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Ontario
College of
Teachers
Steps To Take
If a Complaint
is Filed
Against You

The College, under a mandate set out in the *Ontario College of Teachers Act*, investigates complaints of alleged professional misconduct, incompetence or incapacity made against members of the College.

The Public Interest

Teachers, principals and most of the supervisory officers in the public school system make up the College's 200,000 members. Many staff employed by independent and private schools are also members of the College.

The College's responsibility for governing the conduct of its members does not replace the employer's responsibility under the *Education Act* to supervise its employees.

Dispute Resolution

Many concerns can be resolved at the level of the school or school board. If a member of the public expresses a concern about you to the College, they will be encouraged to talk to you, where appropriate, or to the principal of your school.

In attempting to resolve the matter, the principal may wish to involve you and/or the superintendent of the school board in further discussions.

In some circumstances, College staff may be asked to assist in resolving the matter. In other circumstances, a complainant may choose to file a formal complaint with the College.

The Rights of Members

During an investigation of allegations against a member, the College takes steps to protect a member's rights.

- Investigations will be conducted in a timely and impartial manner.
- The member will be advised of the right to seek legal assistance.
- The member will be informed of the specific allegation(s) under investigation.
- The member will be given an opportunity to provide a written response.
- The member will be given an opportunity to provide information to the College investigator.
- The complaint will be reviewed impartially by a panel of members of the Investigation Committee made up of elected and appointed members of Council.
- The member will be provided with the written decision of the Investigation Committee.

Suggested DOs and DON'Ts

You may find it a stressful experience to receive notification that a complaint has been filed about you. Please take time to review the allegations and any accompanying documents that are sent to you.

Here are some DOs and DON'Ts to help you during this process:

If you are teaching in one of the four public school systems:

DO consider contacting your local and/or provincial affiliate, which may be able to provide support and guidance during the investigation process, or refer you to a lawyer to advise you of your legal rights.

If you are teaching in a private school:

DO consider consulting a friend or a lawyer, if this seems appropriate.

DO wait for two to three days after you receive the notice before providing a response. The time will help you to think about the matter and gather your thoughts.

The Process

The *Ontario College of Teachers Act*, its regulations and the bylaws of the College set out a specific process for filing and investigating complaints.

- The complaint to the College must be in writing.
- The complainant must provide their name, address and telephone number.
- The complainant must provide the name of the member and include specific information about the nature of the allegation.
- The College will notify you and tell you about the complainant's concerns.
- You will then have the opportunity to respond to the College.
- Your response may be shared with the complainant.
- Both you and the complainant will be asked for details about the incidents and names and addresses of any witnesses or anyone who may have more information about the complaint.
- The College investigator may contact these individuals for relevant information.

DO call the Investigations and Hearings Department to learn more about the investigation process.

DO try to recall incidents, dates and names of relevant witnesses and provide as much detail as possible. This could be critical to achieving a successful resolution.

DON'T contact the person who filed the complaint. We strongly advise that no contact be made with the complainant unless it has been arranged through your principal or a superintendent at the school board.

DON'T alter any of your teaching records or files. This would not be in your best interest. It is also an offence under the *Ontario College of Teachers Act*.

The Investigation Committee

The Investigation Committee of the College Council will meet to consider relevant information collected during the investigation. Neither you nor the complainant will be present at this meeting.

The Investigation Committee can refuse to proceed further with a complaint if it finds the complaint to be frivolous, vexatious or otherwise an abuse of process, or that it is outside the jurisdiction of the College.

The committee may:

- dismiss the complaint
- suggest voluntary dispute resolution
- caution or admonish the member in writing or in person, if issues need to be addressed but do not warrant discipline
- take other action which the committee views to be appropriate in the circumstances
- refer the matter in whole or in part to the Discipline Committee for a hearing if the information alleges professional misconduct or incompetence
- refer the matter in whole or in part to the Fitness to Practise Committee for a hearing if the information suggests that there may be health-related issues affecting the member's ability to teach.

The Decision

The College will send you and the complainant a copy of the Investigation Committee's written decision by mail.

Confidentiality

The College does not comment on investigations or complaints unless they are referred to a public hearing. The College does this to protect members and complainants, as well as to avoid possible prejudice to the process.

During an investigation of allegations against a member, the College acts in a fair and impartial way to respect the member's rights while protecting the public interest.



Ontario
College of
Teachers

Ordre des
enseignantes et
des enseignants
de l'Ontario

Cette publication est également disponible en français sous le titre de
Quoi faire si on dépose une plainte contre vous.

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