



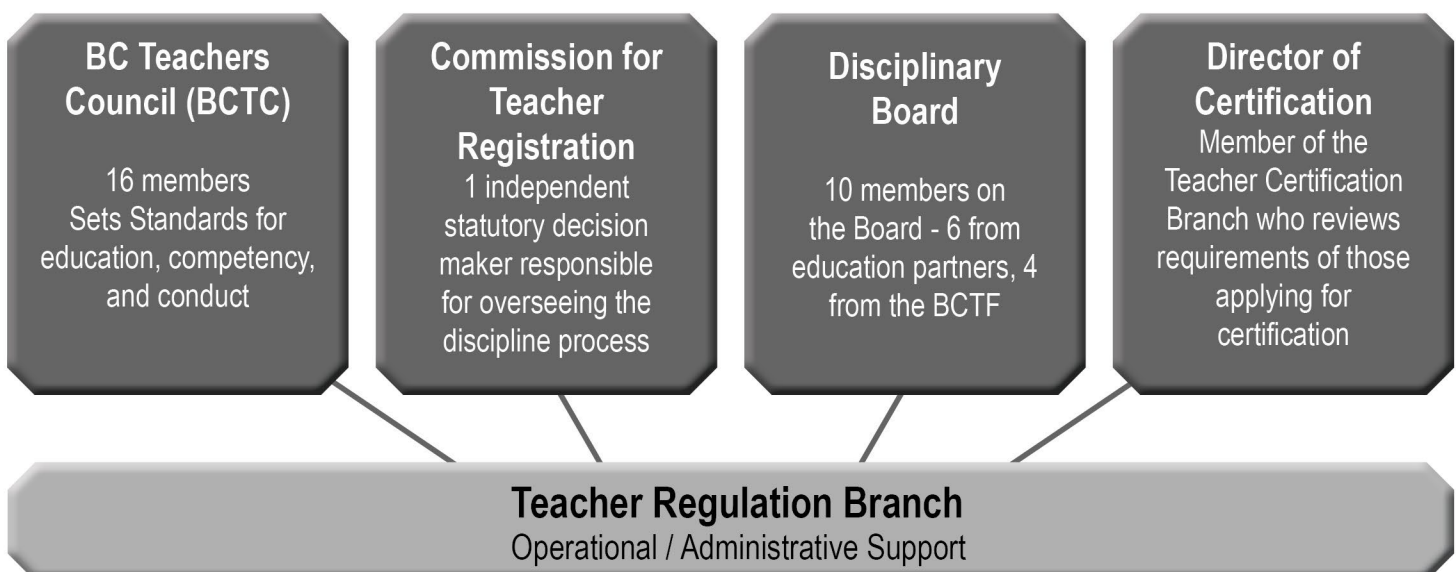
What is the Teacher Regulation Branch (TRB)?

The TRB is a branch of the Ministry of Education that administers professional regulation for certified educators in British Columbia. The TRB works within a legislative mandate to ensure educators in the K-12 system maintain a high standard of competence and conduct required to ensure public confidence in the education system.

The TRB was created as part of the implementation of the *Teachers Act*. The *Teachers Act* sets out the discipline process for BC educators, and creates a system whereby reports and complaints can be received by the Commissioner. The *Teachers Act* sets the standards for the competence and conduct expected. The *Teachers Act* also establishes teacher education approval standards to ensure that teacher education programs meet program approval.

TRB Regulatory Model

Shared Responsibility under the *Teachers Act*



Adapted from BC Ministry of Education. Commissioner for Teacher Regulation, Discipline Process

by

**Carmen Eberle, Magdalena Kassis
& Ellen Roberts**

Directors of Member Support Services, BCPVPA

What is the Role of the Commissioner?

The Commissioner supervises the discipline process. The primary job of the Commissioner is to make determinations regarding complaints about the conduct of certificate holders. The Commissioner reviews all information gathered, and decide what process is most appropriate to address the complaint or report that has come forward. The Commissioner is tasked with ensuring concerns of BC certified educators are treated fairly, expeditiously, and in the public's best interest.

Why Does it Matter?

All certificate holders in British Columbia are held to the Professional Standards for BC Educators (the 'Standards') of the BC Teachers Council. As leaders in their schools and districts, Principals and Vice-Principals are held to an even higher standard, so it is important that the Standards are always upheld – while at work as well as while interacting in the community. As leaders, administrators must ensure that the teachers they supervise are reminded of the Standards, and that they themselves keep the Standards in mind at all times. This is especially important when navigating challenging situations in the workplace, and in supporting students and parents. It is equally important for Principals and Vice-Principals to remember that conduct outside of the workplace – including behaviour in social and public settings – is also measured by the TRB Standards.

