



Memo

Date: April 30, 2019
To: Members of Council
From: Jacqueline Karsemeyer, OCT
Chair, Investigation Committee
Subject: Report of the Investigation Committee

Committee Meetings/Panel Dates

Meetings

An Investigation Committee meeting was held on April 17, 2019.

IC Panel Dates

- **January 8, 30 and 31**
- **February 13, 14 and 27**
- **March 20 and 21**
- **April 2, 3 and 25**

Summary of Discussions

a) Training

On April 16, 2019, Council member Elizabeth Edgar-Webkamigad, OCT and Anna Brunette, OCT, a Program Officer with the College's Standards of Practice and Education Unit, presented to the Investigation Committee and its roster members on the College's involvement in the development of Indigenous perspectives, education and related issues. They supported discussion of Indigenous perspectives and their relevance to the work of the Investigation Committee.

On April 16, 2019, Josh Koziebrocki, Independent Legal Counsel to the Investigation Committee, provided training to the Investigation Committee and its roster members on the following topics:

- factors to consider when determining the seriousness of a complaint;
- a deliberation form which might be used as a reference in preparation for panel meetings;

- indicia of grooming;
- Fitness to Practise cases;
- cases involving criminal allegations;
- off duty conduct; and
- practical tips for panel preparation.

b) Meeting

At the April 17, 2019 Investigation Committee meeting, the Registrar provided a synopsis of the *R v. Jarvis* case.

At the April 17, 2019 Investigation Committee meeting, members discussed the following topics:

Complaint Resolution (CR) process: The Manager, Professional Conduct, reviewed the CR process by providing an update to the committee regarding single-person CR panels as well as the Teacher Performance Appraisal Resolution by Undertaking Process.

Oral admonishments via video conferencing: the committee discussed that there has been one oral admonishment given via video conferencing, for which there were exceptional circumstances. The committee is awaiting input from Policy and a draft motion from staff on this issue, prior to considering video conferencing for other members.

Incompetence matters: Policy staff reviewed the new Incompetence and Teacher Performance Appraisal Guideline, which will assist the Investigation and Discipline Committees to articulate teacher competencies.

Five-year statistical analysis: Intake staff presented trends in the Investigations and Hearings area. The trends indicate that the number of expressions of concern (telephone calls, emails and so on) continue to grow, as do the number of files being transferred to Investigations and Discipline and Fitness to Practise.

New Information: The Chair shared feedback from recent decisions, including comments regarding members understanding the outcome of cases but not necessarily the rationale for the decision. The Chair commented that it is important that reasons given by a panel explain why the panel reached the decision that it did.

The Chair's Report: The Chair reviewed the number of files transferred from Intake to Investigations between January 2019 and April 15, 2019 as compared to between January and April (the full month) for the years 2014 to 2018. It was noted that the 2019 numbers exceed all previous years even though the month of April was not yet over. It was also noted that to date, the committee had disposed of 125 files, which also included CR files.

The Chair provided a review of the provincial government's changes to the education system, including mandatory mathematics testing, changes to the Health and Physical Education Curriculum and expanded class sizes.

The Chair also reviewed changes (i.e., the Committee being able to dismiss a complaint because it is not in the public interest to investigate and the Committee's ability to authorize a member's medical assessment where a Fitness to Practise concern is raised) to the *Ontario College of Teachers Act, 1996*, which will have an impact on the committee once the sections are enabled. Staff will continue to monitor these developments and provide an update at the November 2019 meeting.

The Director's Report: The Director provided an update regarding a recent reorganization of the Investigations and Hearings Department, information relating to a webinar for employers presented by staff in February 2019 and research the College is currently conducting on school board reporting.

Statistics

The following is a summary of the disposition of cases concluded by panels of the Investigation Committee during the period January 1, 2019 to March 31, 2019.

Disposition of Cases	Complaints
Refused to investigate: not related to professional misconduct or incapacity 26(2)(a), OR, frivolous, vexatious, abuse of process, manifestly without substance or made for an improper purpose; 26(2)(b) (Request for Direction)	1
Referred to Discipline Committee under clause 26(5)(a)	39
Referred to Fitness to Practise Committee under clause 26(5)(a)	3
Not referred under clause 26(5)(a) or (b) and no further action taken	8
Written reminder/advice/caution/admonishment under subsection 26(5)(d)	9
Admonishment under subsection 26(5)(c)	4
Oral caution/ under subsection 26(5)(c)	0
Resolved through complaint resolution under subsection 26(5)(d)	21
Resolution by undertaking	5
TOTAL	90

Note: This total does not include 20 matters that were withdrawn or abandoned before reaching a panel of the Investigation Committee.

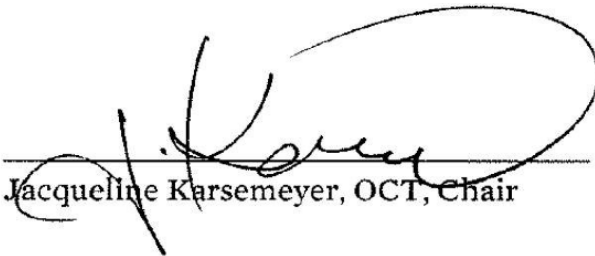
Duties and Mandate of the Committee

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

Future Committee Meeting Dates

The next training is scheduled for November 13, 2019 and the next meeting is scheduled for November 14, 2019.

Committee Members
Bob Cooper, OCT
Tim Gernstein, OCT
Erin Glen, OCT
Jacqueline Karsemeyer, OCT (Chair)
Colleen Landers (to March 8, 2019)
Shannon Marcus, OCT
Michelle Miner-Seal
Gerry O'Reilly, OCT
Stephen Zimmermann, OCT (Vice Chair)



Jacqueline Karsemeyer, OCT, Chair

APPENDIX 1

Investigation Committee

Mandate and Duties

The Investigation Committee is one of five 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 practise 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 and has been filed with the Registrar;
 - that the member has been notified of it and given at least 30 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 with the Registrar.
- 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 or an abuse of process.
- To ensure that notice of the complaint includes reasonable information about the allegations.
- To provide its decision in writing to the Registrar, and, with the exception of when the decision was to refer the complaint to a hearing committee, to also provide its reasons.
- To either:
 - refer the matter, in whole or in part, to the Discipline Committee or the Fitness to Practise Committee;
 - not refer a complaint;
 - take such other action, such as cautions, admonishments, advice, reminders, as it considers appropriate and that is not inconsistent with the Act, the regulations or the by-laws.