduct or conduct unbecoming a teacher
- Has been or is incompetent to carry out the duties and responsibilities of a teacher, or
- Does not have the capacity to carry out the duties and responsibilities of a teacher because of a physical or mental disability.

If the citation is not dismissed, the panel decides the consequences for the teacher, which may include a reprimand, suspension or cancellation of a teacher's certificate, or conditions or limitations placed on their certificate. Decisions will be made public by posting on the Ministry of Education's Teacher Regulation Branch website, and on the teacher registry, unless that would cause significant hardship to a person who was harmed by the teacher. The person who made the report or complaint and the Director of Certification will also be notified of the decision to take action regarding the teacher's certification.

Except in very limited circumstances to be determined by the hearing panel, oral hearings will be open to the public.

## Costs

A hearing panel may also make an order that the teacher pay all or part of the costs of the hearing if the panel finds that his or her conduct during the hearing was improper.

*\* In this brochure, the term **teacher** includes principal, superintendent and assistant superintendent or any other individual who holds a certificate.*



## More Information

More information about the complaint process  
is available on our website at:

[www.bcteacherregulation.ca](http://www.bcteacherregulation.ca)

[ UNDER PROFESSIONAL CONDUCT ]

You can also reach us at:

T • 604 660 6060

TOLL-FREE • 1 800 555 3684

EMAIL • [trb.intake@gov.bc.ca](mailto:trb.intake@gov.bc.ca)

### Ministry of Education Teacher Regulation Branch

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## Making a Complaint

What you need to know



Ministry of  
Education



Ministry of  
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01

An intake officer is available to answer questions and provide general information about the complaint process including the kinds of complaints the Commissioner can consider. All complaints must be submitted on the British Columbia Commissioner for Teacher Regulation Complaint Form, signed by the person(s) making the complaint and sent to the Commissioner at the address on the back of this brochure. Complaints must relate to the conduct or competence of a teacher.

03

If the Commissioner decides to take further action, he or she may:

- order an investigation;
- enter into a consent agreement with the teacher, or
- issue a citation, which would lead to a hearing.

05

If the matter is resolved by consent resolution, the outcome will be provided to the person making the complaint. Consent resolution agreements will be made public unless that would cause a significant hardship to a person who was harmed by the teacher.

## THE COMPLAINT PROCESS

To protect the public interest, teachers\* in British Columbia's public and independent schools are regulated by the Teacher Regulation Branch of the Ministry of Education. Complaints about a teacher's conduct or competence can be made to the Commissioner, who is appointed under the *Teachers Act*. An overview of the steps in making a complaint is set out in this brochure, but for specific details, please refer to the *Teachers Act*.

02

The Commissioner will conduct a preliminary review of a complaint and may decide to take no further action if certain considerations set out in the *Teachers Act* apply, including whether the complaint was made in bad faith or for an improper purpose or has not been made in a timely manner.

If the Commissioner decides to take no further action, the reason for that decision will be provided to the person making the complaint and to the teacher.

04

If the Commissioner orders an investigation, the person making the complaint, the teacher and any school district or independent school authority that employs the teacher will be notified. A copy of the complaint will be provided to the teacher. An investigator may contact the person making the complaint, the teacher and any other person(s) who may have information relevant to the complaint.

06

If a citation is issued, the person who made the complaint will be notified. The date, time and place of the hearing will be posted on the Teacher Regulation Branch's website. Hearings and panel decisions will be made public, unless that would cause a significant hardship to a person who was harmed by the teacher.

*This brochure, The Discipline Process, sets out further details about the investigation and hearing process.*

*\*Although this brochure is for teachers, the term teacher also includes principals, superintendents and certain administrative staff and other individuals who hold a certificate.*



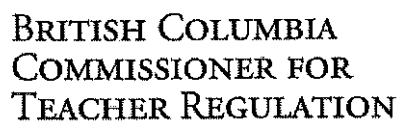


This four-page form is to be used for a complaint against one BC certified educator. If you have a complaint about more than one educator, please complete a separate form for each.

<b>Educator's Name</b>	
<b>School or District</b>	

**Step 1: Clarify the Issues**

1. Does the person you are complaining about hold a BC Ministry of Education certificate? (You can check the online registry on the BC Ministry of Education Teacher Regulation Branch website at <a href="http://www.bcteacherregulation.ca">www.bcteacherregulation.ca</a> .)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2. Does the complaint relate to the behaviour of an educator?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. Does the complaint relate to the competence of an educator?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4. If so, does this conduct conflict with "Standards for the Education, Competence and Professional Conduct of Educators in BC" (attached)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5. Does the conduct represent a single action or a pattern of behaviour?	Single <input type="checkbox"/>	Pattern <input type="checkbox"/>
6. Have you spoken with the educator about your concerns?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
7. Have you spoken with the educator's supervisor or followed a complaint resolution process at the district level or through another agency?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
8. Do you have specific examples and/or documents or examples to support your complaint?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
9. Have you reviewed our website and other materials related to making complaints?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
10. Do you have support or assistance? (If you are a parent, you may request assistance through the district's Parent Advisory Council.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>



**Complaint Form**  
**Page 2**

What specific behaviours are of concern to you? Please explain what happened, when it happened, and who was involved.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



**Step 2: Describe the Issue(s) – continued**

Have you made this complaint to other agencies? If so, what was the outcome?


What outcome are you seeking in making this complaint to the Ministry of Education?


**Step 3: Your Contact Information**

Name	
Street Address	
City/Town	
Postal Code	
Telephone	
Email	



**Step 4: Freedom of Information and Protection of Privacy Act Consent**

Please be advised that the Commissioner and the Teacher Regulation Branch of the Ministry of Education are authorized, pursuant to the *Teachers Act*, S.B.C 2011, c. 19, to collect, use, and disclose personal information contained in your complaint for the purposes of reviewing, investigating and determining the outcome of the complaint.

By submitting your complaint, you are consenting to the collection, use, and disclosure of your personal information for the purposes set out above. This includes disclosure of your name and particulars of the complaint that identify you to the educator (certificate holder). If you are a parent or guardian, your consent also applies to the collection, use and disclosure of personal information in your complaint relating to your minor child(ren)/ward(s). This consent is effective from the date you submit this notice to the Teacher Regulation Branch.

Please sign and date this form, then mail or fax it to the attention of the Intake Officer at the Teacher Regulation Branch. We will advise you in writing of the process to follow.

The educator (certificate holder) will receive a copy of this complaint, or a copy of your letter of complaint, and any attachments. The educator (certificate holder) will be provided with your name.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

August 2013

**Mailing Address:**  
Ministry of Education  
Teacher Regulation Branch  
400-2025 West Broadway  
Vancouver BC V6J 1Z6

**Fax:**  
Facsimile: 604 775-4858

**Telephone:**  
Telephone: 604 660-6060  
Toll Free: 1 800 555-3684



## The Standards

**1. Educators value and care for all students and act in their best interests.**

Educators are responsible for fostering the emotional, esthetic, intellectual, physical, social and vocational development of students. They are responsible for the emotional and physical safety of students. Educators treat students with respect and dignity. Educators respect the diversity in their classrooms, schools and communities. Educators have a privileged position of power and trust. They respect confidentiality unless disclosure is required by law. Educators do not abuse or exploit students or minors for personal, sexual, ideological, material or other advantage.

**2. Educators are role models who act ethically and honestly.**

Educators act with integrity, maintaining the dignity and credibility of the profession. They understand that their individual conduct contributes to the perception of the profession as a whole. Educators are accountable for their conduct while on duty, as well as off duty, where that conduct has an effect on the education system. Educators have an understanding of the education system in BC and the law as it relates to their duties.

**3. Educators understand and apply knowledge of student growth and development.**

Educators are knowledgeable about how children develop as learners and as social beings, and demonstrate an understanding of individual learning differences and special needs. This knowledge is used to assist educators in making decisions about curriculum, instruction, assessment and classroom management.

**4. Educators value the involvement and support of parents, guardians, families and communities in schools.**

Educators understand, respect and support the role of parents and the community in the education of students. Educators communicate effectively and in a timely manner with parents and consider their advice on matters pertaining to their children.

**5. Educators implement effective practices in areas of classroom management, planning, instruction, assessment, evaluation and reporting.**

Educators have the knowledge and skills to facilitate learning for all students and know when to seek additional support for their practice. Educators thoughtfully consider all aspects of teaching, from planning through reporting, and understand the relationships among them. Educators employ a variety of instructional and assessment strategies.

**6. Educators have a broad knowledge base and understand the subject areas they teach.**

Educators understand the curricular, conceptual and methodological foundations of education and of the subject areas they teach. Educators must be able to communicate effectively in English or French. Educators teach students to understand relevant curricula in a Canadian, Aboriginal, and global context. Educators convey the values, beliefs and knowledge of our democratic society.

**7. Educators engage in career-long learning.**

Educators engage in professional development and reflective practice, understanding that a hallmark of professionalism is the concept of professional growth over time. Educators develop and refine personal philosophies of education, teaching and learning that are informed by theory and practice. Educators identify their professional needs and work to meet those needs individually and collaboratively.

