



Setting the Standard for Great Teaching  
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# Memo

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**Date:** March 3, 2023  
**To:** Council of the Ontario College of Teachers  
**From:** Anne Resnick  
 Chair, Investigation Committee  
**Subject:** Report of the Investigation Committee

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## Committee Meetings/Panel Dates

The Investigation Committee met on November 16, 2022.

The Investigation Committee (and Roster) met on November 22, 2022 for a training session led by Independent Legal Counsel.

## Investigation Committee (IC) Panel Dates

### Three-Member IC Panel Meetings

| Months   | Dates         |
|----------|---------------|
| October  | 4, 5* and 19  |
| November | 2, 28* and 30 |
| December | 14            |

\*Ad hoc meetings to consider urgent and/or seized matters.

### Single-Member IC Complaint Resolution (CR) Panel Meetings

| Months   | Dates    |
|----------|----------|
| October  | N/A      |
| November | 8 and 15 |
| December | 6 and 16 |

## Summary of Discussions

### 1. Investigation Committee Meeting

At the Investigation Committee's November 16, 2022 meeting, the Chair set out her role and responsibilities. The Chair also outlined the Investigation Committee's reporting obligations to Council and reviewed the Investigation Committee's statistics to the end of October 2022.

The Director of Investigations and Hearings (now Investigations and Professional Conduct) presented a departmental update, including that Intake and Investigations staff would commence Equity, Diversity and Inclusion training in December 2022.

The Chair noted that it was important for the Investigation Committee/Roster to receive Equity, Diversity and Inclusion training as well.

As oral cautions and admonishments continue to be delivered virtually, the Committee decided to draft a protocol regarding expectations for members who will receive oral cautions or admonishments. The protocol will address, among other things, the physical location of the member who is receiving the caution or admonishment.

## 2. Training

At the November 22, 2022 training session, Independent Legal Counsel provided training to Committee and Roster members on the following topics:

- Off Duty Conduct: *Ross v. New Brunswick School District No. 15* CanLII 237 (SCC)
- Harassment and Discrimination Complaints
- Investigation Committee Outcomes: A Refresher

## Statistics

The following is a summary of the disposition of cases concluded by panels of the Investigation Committee between October 1, 2022 and December 31, 2022.

| Disposition of Cases   | October – December 2022 |
|--|-------------------------|
| Referred to Discipline Committee under subsection 26(5)(a)   | 16                      |
| Referred to Fitness to Practise Committee under subsection 26(5)(a)  | 1                       |
| Admonishment in person under subsection 26(5)(c)   | 10                      |
| Written admonishment under subsection 26(5)(d)   | 3                       |
| Caution in person under 26(5)(c)   | 7                       |
| Written caution under subsection 26(5)(d)  | 2                       |
| Advice under subsection 26(5)(d)   | 2                       |
| Reminder under subsection 26(5)(d)   | 1                       |
| Not referred following an investigation and no further action taken under subsection 26(5)(b)  | 14                      |
| Refused to investigate: not related to professional misconduct or incapacity under subsection 26(2)(a), OR, frivolous, vexatious, abuse of process, manifestly without substance or made for an improper purpose under subsection 26(2)(b) (Request for Direction) | 4                       |
| Undertaking to Resign and Never to Reapply   | 4                       |
| Teacher Performance Appraisal Undertaking  | 1                       |
| Complaint Resolution   | 31                      |
| <b>Total</b>   | <b>96</b>               |

The total number of dispositions does not include eight matters that were withdrawn or abandoned before reaching a panel of the Investigation Committee.

### **Duties and Mandate of the Committee**

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

### **Upcoming Committee Training and Meeting Dates**

On March 31, 2023, the Investigation Committee and Roster will participate in Equity, Diversity and Inclusion training.

The next Investigation Committee and Roster training conducted by Independent Legal Council is scheduled for May 10, 2023. The next Investigation Committee meeting is scheduled for November 21, 2023.

### **Members of the Investigation Committee**

Anne Resnick (Chair)

Colin Halsall, OCT (Vice-Chair to December 31, 2022)

Simon Burke

Erin Glen, OCT

Robert Pellerin, OCT (Vice-Chair from January 1, 2023)

Annie Song

Elisha Turney Foss

Philip Warner, OCT

## APPENDIX 1

### Investigation Committee

#### Mandate and Duties

The Investigation Committee is a statutory committee of the College established by the *Ontario College of Teachers Act, 1996* (the “Act”):

Section 3 of the Act establishes the objects of the College, and the object most directly pertinent to the Investigation Committee is the following:

8. To receive and investigate complaints against members of the College and to deal with discipline and fitness to practice issues

The following are among the specific duties of the Investigation Committee, as stipulated in section 26 the Act:

- To consider and investigate complaints regarding the conduct or actions of a member made by the four designated sources: a member of the public, a member of the College, the Registrar or the Minister.
- To ensure that:
  - the complaint is in the format prescribed by the by-laws;
  - that the member has been notified of the complaint and given at least 60 days to respond; and
  - that the Committee has examined all the relevant documents and information.
- To use its best efforts to dispose of a complaint within 120 days of it being filed.
- To refuse to investigate a complaint if, in its opinion, it does not relate to professional misconduct, incompetence or incapacity; and/or is frivolous, vexatious, an abuse of process, manifestly without substance or made for an improper purpose.
- To ensure that notice of the complaint includes reasonable information about the allegations.
- To provide its decision in writing to the member who is the subject of the investigation, the employer who reported the matter to the College, the member’s current employer if different than the reporting employer and the public complainant, where applicable, and, with the exception of when the decision was to refer the complaint to a hearing committee, to also provide its reasons.
- The Committee can dispose of a matter by:
  - referring the complaint, in whole or in part, to the Discipline Committee or the Fitness to Practise Committee;
  - not referring a complaint and take no further action;
  - issuing written reminders, advice, cautions and admonishments or in-person cautions or admonishments or further actions as it considers appropriate and that is not inconsistent with the Act, the regulations or the by-laws;
  - adopting a Request for Adoption in Complaint Resolution matters;
  - adopting an Undertaking in a Teacher Performance Appraisal matters;
  - adopting an Undertaking to Resign and Never to Reapply; and
  - directing that medical inquiries be made where the Committee believes that a member may be incapacitated.