When there is cause to believe that an educator has breached a Standard, a complaint can be filed. This is something that can be initiated by anyone – a staff person, or a member of the general public. All complaints are taken seriously by the TRB, and follow a strict process and protocol. The BCPVPA Member Support Services team can assist with any questions or concerns relating to a TRB complaint or investigation.

The disciplinary process has been established to ensure the Standards are upheld. Even so, the process and potential outcomes for members, founded or unfounded, can be very stressful. For that reason, it is important to know what the Standards are, and how they apply to our work.

What are the Standards?

There are nine Professional Standards, and they apply to all educators in the Province of BC who hold a valid teaching certificate. The Standards must always be upheld, both as a condition of holding a teaching certificate, and as a condition of employment. The Standards reflect the values and beliefs that are widely held within our education system.

- 1) Educators value the success of all students. Educators care for students and act in their best interests.
- 2) Educators act ethically and maintain the integrity, credibility, and reputation of the profession.
- 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 planning, instruction, assessment, and reporting practices to create respectful, inclusive environments for student learning and development.

- 6) Educators demonstrate a broad knowledge base and an understanding of areas they teach.
- 7) Educators engage in professional learning.
- 8) Educators contribute to the profession.
- 9) Educators respect and value the history of First Nations, Inuit, and Metis in Canada and the impact of the past on the present and the future. Educators contribute towards truth, reconciliation, and healing. Educators foster a deeper understand of ways of knowing and being, histories, and cultures of First Nations, Inuit, and Metis.

Navigating the Complaint Process

When a staff person or member of the public feels that a certificate holder has breached one or more of the Standards, this can result in a formal complaint being filed with the TRB.

Receiving a Complaint

When the TRB receives a complaint about a member, they will most often reach out with a letter via email to inform the respondent. A summary of the complaint is provided, along with a deadline for response. As soon as a member receives a complaint, they are encouraged to reach out to the BCPVPA for representation, guidance, and support.

Preliminary Review

A member of the BCPVPA Member Support Services team will work alongside a member facing a TRB investigation to ensure that they understand the process, and to support them through subsequent stages.

Most complaints filed with the TRB go through a Preliminary Review stage during which the Commissioner decides whether to assign the file to an investigator for a full investigation, or to take 'no

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further action'. It is ultimately up to the Commissioner to decide the direction.

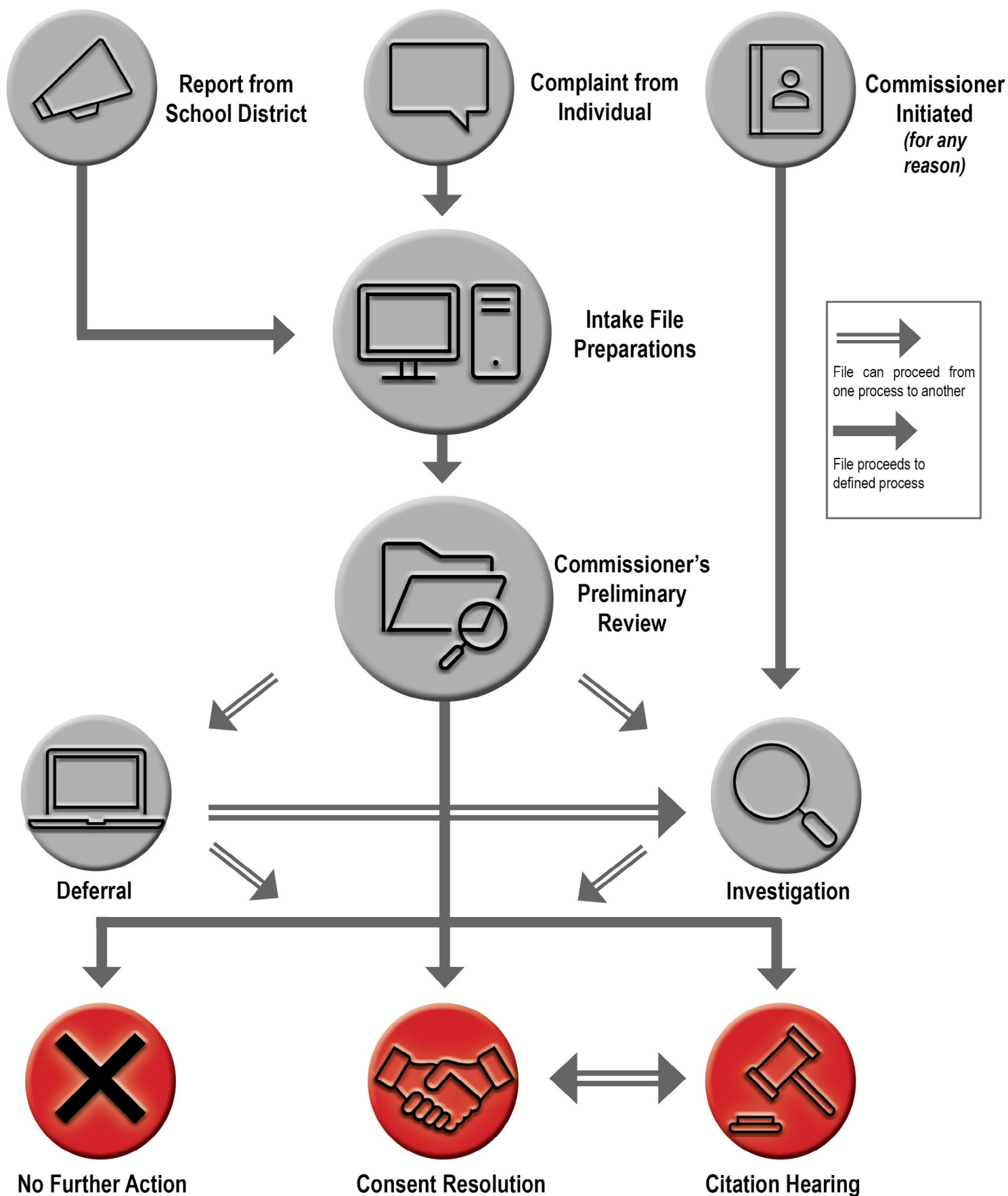
If no further action is being taken, a closure letter is sent to the complainant and to the respondent. The Commissioner's decision is final and binding. If a Complainant wishes to take further action, they have 60 days in which to file with the Supreme Court of BC to have a judge review the decision, or they can reach out to the Office of the Ombudsperson for a review of the fairness of the process.