**8. Educators contribute to the profession.**

Educators support, mentor or encourage other educators and those preparing to enter the profession. Educators contribute their expertise to activities offered by their schools, districts, professional organizations, post-secondary institutions or contribute in other ways.

\*

**CONFIDENTIAL**

\*Superintendent of Schools

Dear M\*:

**Re:   \*; Our File N° L\***

**\*This paragraph is 47(1)(a) as a result of a complaint filed**

The Teacher Regulation Branch ("Branch") has received a complaint made under the *Teachers Act* against the above noted certificate holder employed by your School District. Please be advised that the Commissioner directed that an investigation be conducted in this matter, pursuant to section 47(1)(a) of the *Teachers Act*.

**\*This paragraph if first letter to SD: Teachers Act 47(1)(b) COMM Initiated Investigation**

The Teacher Regulation Branch ("Branch") has been notified by \* that the above noted certificate holder \*. Please be advised that the Commissioner directed that an investigation be conducted in this matter, pursuant to section 47(1)(b) of the *Teachers Act*. We are notifying you as we understand M\* is an employee in your district.

**\*This paragraph to start if 47(1)(a), and previous letters have been sent to SD/School**

Further to our letter of \*, 201\*, please be advised that pursuant to section 47(1)(a) of the *Teachers Act*, the Commissioner directed that an investigation be conducted in this matter.

**\*This paragraph if Commissioner ordered suspension pending resolution of investigation**

Also, please be advised that the Commissioner has directed, pursuant to section 50(1)(a) of the *Teachers Act*, that M\*'s certificate of qualification be suspended pending the outcome of this matter.

The purpose of this investigation is to collect pertinent information surrounding the allegations which have been made in relation to the above noted certificate holder and to present a report to the Commissioner, who will then determine if any further action is necessary. In the course of my investigation, it may be necessary for me to contact you for further information.

You will be advised of the Commissioner's decision in due course following his review of the investigative report and any response submitted by the certificate holder.

Pursuant to section 48 of the *Teachers Act*, the Branch requires that you provide the following information:

1. Schools and dates of assignment, including the current assignment.
2. Grades and subjects taught during that time. (\*Maybe optional if targeted investigation)
3. Copies of any teaching reports. (\*Maybe optional if targeted investigation)
4. \*

page 2

\*(whom the letter is to)

Re: \*LASTNAME, First Names

\*date

Please note that the Branch defines records as all information and evidence collected for the purposes of investigation whether recorded electronically and/or in hardcopy form, including but not limited to notes, interviews, transcripts, reports, documents, photographs, and cellular phone/internet/email records.

\*If you have any questions or would like to schedule a meeting, please contact me at 604.775.\*, toll free at 1.800.555.3684 ext. \* or by email at \*@gov.bc.ca.

Yours truly,

\*

Investigator

\*

, 2014

**CONFIDENTIAL**

Dear \*:

Re: \*  
Our File N° \*

I am writing to acknowledge receipt of your report sent to the Commissioner under section 16 of the *School Act*, advising of M\*'s \*suspension \*dismissal \*letter of discipline\*letter of reprimand.

Pursuant to section 44 of the *Teachers Act*, the Commissioner will conduct a preliminary review of the matters raised in the report to determine what action is to be taken in regards to these matters. As a result of that preliminary review, the Commissioner may determine to take no further action, defer taking further action until the conclusion of another process that is addressing the matter, undertake an investigation, consider the matter within the consent resolution process, or issue a citation.

***\*This paragraph if notice of investigation only***

Once the investigation is completed, please provide a copy of all of the records available to you that relate to the matters in respect of which your report was made, as required by Section 16(9)(a) of the *School Act*. Please note that the Branch defines records as all information and evidence collected for the purposes of investigation whether recorded electronically and/or in hardcopy form, including but not limited to notes, interviews, transcripts, reports, documents, photographs, and cellular phone/internet/email records.

***\*This paragraph if discipline issued by SD***

If you have not already done so, please provide a copy of all of the records available to you that relate to the matters in respect of which your report was made, as required by Section 16(9)(a) of the *School Act*, by **\*(four weeks from date of letter)**. If all records were sent along with the initial report and there is nothing else forthcoming, please confirm this in writing.

If you have any questions about this matter, please contact me at 604-775-4887, or by email at [trb.intake@gov.bc.ca](mailto:trb.intake@gov.bc.ca).

Thank you for your cooperation in this matter.

Sincerely,

Intake Officer

/



\*

**CONFIDENTIAL**

\*Superintendent or Human Resources

Dear M\*:

Re:     \*  
       **Our File N° L\***

I am writing further to my correspondence of \*, 201\*, (a copy of which is enclosed) with respect to documentation related to this matter.

As part of the responsibilities delegated by the Commissioner pursuant to the *Teachers Act*, I require that you provide to the Teacher Regulation Branch the documents requested, pursuant to Section 48(1)(b) of the *Teachers Act*, which states: "*At any time during an investigation under section 47, the commissioner may require a person (b) to produce a document or other thing in the person's possession or control that is relevant to a matter being investigated.*"

Please do not hesitate to contact me directly should you have any questions or concerns at 604-775\* or email me at \*@gov.bc.ca.

Sincerely,

\*

Investigator

\*

ENC     \*

\*, 2014

**CONFIDENTIAL**

\*SCHOOL DISTRICT or BOARD

Dear M\*:

**Re:   \*; Our File N° L\***

We are writing further to our request of \*\* for information relating to the report you provided to the Commissioner for Teacher Regulation pursuant to section \*16 of the *School Act* \*7 of the *Independent School Act*.

Section \*16(9) \*7(9) places a legal duty on the \*School District \*Board to provide the Commissioner with all of the records that touch on the matter in respect of which the report was made. The delivery of such records is required "without delay".

We would therefore reiterate our request for information pursuant to section\*16(9) of the *School Act* \*7(9) of the *Independent School Act*. If there is a reason for the delay in providing the Commissioner with this material, or if you have any questions about the process, please contact me at 604-775-\*4870 as soon as possible.

Thank you for your attention to this matter.

Sincerely,

\*

Intake Officer

/



\*, 2013

**CONFIDENTIAL**

\*Superintendent of Schools

Dear M\*:

**Re:     \***  
**Our File N° L\***

I am writing to acknowledge receipt of a copy of \* .

For all reporting of conduct, the Commissioner needs to receive a report from the Superintendent, in writing, advising that the report is being made pursuant to section 16 of the *School Act*, and under her or his signature.

I have attached a copy of section 16 of the *School Act* for your ease of reference.

I have also attached an example of a report to the Commissioner.

If you have any questions about this matter, please contact me at 604-775-4874, or by email at [Billy.Sutherland@gov.bc.ca](mailto:Billy.Sutherland@gov.bc.ca).

Thank you for your cooperation in this matter.

Sincerely,

Billy Sutherland  
Intake Officer

:wfs

ENC:   Section 16 of the *School Act*  
      Example of report to Commissioner

Hon Bruce M Preston  
Commissioner for Teacher Regulation  
400-2025 W Broadway  
Vancouver BC V6J 1Z6

Dear Mr Preston:

RE: [REDACTED]

Attached please find a letter of discipline dated April 24, 2013, that has been issued to [REDACTED], a teacher in the [REDACTED] School District.

I am forwarding this information pursuant to Section 16 of the *School Act*.

Yours truly,

Superintendent of Schools  
Enclosure

**SCHOOL ACT**

- 16 (1) In this section, "**authorized person**" means a certificate holder or a person holding a letter of permission issued under the *Teachers Act*, but does not include a superintendent.
- (2) If a superintendent of schools suspends an authorized person, the superintendent must without delay send to the commissioner a report regarding the suspension.
- (3) If a board
- (a) suspends or dismisses an authorized person, or
  - (b) disciplines an authorized person for misconduct that involves
    - (i) physical harm to a student or minor,
    - (ii) sexual abuse or sexual exploitation of a student or minor, or
    - (iii) significant emotional harm to a student or minor,
- the board must without delay notify the superintendent of schools of the suspension, dismissal or disciplinary action, and the superintendent must without delay send to commissioner a report regarding the suspension, dismissal or disciplinary action.
- (4) A report referred to in subsection (2) or (3) must
- (a) be in writing,
  - (b) be signed by the superintendent of schools, and
  - (c) include reasons for the action taken by the board or superintendent.
- (5) The superintendent of schools must send a copy of a report referred to in subsection (2) or (3) to the authorized person who is suspended, dismissed or disciplined.
- (6) If the superintendent of schools considers any conduct by, or the competence of, an authorized person to be in breach of the certification standards, the superintendent must send to the commissioner a report, in writing, regarding that conduct or competence if it is in the public interest to do so.
- (7) The superintendent of schools must send a copy of the report referred to in subsection (6) to the authorized person whose conduct or competence is the subject of that report.
- (8) If an authorized person resigns, the superintendent of schools must
- (a) report, without delay, the circumstances of the resignation to the commissioner if it is in the public interest to report the matter, and
  - (b) send to the authorized person who resigned a copy of the report.
- (9) A superintendent of schools who has made a report to the commissioner under this section in respect of an authorized person must, without delay after being requested to do so by the commissioner,
- (a) provide the commissioner all of the records available to the superintendent that relate to the matter in respect of which the report was made, and
  - (b) send to the authorized person a copy of the records referred to in paragraph (a).
- (10) A superintendent of schools who fails to report as required under subsection (2), (3) or (8) commits an offence.

