



Ontario's Teaching Regulator  
L'organisme de réglementation  
de l'enseignement en Ontario

# Memo

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**Date:** November 20, 2023  
**To:** Council of the Ontario College of Teachers  
**From:** Kirby Chown, OCT  
Chair, Discipline Committee  
**Subject:** Report of the Discipline Committee

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## Committee Meeting and Training Dates

The Discipline Committee (DC) and Fitness to Practise Committee (FTPC) and Roster of the DC/FTPC attended joint legal training sessions led by Independent Legal Counsel on April 20, 2023 and October 20, 2023.

On June 16, 2023, the DC/FTPC and Roster also attended a joint training session on the topic of Equity, Diversity and Inclusion (EDI), which was provided by Nicole Bernhardt, a Human Rights and Equity Specialist.

The DC held a formal committee meeting on October 19, 2023.

## Summary of Work/Discussions

### a) Joint Training

At the joint training session of the DC/FTPC and Roster on April 20, 2023, Independent Legal Counsel, Julie Maciura of Steinecke Maciura LeBlanc, provided legal training on the following topics: (1) Disclosure and Production; (2) Motions; (3) Sanctions/Orders; (4) Rules of Evidence; and (5) Witnesses.

At the October 20, 2023 joint legal training session of the DC/FTPC and Roster, Ms. Maciura provided legal training on the following topics: (1) Pre-Hearing Conferences; (2) Fitness to Practise; (3) Deliberating and Decision-Making; (4) Criminal Matters; (5) Agreed Statements of Fact and Joint Submissions on Penalty; and (6) Reinstatement Hearings.

At the June 16, 2023 EDI training session, Ms. Bernhardt provided training to the DC/FTPC and Roster on the fundamentals of equity, diversity and inclusion within a human rights framework, with distinct consideration of equitable practices within the individual, interpersonal, institutional and community spheres of influence.

**b) Meeting**

At the October 19, 2023 DC meeting, the members of the DC addressed the following topics:

**(i) Chair's Update**

The Chair thanked all committee members for their commitment and significant contributions to the tribunals' work. She also reminded committee members of upcoming opportunities to share feedback informally with the Committee Chair, which feedback would then be relayed to the Manager of Tribunals during regularly held meetings between the Manager and the Chair, with the objective of exploring possibilities to continually improve upon the tribunals' processes.

**(ii) Amendments to the Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee**

Andy Rosenhek, Manager, Tribunals, presented a series of proposed amendments to the *Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee* ("Rules"). A question-and-answer session followed. The DC then unanimously approved the proposed amendments, which related primarily to (1) bringing definitions in line with current legislation; (2) revising and clarifying processes for the filing of documents with the Tribunals' Office; (3) updating outdated motions processes for consistency with current practices and with the current governance structure; and (4) establishing a process for disposing of matters referred to the DC under subsection 26(9) of the Act (i.e., administrative revocations and reprimands for members previously convicted of sexual offences). Staff will translate and post the revised rules on the College website, and will communicate the changes to stakeholders, including frequent hearings participants, when the amendments take effect.

**(iii) Statistics re Hearings Volume**

Mr. Rosenhek presented hearings data from the first three quarters of 2023 in comparison to the trends over the previous four years. The data generally indicated that (1) the DC and FTPC continue to hold a high volume of hearings; (2) the volume of contested hearings has increased significantly (i.e., 58% increase, which leads to lower output due to the increased time taken to hear and then draft reasons in these matters); and (3) successful efforts have been made by the prosecutions' and tribunals' teams to reduce the cumulative volume of open hearings files from its height of more than 300 open files in 2019 to current levels that are below 100 open files in 2023. It was anticipated that, given the high volume of open files at the investigation stage (a proportion of which will be referred to the DC and FTPC) and because of the currently high volume of contested files, the number of open hearings files may increase in the coming months and years.

**Motions Referred to Council**

No motions were referred to Council.

### **Committee Mandate/Duties**

The duties and mandate of the DC are described in Appendix 1 of this document.

### **Future Meeting Dates**

- Training: April 18, 2024 and October 17, 2024
- Meeting: October 18, 2024

### **Committee Members**

- Kirby Chown, OCT (Chair)
- Rebecca Forte, OCT
- Kiran Qureshi
- Emile Ramlochan
- Myrna Tulandi
- Hanno Weinberger, OCT (Vice-Chair)

## **APPENDIX 1**

### **Discipline Committee**

#### **Mandate**

To deal with discipline issues. (OCTA, s. 3(1) at para. 8).

#### **Nature of the Discipline Committee's Work**

##### **The Discipline Committee:**

- a) shall hear and determine matters directed or referred to it under section 26, 29 or 33 (OCTA, s. 30(1)(a));
- b) shall perform such other duties as are prescribed by the regulations (OCTA, s. 30(1)(b));
- c) may, after a hearing, find a member guilty of professional misconduct, if the member has been guilty, in the opinion of the Committee, of professional misconduct (OCTA, s. 30(2)); and
- d) may, after a hearing, find a member to be incompetent if, in its opinion, the member has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of a student of a nature or extent that demonstrates that the member is unfit to continue to carry out his or her professional responsibilities or that a certificate held by the member under this Act should be made subject to terms, conditions or limitations. (OCTA, s. 30(3)).

##### **Powers of the Discipline Committee**

Where the Discipline Committee finds a member guilty of professional misconduct or to be incompetent, it may make an order doing one or more of the following, in accordance with subsection 30(4) of the OCTA:

1. Directing the Registrar to revoke any certificate held by the member under the Act.
2. Directing the Registrar to suspend any certificate held by the member under the Act for a stated period, not exceeding 24 months.
3. Directing the Registrar to impose specified terms, conditions or limitations on any certificate held by the member under the Act.
4. Directing that the Registrar not carry out a direction made under paragraph 1, 2 or 3 for a specified period and not carry out the direction at all if specified terms are met within that period.
5. If the act of professional misconduct consists of or includes sexual abuse or a prohibited act involving child pornography, requiring the member to reimburse the College for funding provided for a person under the program required under section 58.1.

6. If the panel makes an order under paragraph 5, requiring the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse the College under the order under paragraph 5.

Where the Discipline Committee finds a member guilty of professional misconduct, it may, in addition to exercising the powers described above, make an order doing one or more of the following, in accordance with subsection 30(5) of the OCTA:

7. Requiring that the member be reprimanded, admonished or counselled by the Committee or its delegate
8. Imposing a fine in an amount that the Committee considers appropriate, to a maximum of \$5,000, to be paid by the member to the Minister of Finance for payment into the Consolidated Revenue Fund.
9. [Repealed]
10. Fixing costs to be paid by the member to the College.

In making an order directing that the imposition of a penalty be postponed for a specified period and not be imposed if specified terms are met within that period, the Committee may specify the terms that it considers appropriate, including but not limited to terms requiring the successful completion by the member of specified courses of study. (OCTA, s. 30(6)).

In making an order revoking or suspending a certificate or imposing terms, conditions or limitations on a certificate, the Committee may fix a period during which the member may not apply for reinstatement or variation of the order. (OCTA, s. 30(7)).

Where the Discipline Committee is of the opinion that the commencement of the proceeding was unwarranted, the Committee may order that the College reimburse the member for his or her costs or such portion of them as the Discipline Committee fixes. (OCTA, s. 30(9)).

A hearing of the Discipline Committee shall, subject to making an order that the public be excluded from the hearing in accordance with the Act (OCTA, s. 32(7) and (7.1)), be open to the public. (OCTA, s. 32(6)).

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