It is not uncommon for there to be a considerable time span between the submission being made to the TRB, and receipt of an update about the status of the complaint.

Investigations

In some situations, the Commissioner makes a determination following the Preliminary Review that an investigation is warranted. The purpose of the investigation is to gather more information to assist with the decision-making process. An investigator is assigned to gather documentation, conduct interviews as necessary, and write the investigation report. The Commissioner uses the information from the investigation to determine the outcome. Following an investigation, the Commissioner will decide to take no further action, accept a proposal for consent resolution, issue a citation for a hearing, or order a further investigation. It is possible that the individual's Certification may be suspended or cancelled if the Commissioner feels there is a serious risk to the health and safety of students.

Disciplinary Process



Frequently Asked Questions

Who is expected to be proficient in the Professional Standards?

All certificate holders including Principals and Vice-Principals use the Standards to guide their practice and growth. The Standards are there to outline the role and work of educators and they must always be followed.

Under what circumstances may the Commissioner decide on no further action after a complaint?

- If a complaint was made in bad faith or for an inappropriate purpose
- If a complaint was not made in a timely manner
- If there is no reasonable evidence that the matter will result in an adverse finding
- If it is not in the public's interest to proceed

How long does it take for the Commissioner to investigate a complaint or report?

Timelines vary and can take several months before the preliminary review is completed, and up to a year before an investigation is concluded.

What if the issue has also been investigated by the district?

These are usually different processes and purposes in such a situation. The TRB's role is to look through the lens of the Professional Standards, and the district's role is often to investigate based, for example, on a Code of Conduct, or on Bullying and Harassment policy language. It is possible that the Commissioner may take the district investigation into consideration.

The Commissioner may decide to defer action until

another process has been concluded by a school district or a criminal proceeding.

Will I get a copy of the complaint?

Yes: the respondent is notified of the complaint, and a copy of the complaint is provided. Anyone who may have relevant information regarding the complaint may be contacted.

What is a Consent Resolution Agreement?

This is a voluntary process, and is a written agreement between the certificate holder and the complainant documenting what has been decided, and how it relates to the certificate holder's status and/or practice. The outcome is shared with the complainant, provided it does not cause further hardship to the person who may have been harmed.

BCPVPA members are strongly encouraged to stay current, and to remain well-versed in and abide by Professional Standards. If you have further questions or find yourself in a situation where you need support relating to the TRB, please reach out to the BCPVPA Member Support Services Team.

What does Duty to Report mean? When might my district file a report with the TRB?

Under Section 38 of the *Teachers Act*, if a certificate holder's conduct meets either of the following criteria below, 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
- The alleged conduct challenges the integrity of the teaching profession or school system — even if there is no direct harm to a student.



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