# Duty to Report



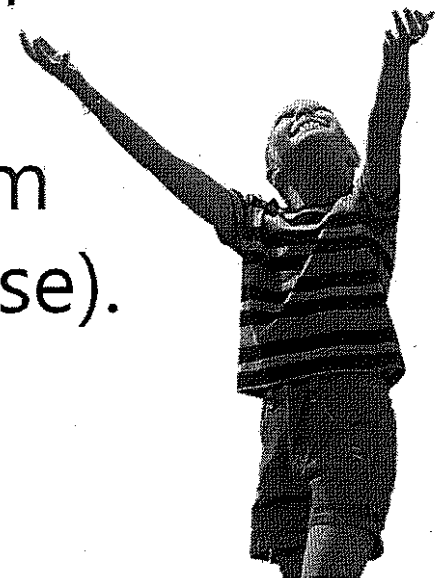
Ministry of  
Education

August 14, 2012

# Public Interest

The concept of “public interest” – as it relates to regulatory discipline – has two main elements:

1. Students must be protected from certificate holders who inflict physical, emotional or sexual harm on them (intentionally or otherwise).



# Public Interest

2. Certificate holders cannot conduct themselves – on or off duty – in a way that harms or reduces public confidence in the teaching profession or the school system.



# **What Type of Conduct is Sanctionable?**

- Professional misconduct
- Conduct unbecoming a certificate holder
- Incompetence
- Incapacity

# **Distinguishing Between Regulatory & Employment Issues**

How do we determine whether or not  
a conduct issue is a regulatory matter,  
an employment matter or both?

# **Regulatory & Employment Issues**

Does the conduct alleged involve emotional, physical or sexual harm, abuse or exploitation of a student by a certificate holder?

# **Regulatory & Employment Issues**

Does the alleged conduct call into question the integrity of the teaching profession or the school system, or conflict with a fundamental value of the school system – even if there is no direct harm to a student?

# Regulatory & Employment Issues

If a certificate holder's conduct meets either of these criteria, a regulatory response is **required** even if employment discipline has already been imposed.



Ministry of  
Education

# **Scenario for Discussion**

# Consequences for Professional Misconduct

Certificate holders can face consequences at multiple levels for the same conduct.



# **School Districts Must Report:**

- A suspension or dismissal
- Discipline for misconduct that involves:
  - Physical harm to a student or minor
  - Sexual abuse or sexual exploitation of a student or minor, or
  - Significant emotional harm to a student or minor



# **School Districts Must Report:**

- A resignation if it is in the "public interest" to report the matter
- Conduct/competence considered to be in breach of the "certification standards" if it is in the public interest to do so

# **Your Duty to Report – Non Negotiable**

A certificate holder must promptly provide to the Commissioner a written and signed report if they have reason to believe that another certificate holder has engaged in conduct that involves any of the following:

- (a) physical harm to a student;
- (b) sexual abuse or sexual exploitation of a student;
- (c) significant emotional harm to a student.

# Scenario for Discussion



Ministry of  
Education

# **It Takes A Village**

## **Teacher Regulation in British Columbia**



Ministry of  
Education

BCSSA Conference  
November 16, 2012

# ***Teachers Act***

On January 9, 2012, legislation established a new regulation model.

The ***Teachers Act*** is based on two foundational principles: the paramount nature of the **public interest** and **transparency**.



**Certificate  
holders**

**Teacher  
Regulation  
Branch**

## **Shared Responsibility:**

- Work in the public interest to ensure the safety of children.
- Ensure that all certificate holders are fit and competent.
- Instill public confidence by ensuring that certificate holders are held accountable to the standards.

**Employers**

**Other  
Education  
Partners**

# New Regulatory Model

The new system, based on "licensure," has five separate and distinct bodies who **share responsibility**.

BC Teachers' Council  
Disciplinary and Professional Conduct Board  
Director of Certification  
Teacher Regulation Branch  
Commissioner



# Regulatory & Employment Issues

How do we determine whether or not a conduct issue is a regulatory matter, an employment matter or both?



Ministry of  
Education

# ***School Act***

- A suspension or dismissal
- Discipline for misconduct that involves:
  - Physical harm to a student or minor
  - Sexual abuse or sexual exploitation of a student or minor, or
  - Significant emotional harm to a student or minor

# ***School Act***

- Conduct/competence considered to be in breach of the standards, if it is in the public interest
- A resignation, if it is in the public interest

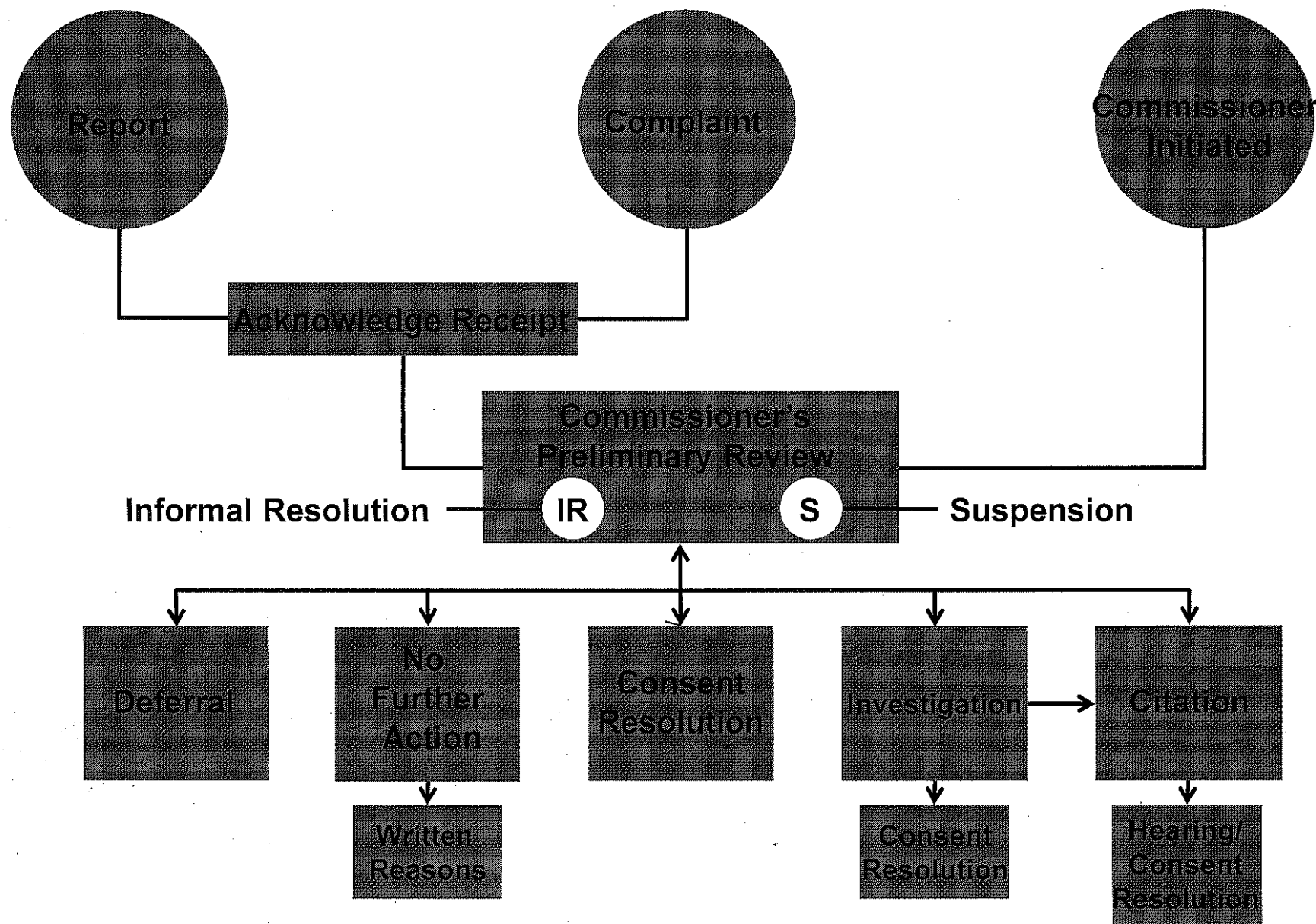
# Public Interest

The concept of “public interest” – as it relates to regulatory discipline – has two main elements:

1. Students must be protected from certificate holders who inflict physical, emotional or sexual harm on them (intentionally or otherwise).
2. Certificate holders cannot conduct themselves – on or off duty – in a way that harms or reduces public confidence in the teaching profession or the school system.



