



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

# Memo

**Date:** February 5, 2024  
**To:** Council of the Ontario College of Teachers  
**From:** Anne Resnick  
 Chair, Investigation Committee  
**Subject:** Report of the Investigation Committee

## Committee Meetings/Panel Dates

The Investigation Committee met on November 21, 2023.

The Investigation Committee and Roster met on November 29, 2023 for a training session led by Independent Legal Counsel.

## Investigation Committee (IC) Panel Dates

### Three Member IC Panel Meetings

Months	Dates
October	10*, 11, 25 and 30*
November	9, 24
December	4*, 6, 13* and 21

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

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

Months	Dates
October	12 and 26
November	27
December	7 and 14

## Summary of Discussions

### 1. Training

At the November 29, 2023 training session, Independent Legal Counsel provided training to Committee and Roster members on the following topics:

- Preparing for Panel: Preparing the Case Deliberation Form & General Good Practices
- Priors: What role do they play?
- Peterson v. College of Psychologists of Ontario (2023): Off Duty Conduct in Social Media & Free speech

- Direct referral of criminal convictions to Discipline and directing Coursework
- The Precedent Case Chart and how to use it

## 2. Investigation Committee Meeting

The Chair of the Committee noted that Erin Glen’s appointment ends on December 31, 2023. The Chair also noted that Annie Song had resigned as a member of the Committee. The Chair briefly set out her role and responsibilities.

The Acting Director of Investigations and Professional Conduct presented a Departmental update, including that there will be further Equity Diversity and Inclusion (“EDI”) training for the Investigation Committee/Roster in the coming year.

The Chair noted that it was important for the Investigation Committee/Roster to continue to build on the EDI training initiated in 2023.

The Manager, Professional Conduct presented an overview of the Complaints Resolution program.

The draft protocol for oral cautions and admonishments that sets out expectations for members who have to attend an oral caution or admonishment virtually was finalized and staff advised that this protocol is now provided to every member who has been so directed to attend.

There was a discussion about when best to schedule oral cautions or admonishments having regard for both the Investigation Committee panel and members’ availability.

## Statistics

The following is a summary of the disposition of cases concluded by panels of the Investigation Committee between October 1, 2023 and December 31, 2023.

Disposition of Cases	October-December 2023
Referred to Discipline Committee under subsection 26(5)(a)	5
Referred to Discipline Committee under subsection 26(9)	3
Referred to Fitness to Practise Committee under subsection 26(5)(a)	0
Admonishment in person under subsection 26(5)(c)	12
Written admonishment under subsection 26(5)(d)	3
Caution in person under 26(5)(c)	2
Written caution under subsection 26(5)(d)	13
Advice under subsection 26(5)(d)	7
Reminder under subsection 26(5)(d)	5
Not referred following an investigation and no further action taken under subsection 26(5)(b)	19

<b>Disposition of Cases</b>	<b>October-December 2023</b>
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)	8
Undertaking to Resign and Never to Reapply under subsection 26(5)(b)	6
Teacher Performance Appraisal Undertaking under subsection 26(5)(d)	1
Complaint Resolution under section 26.1	55
Coursework under subsection 26(5)(d)(ii)	1
<b>Total</b>	<b>140</b>

The total number of dispositions does not include 26 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.

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

- Anne Resnick, (Chair)
- Robert Pellerin, OCT (Vice-Chair)
- Simon Burke
- Erin Glen, OCT (to December 31, 2023)
- Ramona Nazareth, OCT (from January 1, 2024)
- Annie Song (to October 11, 2023)
- Elisha Turney Foss
- Philip Warner, OCT

## APPENDIX 1

### Investigation Committee Mandate and Duties

The Investigation Committee is a statutory committees 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.