

INVESTIGATIONS: AN OVERVIEW

As a member of the Ontario English Catholic Teachers' Association (OECTA), it is important to be aware of the different investigative procedures that can arise from an allegation of **professional misconduct**. Investigations can be initiated by your school board's human resources department, a children's aid society (CAS), the Ontario College of Teachers (OCT), the Human Rights Tribunal of Ontario (HRTO), or the police if the allegations are criminal in nature. Each procedure is unique, and depending on the circumstances a teacher can be subject one or more of these investigations simultaneously.

The following guidance is applicable to all investigations:

- Once you are made aware that you are subject to an investigation by a CAS, the OCT, or the police, immediately contact an OECTA representative – either your local unit president or the duty officer at Provincial Office.

**Click here to watch the video
Professional Misconduct
Investigations and
the Teaching Profession**

In all cases, if you are being investigated contact an OECTA representative – either your local unit president or the duty officer at Provincial Office (1-800-268-7230).

- If the investigation only involves your school board's human resources department, your local unit president is your best contact. However, if CAS, the OCT, or the police becomes involved, you or your local unit president must contact OECTA Provincial Office immediately.
- Do not make any statements until you have received advice from OECTA and/or legal counsel. If asked, say: ***"I am willing to cooperate in this investigation, but I need to contact my union first."***
- Refrain from discussing your case with colleagues. These discussions could be brought up in the investigation process.
- Recognize that your principal is part of management. No matter how good your relationship may be, principals are required to follow protocol and report what is said.
- Except with legal counsel, there is no confidentiality.
- Each organization listed in the next section may conduct its own investigation around the same incident. The order of these investigations depends on several factors, including how the complaint was lodged, the severity of the allegations, compliance with the **Ontario College of Teachers Act**, and the duty to report under section 125 of the **Child, Youth and Family Services Act**.
- Each case is unique. OECTA representatives at your local unit office or Provincial Office will help you navigate the process!

Investigative Procedures at-a-Glance

Children's Aid Society [CAS]	School Board Human Resources	Police	Ontario College of Teachers [OCT]	Human Rights Tribunal of Ontario [HRTO]
<ul style="list-style-type: none"> • Can investigate a complaint from any source. • Has the authority to investigate any allegation or suspicion of abuse, neglect, or harm. • Teachers are generally sent home during the investigative process. • Three possible outcomes to the investigation: verified, not verified/unsubstantiated, and inconclusive. • Contact OECTA about any complaints as soon as possible. 	<ul style="list-style-type: none"> • School boards have the right to investigate the conduct of any employee. • May conduct investigations concurrently with CAS and/or the OCT. • Boards may wait for other organizations to conclude their investigations before starting or concluding their own. • If a teacher is disciplined, school boards may report the situation to the OCT, which will then conduct its own investigation. • Regardless of the outcomes of any other investigations (CAS, police, etc.), the board has the right to investigate and reach its own conclusion regarding discipline. • Contact OECTA about any complaints as soon as possible. 	<ul style="list-style-type: none"> • Can investigate a complaint from any source. • Complaints of abuse are investigated by the police first if there is suspicion of criminal conduct. • Police may investigate before charges are laid. • Even if there are no criminal charges, the CAS and/or OCT may continue to pursue their own investigation. • Contact OECTA about any complaints as soon as possible. 	<ul style="list-style-type: none"> • Can investigate a complaint from any source. • An OCT complaint and resulting investigation may occur in tandem with other investigations (ie: board, police). • Complaints can be brought before the OCT by a parent, human resources personnel, administrator, colleague, or any member of the public. • The OCT adjudicates allegations based on the "balance of probabilities," which considers whether the alleged events were more likely to have occurred than not. The scale of probabilities must be tipped in favour of the argument by at least 51 per cent for a finding of misconduct. • The OCT has the power to suspend or revoke your teaching licence. • Contact OECTA about any complaints as soon as possible. 	<ul style="list-style-type: none"> • The HRTO handles all new human rights applications under the <i>Human Rights Code</i>. • A claim of discrimination or harassment can be brought to the HRTO by a student, parent, school administrator, teacher, or colleague. • Has the power to hold hearings, make decisions, and determine remedies. • If the claim is against you and your board, the board's legal counsel will usually represent you. • You should still contact OECTA about your case as soon as possible.