# Process





# **Panel Discussion**

Ministry of Education – Claire Avison

BCSSA – Andy Leathwood

BCSPEA – Karen Jewell





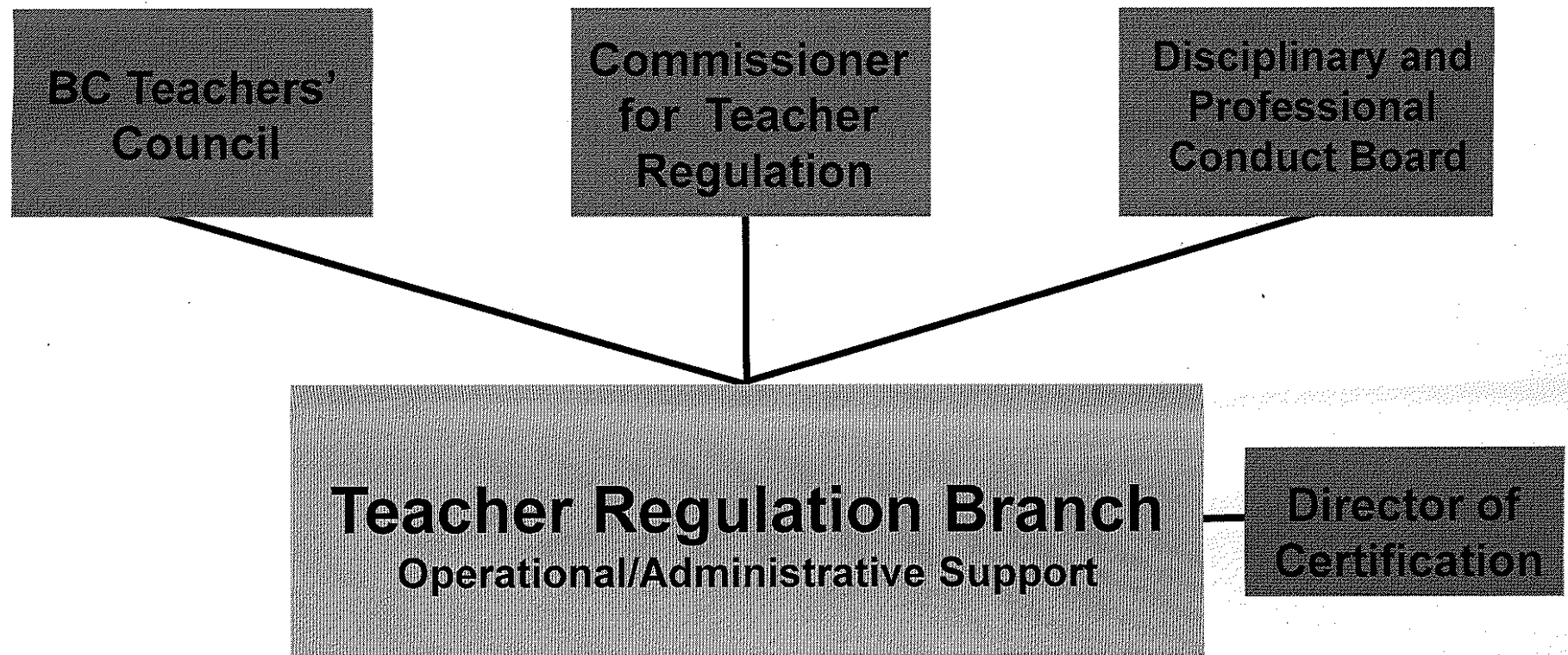
Ministry of  
Education

# **Teacher Regulation in British Columbia**

B.C. School Trustees Association Provincial Council  
Feb. 23, 2013

# New Regulatory Model

The new system has five separate and distinct bodies who **share responsibility**.



# Shared Responsibility

- Work in the public interest
- Ensure the safety of children
- Ensure that all certificate holders\* are fit and competent
- Instill public confidence in the education system by ensuring that K-12 educators are held accountable to the standards

\*Certificate holders include 69,000 classroom teachers, vice-principals, principals, directors and superintendents in the public and independent school systems in BC.



# Information Sharing

Restrictions	How the regulator can help
<ul style="list-style-type: none"><li>• Memorandums of Understanding</li><li>• Freedom of Information and Privacy Act</li><li>• Procedural fairness</li><li>• General duty not to prejudice discipline outcomes</li></ul>	<ul style="list-style-type: none"><li>• Inform districts about criminal charges or person complaints</li><li>• Give districts a heads up to check the Court Services Online website</li><li>• The Commissioner may initiate an investigation, compel statements, initiate an immediate interim suspension</li></ul>



