

Did You Know?

thank you to **Helen Grieve**
Director of Investigations –
Professional Conduct Unit
Ministry of Education

The BC Commissioner for Teacher Regulation is the branch of BC's Ministry of Education that administers professional regulation for certified educators in the province.

We asked the Commissioner's office to guide us through the investigation process.

What is the office of the BC Commissioner for Teacher Regulation, and what does it do?

The BC Commissioner for Teacher Regulation is an independent statutory decision maker who is appointed for a five-year term under the Teachers Act. It is the Commissioner's responsibility to oversee the discipline process for certified educators in BC and to ensure that concerns about educator competence and conduct are addressed in a way that's transparent, fair and in the public interest.

The Commissioner reviews reports (*from employers*) and complaints (*from the public*) about the conduct or competence of educators in BC and helps to enforce the Standards for Educators. After reviewing these reports and complaints, the Commissioner decides which process is appropriate for addressing the report or complaint. The Commissioner can investigate, close a matter by taking no further action or offer a consent resolution agreement (*if declined, the Commissioner may order a hearing and appoint a hearing panel*). The current Commissioner is Howard Kushner and he is supported in his work by the Professional Conduct Unit of the Ministry of Education.

What is the procedure to file a complaint?

Who generally files complaints, and where do the complaints originate?

Under the Teachers Act, members of the public may submit a written complaint to the Commissioner regarding the conduct or competency of a certified educator whom they believe has failed to maintain the Standards for BC Educators. Most concerns are best dealt with at the school level.

Before submitting a complaint to the Commissioner, complainants are encouraged to discuss their concerns with the educator, their supervisor or — if necessary — the Superintendent's office or independent school authority. The Commissioner deals with 200-300 cases per year. Approximately a quarter of those cases are from the general public, including parents, guardians, other teachers and others. Most of the cases originate from reports from School Districts or independent schools.

If a Principal is working with a teacher who is subject to a complaint, how are they advised of the complaint?

What are the expectations of the Principal, what are their responsibilities to the investigation and what evidence or information do they need to provide?

If the Commissioner orders an investigation into a complaint about a teacher, then a Principal may be notified. Notification with respect to teachers employed by a school district is sent to the Superintendent. Notification



BRITISH COLUMBIA COMMISSIONER FOR TEACHER REGULATION

regarding teachers employed by an independent school authority is sent to the Principal of the school. In both circumstances an investigator may request information from the Principal. There are no expectations for the Principal until an investigation is initiated. Once an investigation begins, the Principal is expected to provide the investigator whatever specific information is requested.

If a Principal or Vice-Principal is subject to a complaint, how and at what point are they notified?

What is the process that will follow the notification? What are their rights under the process, and their obligations to the process?

All certificate holders that are the subject of a complaint, teachers and administrators alike, are notified in the same manner. Once a complaint is received, the certificate holder is notified and offered a copy of the complaint. The certificate holder is also offered the opportunity to provide the Commissioner a written statement and any supporting documents as a response to the complaint.

Under section 44(b) of the Teachers Act, the Commissioner will then conduct a preliminary review of the complaint. The Commissioner will decide whether to take no further action, to defer the matter until conclusion of another process dealing with the matter, to investigate the complaint, to refer the complaint to the consent resolution process, or to issue a citation for a hearing. The Principal will receive notification of the Commissioner's decision.

If a matter is ordered to investigation, the certificate holder has an obligation to attend an interview and/or produce any documents requested by the Commissioner's delegate (*the investigator*). The certificate holder has the right to provide submissions to the Commissioner at any stage of the regulatory process up until the issuance of a citation. All certificate holders can obtain independent legal advice and/or speak to their union/association regarding the complaint.

What are possible disciplinary outcomes of an investigation?

If the Commissioner believes a certificate holder has breached the Standards for Educators and decides to take further action after an investigation the first step is to propose a consent resolution agreement to the certificate holder. This voluntary process results in a written agreement which resolves the matter without the need for a citation and hearing. The agreement includes information about what was decided and how it relates to an educator's certificate and/or practice. The outcome is shared with the person who made the report or complaint and the agreement is made public unless it would cause hardship to the person who was harmed by the educator.

The educator can be reprimanded or suspended and/or have limits or conditions placed on their teaching certificate. In cases of the most serious misconduct, an educator can have their teaching certificate cancelled. If the outcome is the suspension or cancellation of certificate, the information is recorded in the online registry of all certificate holders and on the Commissioner's discipline outcomes webpage.

If an agreement cannot be reached the Commissioner may issue a citation, which is a public document listing the allegations against an educator that will be the subject of a public hearing. This hearing is similar to a court proceeding and the hearing panel hears evidence and testimony relevant to the allegations against the educator. The disciplinary outcomes at a hearing are the same as those described in the consent resolution agreement process. Typically, less than half of investigation files result in a disciplinary outcome.

What are the best practices that a Principal or Vice-Principal should follow to regularly handle information that could potentially be called for an investigation?

The following are examples of best practice for record keeping and will assist with information requests for regulatory investigations:

- a. Maintain and submit records/documentation in chronological sequence.
- b. Note the date and time of evidence received or collected, and if collected from a place or person, indicate from where or from whom.

- c. Provide a list of individuals interviewed and their roles. (e.g. Principal, parent of 'student', teacher - witness or under investigation).
- d. Ensure that pictures and receipts are clear if copied in colour instead of black and white.
- e. Ensure that interview and meeting notes/transcripts:
 - i. identify who was present and the date and time (*start and end*) of the meeting/interview;
 - ii. indicate where the interview took place; and
 - iii. clearly identify who is speaking, and if the person is being directly quoted or their response is being summarized.
- f. Ensure the person conducting the interview has a second person present who can take notes, and identify the note taker.

Can you tell us more about the Apology Act, and how that may enter into any disciplinary processes or outcomes?

The Apology Act is a piece of legislation which is intended to allow people to apologise in relation to a matter, without that apology being an express or implied admission of fault or liability. A certificate holder's apology in relation to alleged misconduct might be a relevant factor the Commissioner considers in the disciplinary process, and the Commissioner cannot consider any such apology as an admission of fault by the certificate holder.

To find out more, visit

www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/boards-commissions-tribunals/commissioner-for-teacher-regulation

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AUTISM

-Strategies for Self-Regulation, Learning, and Challenging Behaviours

Vancouver: May 5-6

This workshop provides practical strategies for working with high-need individuals around self-regulation, learning practices, and challenging behaviours.

Some of the Topics Reviewed

- Mapping Out a Plan: Structures and Systems
- Understanding Anxiety and Autism
- Emotional Awareness and Self-Regulation
- Best Practices and Strategies for Learning
- Determining the Function of Behaviour



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TRAUMA-INFORMED CARE

-Building a Culture of Strength

Vancouver: June 22

This workshop explores how to build a trauma-informed culture in a workplace setting that integrates knowledge throughout the organization.

Some of the Topics Reviewed

- Principles of Trauma-Informed Care
- Core Competencies - Putting Principles into Action
- Building Trauma-informed Principles into Policy & Processes
- Attending to Staff Safety & Secondary Trauma
- Contexts of Impact - Cultural, Intergenerational, & Societal Factors



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The Standards have been revised to reflect current practices

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A companion Workbook has been produced for use in workshop settings

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