



Ministry of Education Teacher Regulation Branch

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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



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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.*