# **Commissioner for Teacher Regulation**

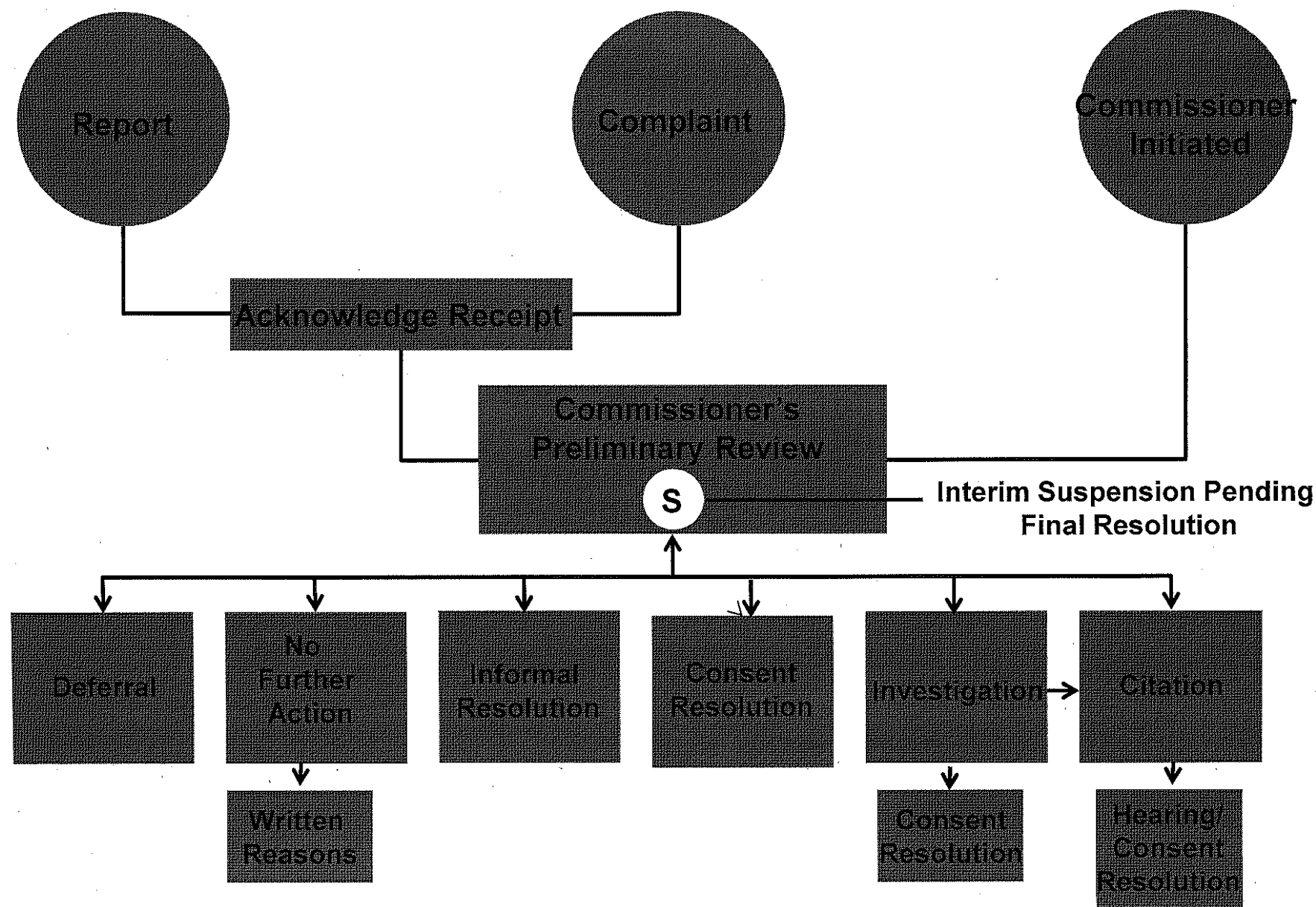
Hon. Bruce Preston



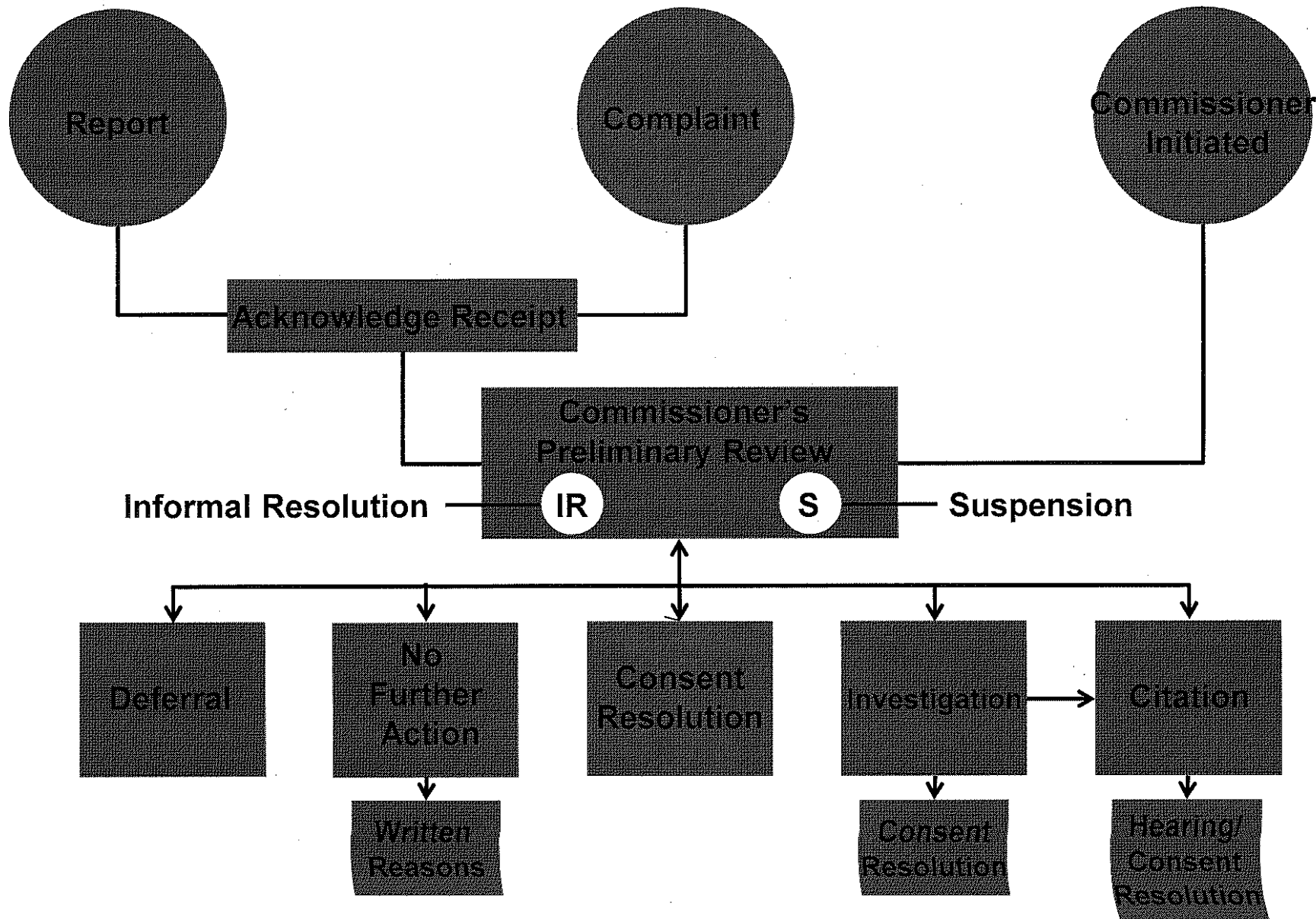
# Office of the Commissioner for Teacher Regulation

*Ensuring that concerns about the competence and conduct of certificate holders are addressed **independently, fairly, expeditiously** and **in the public interest.***

# Process



# Process



**Employer**  
Responsible for  
employment matters

**Regulator**  
Responsible for  
regulatory matters

**Duty to Report**

Boards/Independent Authorities  
are governed by:

- *School Act*
- *Independent School Act*
- Employment Law
- Collective agreement

The Commissioner is governed by:

- *Teachers Act*
- Regulatory Law and  
Statutes

**Notification/Publication**

# ***Duty to Report***

- Suspension or dismissal
- Discipline for misconduct that involves:
  - Physical harm to a student or minor
  - Sexual abuse or sexual exploitation of a student or minor, or
  - Significant emotional harm to a student or minor
- Conduct/competence considered to be in breach of the standards, if it is in the public interest
- Resignation, if it is in the public interest

# Public Interest

Public interest in a regulatory context has two main elements:

1. Students must be protected from certificate holders who inflict physical, emotional or sexual harm on them (intentionally or otherwise).
2. Certificate holders cannot conduct themselves – on or off duty – in a way that breaches the Standards for the Education, Competence and Professional Conduct





# Scenarios

# Reporting

- Most reporting decisions are **black and white**: alleged conduct that involves the emotional, physical or sexual harm, abuse or exploitation of a student by a certificate holder. These cases must be reported
- Some fall in the **grey** area and require a judgment call

## Scenarios for discussion:

- based on real fact patterns
- demonstrate some examples of situations that are "grey"



# The case of the keying teacher

A teacher has been seen "keying" a car in the school parking lot. The car belongs to another teacher with whom the teacher has been having a heated argument.

**Vandalism aside, is this an employment issue, a regulatory issue, or both?**

**What should the Superintendent consider when deciding whether to report or not?**

# The case of the laptop surprise

A grade 3 teacher downloads an adult video on his own laptop at home. When he opens up his computer the next morning at school, the video resumes play and the sound track from the movie is audible to his students. No one sees the screen. He shuts down the video quickly. He immediately reports the incident to his principal.

**What considerations should guide the superintendent when determining whether to report the incident to the Commissioner?**

# **The case of the sophomoric video**

A teacher is present in his friend's apartment when the friend is making a sophomoric cooking video. The friend is the star of the show. The teacher is offstage for most of the video. The teacher, in his brief time that he is on camera, makes some derogatory comments about women in keeping with the overall tone of the show. The show is later put on the Internet.

**Does this incident need to be reported to the Commissioner?**

**Does this conduct harm the profession?**

# **Teacher Regulation in British Columbia**

Surrey School District Representatives  
**March 13, 2013**

# ***Teachers Act***

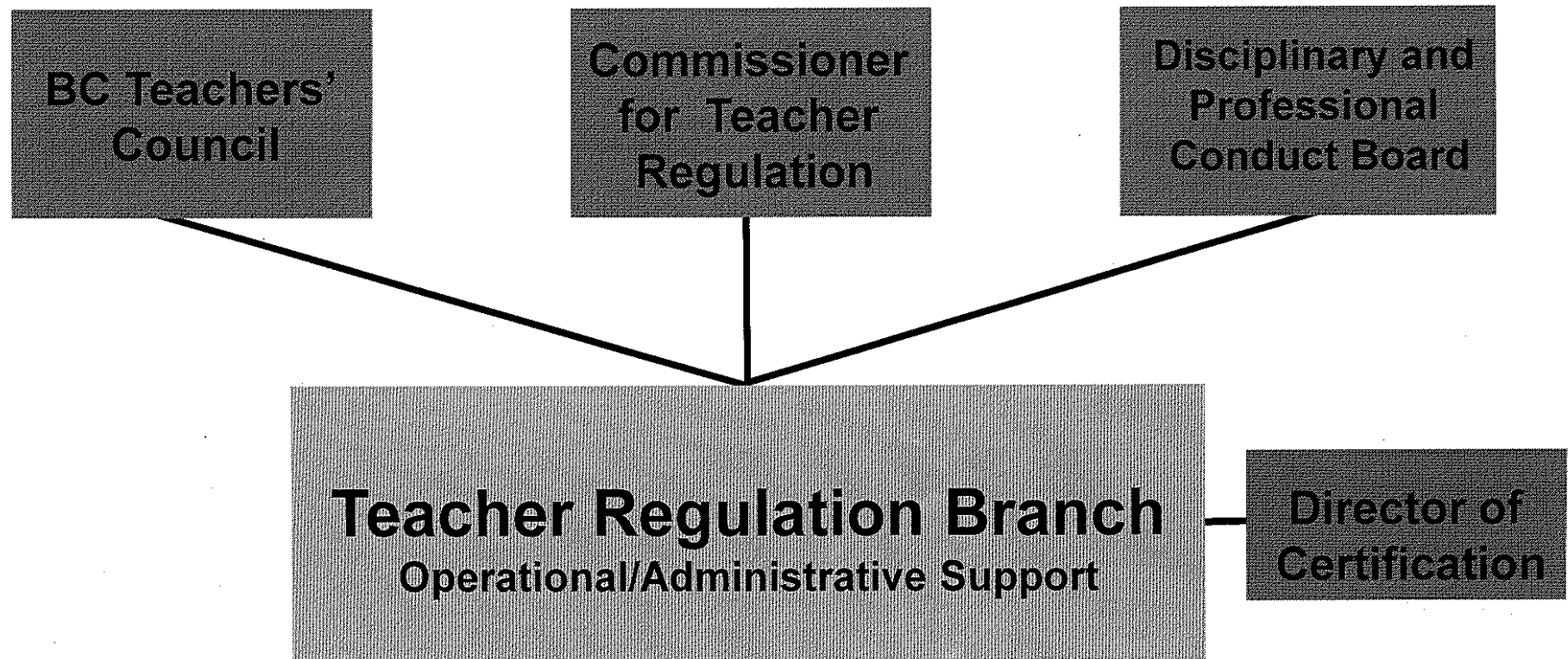
On January 9, 2012, legislation established a new regulation model.

The ***Teachers Act*** is based on two foundational principles: the paramount nature of the **public interest** and **transparency**.



# New Regulatory Model

The new system has five separate and distinct bodies who **share responsibility**.



