



TEACHING IN THE 21ST CENTURY

PROFESSIONALISM, INVESTIGATIONS, AND YOU

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TEACHING IN THE 21ST CENTURY



[Click here to watch the video Understanding Professionalism](#)

Teaching in the 21st century is both challenging and rewarding. As contemporary society evolves and changes, so do the needs of our students and the expectations placed on teachers. It is important that teachers recognize the complex and dynamic issues their students and families face, particularly in the province of Ontario; and stay up-to-date on current pedagogy, classroom practices, and cultural cultural-relevance.

Catholic teachers strive to create positive, faith-filled, and equitable learning environments for their students. As professionals, it is imperative that you also understand current concepts related to accessibility, inclusivity, diversity, and equity, how they apply in your classroom practice, as well as your obligations under Ontario's [Human Rights Code](#).

You can successfully navigate today's complex classrooms by upholding the principles of [Catholic Social Teaching](#), including dignity of the human person, common good, and solidarity. You can achieve this through using your professional judgement to select appropriate teaching methods and resources, maintaining professional boundaries, adhering to the Ontario College of Teachers' (OCT) [Standards](#)

[of Practice for the Teaching Profession](#), and committing to ongoing professional learning.

It is important to familiarize ourselves with current expectations related to professionalism as communicated through the following OCT documents:

- [Standards of Practice](#)
- [Ethical Standards](#)
- [Professional Boundaries](#)
- [Duty to Report](#)
- [Professional Misconduct of a Sexual Nature](#)
- [Use of Electronic Communication and Social Media](#)
- [Supporting Students' Mental Health](#)
- [Safety in Learning Environments](#)
- [Professional Advisory on Anti-Black Racism](#)
- [Professional Misconduct Recognizes Hateful Remarks and Behaviour](#)

PROFESSIONAL DEVELOPMENT FOR TEACHERS, BY TEACHERS

Engaging in teacher-led professional learning is a proactive approach to demonstrating your adherence to the **standards of practice for the teaching profession** and commitment to ongoing professional and personal development. To ensure that you fulfill your professional obligations, it is important for you to be aware of the complex issues your students face and how to navigate them in your classroom.

OECTA provides various professional learning resources, including:

- Additional Qualification Courses (AQs)
- Mini-Courses
- WebExperiences

- Professional Learning Institutes (i.e. Summer Institutes or Literacy Institutes)
- Office Hours Live
- Book Clubs
- Accessibility, Inclusion, Diversity and Equity Resources

Resources are constantly being updated with new opportunities being added, so be sure to check the Association's website catholicteachers.ca for current listings.



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.

CHILDREN'S AID SOCIETY

A Children's Aid Society (CAS) may be called to investigate a complaint from any source, including students, parents, colleagues, school administrators, or members of the public. CAS investigates all complaints that raise potential child protection concerns. It also has the authority to investigate any allegation of abuse. The investigation process depends on the local CAS and any protocols that may exist between it, the school board, and the police.

If a principal or other school board official receives an allegation of conduct that triggers their duty to report, under section 125 of the *Child, Youth and Family Services Act*, they must report it to their CAS immediately. School administrators and board officials are generally directed not to conduct their own investigation prior to making the report their CAS, which means reports go to their CAS even when the allegations are false or misrepresent the situation. It is then up to the CAS to decide whether the allegation warrants their involvement and if so, to investigate and determine what, if anything, happened and whether any child protection concerns are verifiable.



What should you do if CAS investigates your conduct?

A CAS may inform teachers of an investigation directly or through a school board official – usually the principal. An investigation by a CAS caseworker typically takes one to four weeks but can sometimes be a very lengthy process.

If you are the subject of a CAS investigation, immediately seek advice from an OECTA representative – **call your local unit president or the duty officer at Provincial Office (1-800-268-7230)**. A Provincial Office staff officer will assess the situation and provide you with direction and advice. If the allegations relate to your duties as a teacher, a lawyer may be assigned to help you through the investigation process.