# Shared Responsibility

- Work in the public interest
- Ensure the safety of children
- Ensure that all certificate holders are fit and competent
- Instill public confidence in the education system by ensuring that K-12 educators are held accountable to the standards





# **The case of the homosexual video**

A grade 5 teacher, who is openly homosexual and publically active in the homosexual community shows a video to his grade 5 class about the trials and tribulations of a young homosexual man struggling to find his identity. The video is one directed at an adult audience.

**Does this conduct merit a report to the Commissioner?**



# How Concerns Are Initiated

1. Employer report regarding disciplinary action taken or a resignation under the *School Act* or the *Independent School Act*.
2. A written complaint from any member of the public.
3. A written report from a teacher about the serious misconduct of another teacher (required under the *Teachers Act*).
4. On the Commissioner's own initiative.

# Employers: Duty to Report

- Suspension or dismissal
- Discipline for misconduct that involves:
  - Physical harm to a student or minor
  - Sexual abuse or sexual exploitation of a student or minor, or
  - Significant emotional harm to a student or minor
- Conduct/competence considered to be in breach of the standards, if it is in the public interest
- Resignation, if it is in the public interest

# Public Interest

Public interest in a regulatory context has two main elements:

1. Students must be protected from certificate holders who inflict physical, emotional or sexual harm on them (intentionally or otherwise).
2. Certificate holders cannot conduct themselves – on or off duty – in a way that breaches the Standards for the Education, Competence and Professional Conduct .



# **Certificate Holders: Duty to Report**

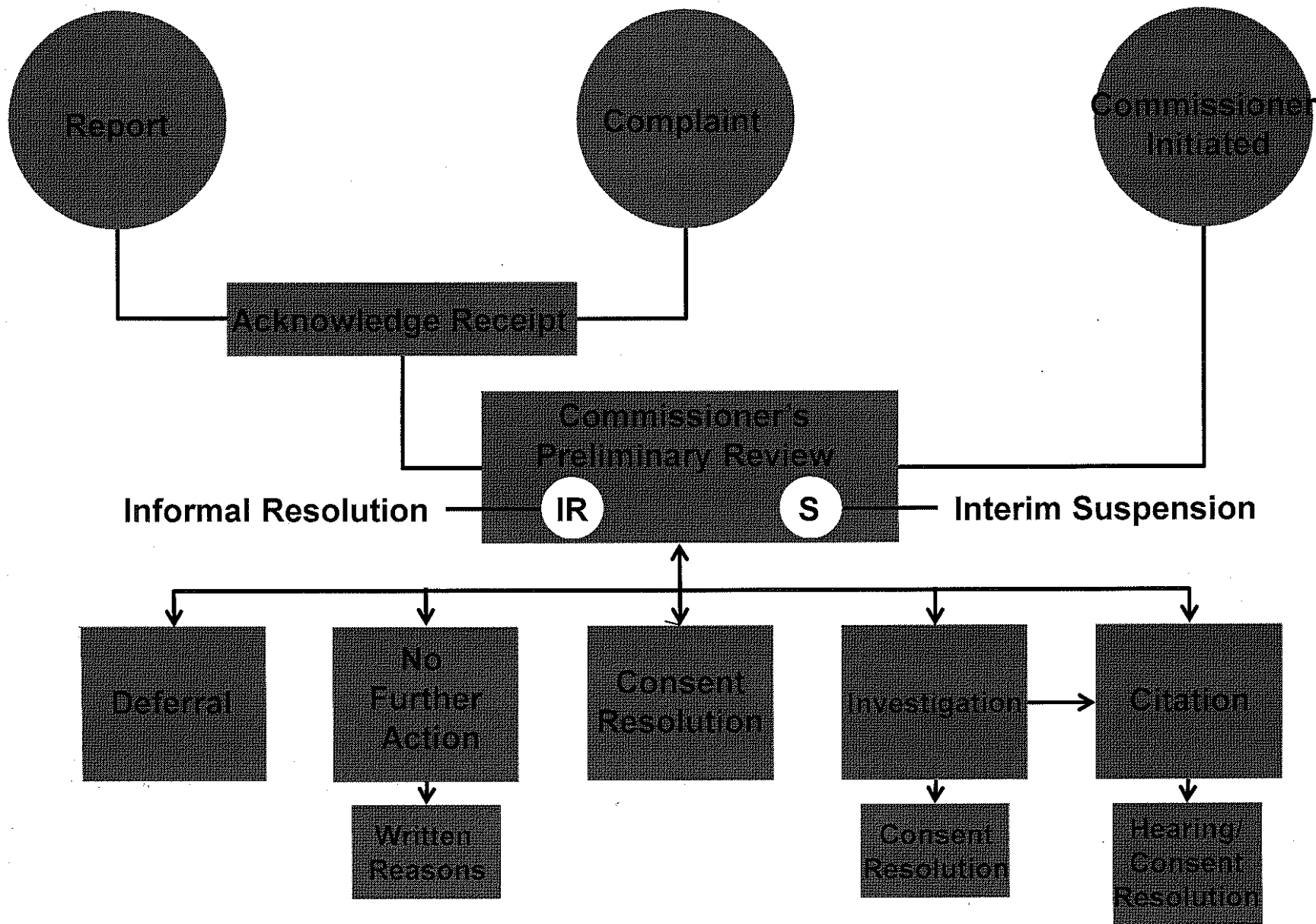
## **Section 38 of the *Teachers Act*:**

Must report to the Commissioner any conduct involving physical harm, sexual abuse or exploitation, or significant emotional harm to a student or students, when they have reason to believe that another certificate holder has engaged in such conduct.

## **Section 17.9 (1) of the *Criminal Record Review Act*:**

Must self report to the Director of Certification any charges or convictions of a relevant offence subsequent to a criminal record check and must provide a criminal record check authorization for a further criminal record check.

# Process



# Scenarios

# The Case of the Looting Teacher

Following a big lose for the Canucks against the Bruins in the final game of the Stanley Cup, a teacher finds herself caught up in a riot in downtown Vancouver where, in the midst of widespread looting, she steals a Prada purse from a store. The incident was caught on video and uploaded to YouTube. She is now facing criminal charges for her actions.

**Should this teacher also face consequences at the employer level?**

**What about the regulatory level?**

**Should this be reported to the Commissioner?**



# **Teacher Regulation in British Columbia**

Vancouver School District Representatives  
**May 15, 2013**



# ***Teachers Act***

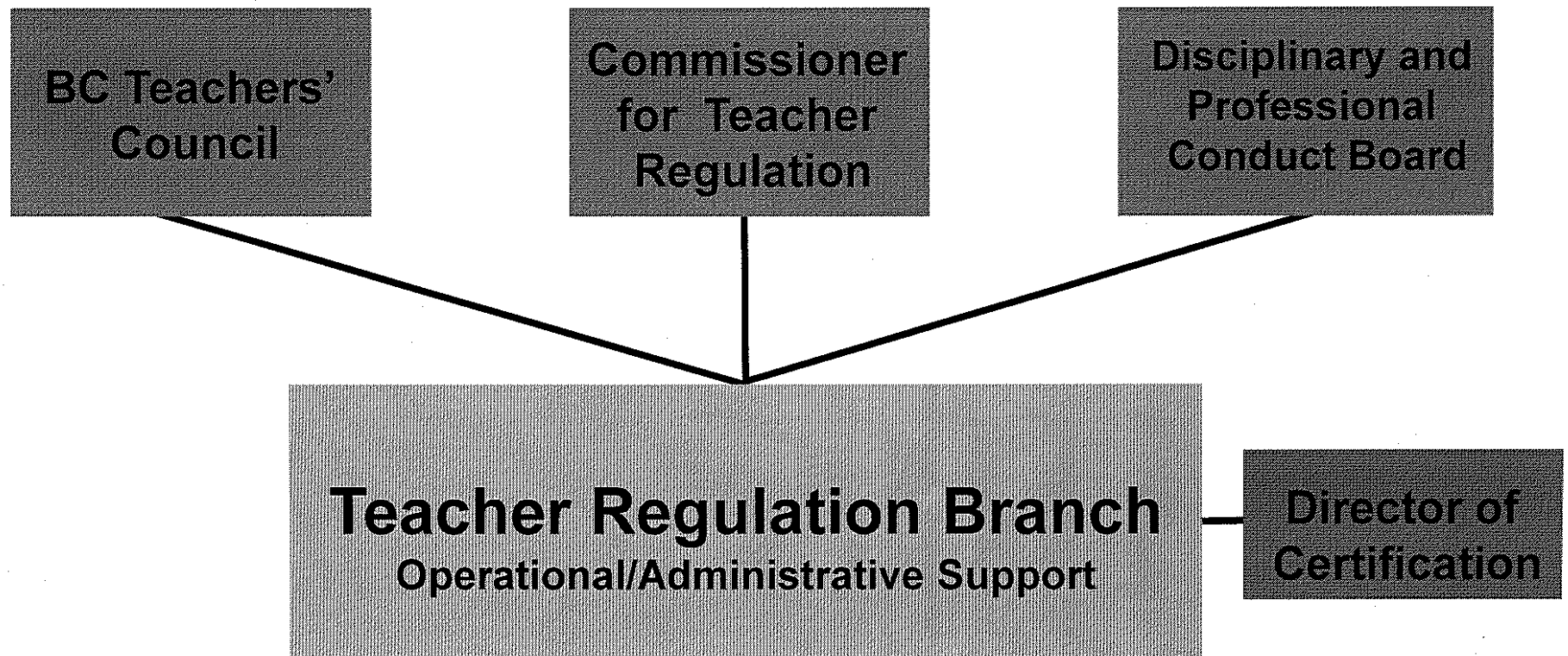
On January 9, 2012, legislation established a new regulation model.

The ***Teachers Act*** is based on two foundational principles: the paramount nature of the **public interest** and **transparency**.



# New Regulatory Model

The new system has five separate and distinct bodies who **share responsibility**.



# Shared Responsibility

- Work in the public interest
- Ensure the safety of children
- Ensure that all certificate holders are fit and competent
- Instill public confidence in the education system by ensuring that K-12 educators are held accountable to the standards



# How Concerns Are Initiated

1. Employer report regarding disciplinary action taken or a resignation under the *School Act* or the *Independent School Act*.
2. A written complaint from any member of the public.
3. A written report from a teacher about the serious misconduct of another teacher (required under the *Teachers Act*).
4. On the Commissioner's own initiative.

# Employers: Duty to Report

- Suspension or dismissal
- Discipline for misconduct that involves:
  - Physical harm to a student or minor
  - Sexual abuse or sexual exploitation of a student or minor, or
  - Significant emotional harm to a student or minor
- Conduct/competence considered to be in breach of the standards, if it is in the public interest
- Resignation, if it is in the public interest

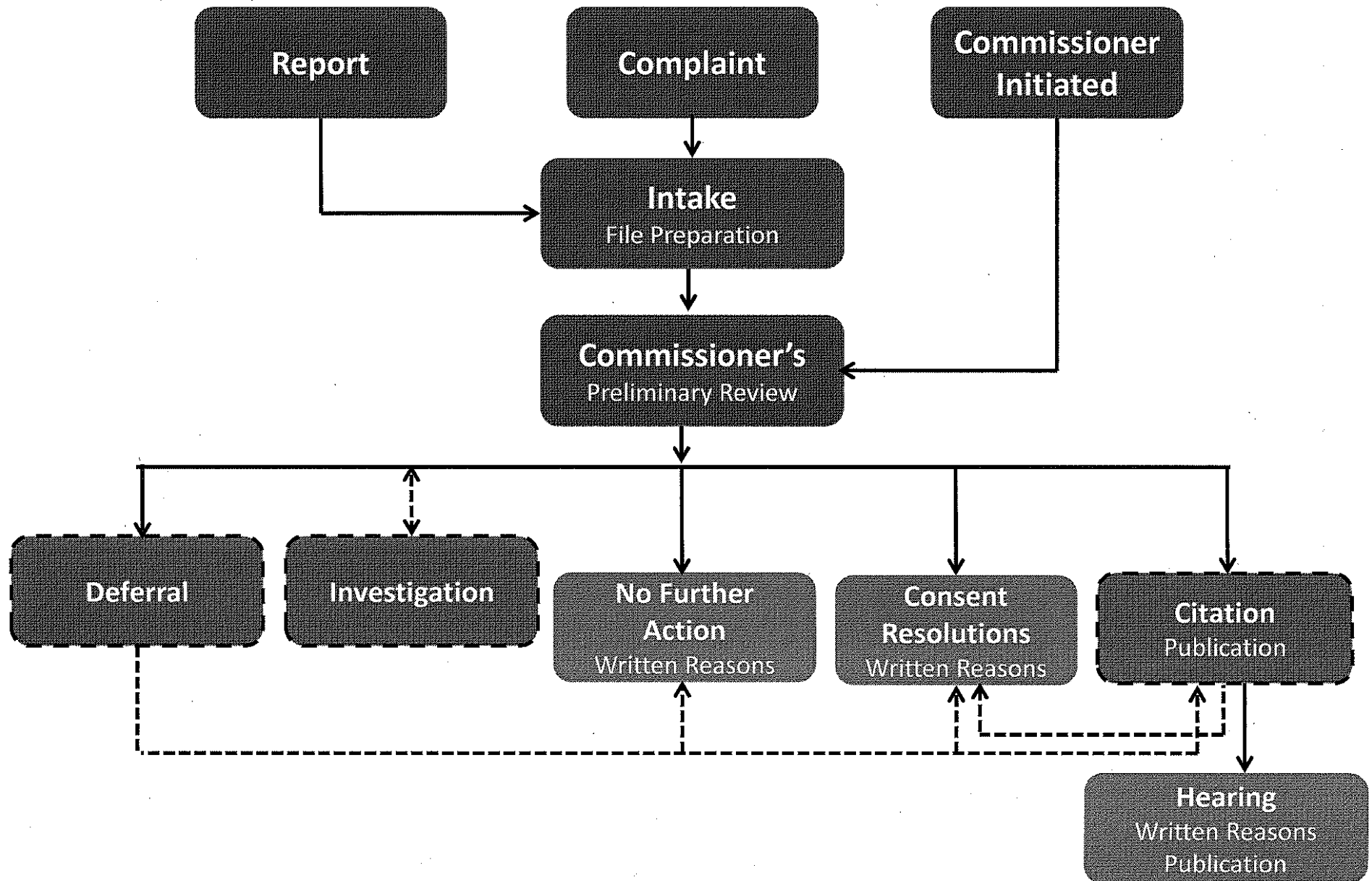
# Public Interest

Public interest in a regulatory context has two main elements:

1. Students must be protected from certificate holders who inflict physical, emotional or sexual harm on them (intentionally or otherwise).
2. Certificate holders cannot conduct themselves – on or off duty – in a way that breaches the Standards for the Education, Competence and Professional Conduct .



# Process



# Scenarios



# Reporting

- Most reporting decisions are **black and white**: alleged conduct that involves the emotional, physical or sexual harm, abuse or exploitation of a student by a certificate holder. These cases must be reported
- Some fall in the **grey** area and require a judgment call

## Scenarios for discussion:

- based on real fact patterns
- demonstrate some examples of situations that are "grey"

# **The Case of Physical Force**

Following gym class, two students are engaged in horseplay in the change room. A teacher, from a neighbouring class, hears noises coming from the room and goes to investigate. As the teacher approaches, the two students begin to run away from the teacher. The teacher catches up to one student and physically restrains him against the wall, while the student continues to struggle to get away. The student endures visible injuries as a result.

**What considerations should guide the superintendent when determining whether to report the incident to the Commissioner?**

# **The Case of the Struggling Teacher**

Teacher X is struggling in the classroom. School administration take various steps to support the teacher including: five teacher performance reviews, the issuance of a Letter of Expectation and a Letter or Direction, and peer support for the teacher from a BCTF Consultant. Despite these efforts, two unsatisfactory Teacher Evaluation Reports are filed, which the teacher grieves.

**Is this an employment issue, a regulatory issue, or both?**

**At what point would it be in the public interest to submit a report to the Commissioner?**

# The Case of the Laptop Surprise

A grade 3 teacher downloads an adult video on his own laptop at home. When he opens up his computer the next morning at school, the video resumes play and the sound track from the movie is audible to his students. No one sees the screen. He shuts down the video quickly. The principals happens to be walking by the classroom and hears the sounds and then questions the teacher.



**What considerations should guide the superintendent when determining whether to report the incident to the Commissioner?**

# **The Case of the Teacher Who Fails to Intervene**

While acting as a Teacher on Call, a teacher witnesses several students playing a game of heads up 7 during class time. One of the students proceeds to repeatedly push the back of the head of another student in the class. As a result, the student being tormented hits her nose on her desk causing a nose bleed. The teacher, who only witnesses part of the incident, does not intervene, seek first aid assistance or report the injury to school administration.

**Is this an employment issue, a regulatory issue, or both?**

# **The Case of the Amorous Teacher**

A high school teacher engages in an inappropriate personal relationship and contact with a 17-year old female student at his school. The conduct includes private, intimate email exchanges with the student, attempts to physically engage with her at school, her workplace and her home, and attempts to apply emotional pressure on the teen. The district suspends and eventually terminates the teacher's employment as a result of the conduct.

**Should this be reported to the Commissioner?**

**Should this teacher also face consequences at the regulatory level?**



# **MINISTRY OF EDUCATION TEACHER REGULATION BRANCH**

## **PROFESSIONAL CONDUCT UNIT OVERVIEW COMMISSIONER INTAKE INVESTIGATIONS HEARINGS**



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
TEACHER REGULATION BRANCH  
1000 WEST WASHINGTON AVENUE  
LANSING, MI 48206  
TEL: 313.763.7000  
WWW.MICHIGANDEP.EDU

## The Commissioner

The Commissioner decides which process is appropriate to address a complaint or report that is received by the Teacher Regulation Branch regarding the conduct and/or competence of an authorized person as defined in the *Teachers Act*:

- a certificate holder, or
- a person who holds a letter of permission issued under section 35 [issuance of a letter of permission].





MASSACHUSETTS  
DEPARTMENT OF  
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100 STATE STREET  
ROOM 100  
BOSTON, MA 02109  
TEL: 617-725-6000  
WWW.DEU.MA.GOV

# Staff Roles

## Director, Professional Conduct

- Responsible for the overall receipt and processing of all discipline cases and for preparation of the files for review and decision by the commissioner & hearing panels.
- Attends all meetings with the Commissioner and provides advice, support and assistance as required, i.e. advice & assessment re file specific issues, e.g. quality of employer investigation and any additional areas where investigation is required.
- Communicates the instructions of the Commissioner with the teachers, applicants and / or their representatives to reach a resolution of the case.
- Oversees the implementation of decisions made by the Commissioner and Hearing Panels, in accordance with the requirement of the *Teachers Act*.



Tennessee Department of Education  
1000 North 3rd Street  
Nashville, Tennessee 37203  
615-741-2000  
www.tn.gov/education

# Staff Roles - Intake

## Two members of the Intake Team:

**Jassandra Ireland**, Intake Officer

**Suzy Macauley**, Confidential Assistant – Intake

## Reports & Complaints

- The process starts with a report from a school district/authority or complaint from the public about teacher conduct or competency.
- The report or complaint goes to the TRB's Intake Officer who will ensure: jurisdiction & that the complaint has met the criteria in the Act.
- The teacher is advised of the report and any other necessary notifications are made.
- Once enough information is gathered a summary of the file is prepared for review by the Commissioner.



## Commissioner's Initial File Review

- The Commissioner has the following options available to it:
- No further action (sometimes with a cautionary letter);
- Alternative Resolutions Process
  - Informal Resolution (not in the rules);
  - Consensual Resolution Process;
- Citation (with the ability to suspend in certain cases); and
- Investigation (with the ability to suspend in certain cases).



THE STATE BAR OF NEW YORK  
JULY 1914  
100 WEST 42ND STREET  
NEW YORK, N.Y. 10018-3602  
TEL: (212) 512-2000  
FAX: (212) 512-2001  
WWW.STATEBAR.ORG

## No Further Action (NFA)

- NFA on a file, is appropriate where:
  - If the allegations were proven would not amount to a finding of misconduct or incompetence, or
  - The file materials indicate that the certificate holder fully understood his/her professional obligations and TRB standards & further action isn't warranted.
- Usually NFA occurs after the informal resolution process.
- In conjunction with a decision to take NFA, the Commissioner can also issue a non-disciplinary cautionary letter (which is like a letter of expectation).



Department of Education  
Office of the Director  
100 North Main Street  
Rochester, NY 14602  
Phone: (716) 554-2000  
Fax: (716) 554-2001  
www.ed.gov

## Staff Roles – Alternative Resolutions

- **Stephanie Wong**, Director's Assistant

Manages the administrative aspects of alternative resolutions, i.e. drafting correspondence, BF's, phone calls from teachers/legal counsel, proof reading agreements, actions dispositions (online registry & sends notification letters to appropriate parties), updates consent agreement table of dispositions.



THE DEPARTMENT OF EDUCATION  
OFFICE OF THE COMMISSIONER  
100 WATER STREET, 10TH FLOOR  
NEW YORK, NY 10038  
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## Alternative Resolutions - Informal Resolutions

- ✓ Informal Resolutions involve the Commissioner reviewing the file and developing usually 2 or 3 questions for the teacher to respond to. The questions are designed to give the teacher an opportunity to reflect upon his or her conduct and to demonstrate the teacher understands his or her professional responsibilities.
- ✓ Informal Resolutions are used in certain kinds of cases:
  - Matters that are not serious in nature; and
  - Matters where reflection by the member on his or her conduct is an appropriate outcome.
- ✓ In cases where Commissioner is unsatisfied with the response, she can write back for further clarification or refer the matter to another process.

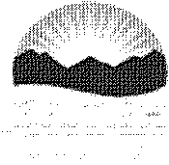


ONTARIO COLLEGE OF TEACHERS  
100 King Street West, Suite 200  
Toronto, Ontario M5X 1C5  
Tel: (416) 591-3838  
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www.oct.on.ca

## Alternative Resolutions

### Consensual Resolutions

- Most cases are resolved via consensual resolution agreements, sometimes without investigation (e.g. criminal convictions).
- The Commissioner can offer or accept a consensual resolution agreement on terms which include:
  - Admissions (of professional misconduct or incompetence);
  - Agreement to take courses or to receive treatment;
  - Conditions on practice;
  - Discipline; and
  - Notification & publication in accordance with the TA.
- Agreements cannot be finalized without the Commissioner's approval.



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Government of Ontario  
100 Queen's Park  
Toronto, Ontario M7S 1Y8  
Canada  
Tel: (416) 325-9300  
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## Staff Roles - Investigations

- Investigation Team
  - **Randip (Rita) Mehanger**, Investigator
  - **Mitra Golnaraghi/Sarvi Mirbagheri**, Investigator
  - **Katarina Hodak**, Investigator
  - **Four Confidential Assistants**, Investigations
- Note: Investigation team also conducts fitness investigations re applicants for certification





DEPARTMENT OF EDUCATION  
OFFICE OF THE ATTORNEY GENERAL  
OFFICE OF THE COMPTROLLER  
OFFICE OF THE INSPECTOR GENERAL  
OFFICE OF THE SECRETARY

## Investigations

- The Commissioner has the ability to order an investigation of a report or complaint or to initiate an investigation if an issue of concern comes to his or her attention.
- Once an investigation is ordered, an investigator is assigned to the file. The TA grants strong powers of investigation (e.g. to enter a premises, take documents, compel cooperation by the teacher under investigation).
- Our goal is to finish investigations in 6 month to 9 months, however complex investigations can take longer.



Michigan Department of Education  
1000 West Washington  
Lansing, Michigan 48206  
Phone: (313) 236-3000  
Fax: (313) 236-3001  
www.michigan.gov/education

## Investigations

- Investigators will often rely on the school district's investigation materials, however they do have the discretion to do further investigation or to re-interview witnesses and the teacher.
- When the investigation is concluded, the investigator will write an Investigation Report, which the certificate holder or applicant has the opportunity to respond to.
- The Report and the certificate holder's response are reviewed by Commissioner who will then decide what process would be most appropriate to address the case.



National Federation of  
Alternative Dispute Resolution  
NFADR  
1000 17th Street, NW  
Washington, DC 20036  
202-462-1000  
www.nfadr.org

# Investigations

- Very few cases are immediately NFA after investigation.
- After investigation most cases go to the consensual resolution agreement or hearing process.



Transportation Research Board  
National Academies of Sciences, Engineering, and Medicine  
1015 L Street, NW  
Washington, DC 20005  
202-334-3400  
www.trb.org

## Staff Roles - Hearings

- There are two members of the Hearings Team
  - **Kim Dionne**, Hearings Coordinator
  - **Andrea Adams**, Confidential Assistant
- The Hearings Coordinator is responsible for the management of all of phases of the TRB's discipline and certification appeal hearings.
- Works closely with panel members, legal counsel, witnesses, certificate holders, etc.



## Citation

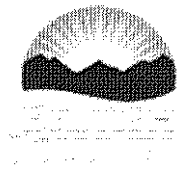
- The Commissioner has the ability to order the issuance of a citation with or without an investigation.
- Citations are typically issued in cases of:
  - Serious misconduct;
  - Pattern of misconduct, previously addressed with other processes such as informal resolution;
  - Issues where the member and the employer/complainant have significantly different versions of events;
  - Cases where on the face of the file material credibility is an issue; and
  - An important legal principle is at stake.
- The Commissioner also has the extraordinary power to suspend a certificate holder's certificate pending hearing.



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Office of the State Superintendent of Education  
100 North Washington Street  
Tallahassee, Florida 32304-4000  
Phone: 904.201.2000  
Fax: 904.201.2001  
www.fl.gov/education

## Typical Cases

- Types of Cases:
  - Inadequate classroom management, lesson plans etc.;
  - Physical or sexual misconduct with children;
  - Anger Management issues (yelling at children, taping their mouths shut);
  - Possession of child porn;
  - Failure to supervise children;
  - Competency; and
  - Off duty conduct i.e. drugs, assault, sexual assault, murder, fraud.



Ministry of Education  
1000 University Avenue  
Toronto, Ontario M5G 1K5  
Canada

# Legal Counsel

## Ministry of Justice: Imbedded in the TRB

- **TRB Legal Counsel, Natasha Dookie**

Provides confidential and privileged advice regarding:

- The range of dispositions in similar cases & whether the threshold for professional misconduct or incompetence has been met.
- Why one process may be preferable over another.
- Specific legal issues that are of note and impacts on TRB, e.g. evidentiary issues.
- Agreements proposed by teacher, (then drafts agreements accepted by Commissioner).
- Negotiates & drafts agreements proposed by Commissioner.



# Legal Counsel

## **Ministry of Justice: Imbedded in the TRB**

- **Hearings Legal Counsel, Eric Wredenhagen**
  - Drafts Citations
  - Conduct of hearing file (fitness & discipline)
- **Susan Wynn, Legal Assistant**