You should not make any statements about the allegation(s) or incident(s) to anyone until you have obtained advice from the Association and/or legal counsel. This includes comments to colleagues, parents, and your school administrators. No matter how good your relationship may be with your principal or vice-principal, remember that they are part of management and must report anything you say.

There is no such thing as “off the record” in these situations. Apart from legal counsel, there is no confidentiality. Every comment you make can and will be used in any related investigation or legal proceedings, including investigations by a CAS, police, your school board, or the OCT (if the allegations result in a report to the OCT). If there are any related legal proceedings, people can be subpoenaed to testify about what you

Click here to watch the video
Children's Aid Society
Investigations

said to them regarding the alleged incident. If there are witnesses to the incident who could provide statements that support you, their credibility may be called into question if they have previously discussed the incident with you.

There are no “informal” CAS investigations. If a CAS caseworker arrives at school to question you or if the principal asks to speak with you regarding a CAS investigation, inform them you will cooperate once you have spoken with legal counsel. You can say, ***“I am willing to cooperate in this investigation, but I need to contact my union first.”***

You will likely be removed from the classroom during an investigation and may be reassigned to work from home or an alternate location, such as the school board office, until the investigation is complete. In rare cases, another adult may be assigned to stay in the classroom with you. If there are any changes to your work assignment, notify an OECTA representative. Many members experience adverse mental health effects due to the stress of these procedures. Be sure to access the mental health and wellness resources available for members at catholicteachers.ca.

Decline to attend any meeting with CAS or provide statements until you have contacted an OECTA representative. If you are directed to attend a meeting by the principal or supervisory officer you must attend, but you are not obliged to make a statement or answer questions without the benefit of legal counsel. Before attending any meeting with the principal or supervisory officer, call your local OECTA unit office to make sure they are aware of the meeting.

While you are encouraged to cooperate with CAS investigations, you are advised to exercise your rights to first seek advice from the Association and obtain legal representation, either through OECTA’s legal support policy if the criteria are met, or independently.

If the school board initiates an investigation into your conduct following the CAS investigation, request assistance from your local unit president to ensure that your employment rights are protected.



***I am willing to cooperate in this investigation,
but I need to contact my union first.***

What to do if a colleague is investigated by a CAS

You may be questioned as a witness about a colleague's conduct by a CAS. If approached, confirm that the CAS is asking you to speak solely in your capacity as a witness and that you are not also under investigation.

While a CAS cannot legally compel you to speak to them as a witness, there may be an expectation from them and your school board that you will cooperate with their request given your professional role. If you have questions or concerns about the request to speak with you, call an OECTA representative before responding to any questions.

If you agree to an interview, answer questions truthfully. Do not offer opinions or speculation. Limit your remarks to the facts (what you witnessed first-hand). Opinions offered can be taken out of context. If you did not witness the conduct or incident in question, state that you did not witness it and do not offer any additional commentary.

Be aware that if the investigation results in any subsequent legal proceedings, you could be called to testify if it is believed you witnessed the alleged events, regardless of whether you were interviewed by the CAS during its investigation.

Under 18(1)(b) of the *Teaching Profession Act*, if your reported comments about another member of the teaching profession constitute an "adverse report," you are required to provide them with a written statement of what you have reported. Section 18(1)(c) notes exceptions related specifically to allegations of sexual abuse of a student.

Duty to report

You are both subject to investigation by a CAS and have a duty to report to the same agency if you suspect that a student is at risk of harm. Under the *Child, Youth and Family Services Act (CYFSA)*, anyone, including teachers and others "who perform professional or official duties with respect to children," must report concerns directly to the CAS where they have "reasonable grounds to suspect" that a child has suffered harm or is at risk of harm. The duty to report is immediate and makes no exceptions.

Failing to comply with your duty to report is an offence under the CYFSA and can result in a fine of up to \$5,000 upon conviction (CYFSA, s.125(5) and (9)). Thus, failure to report suspicion of abuse is subject to findings of professional misconduct and can result in reports to the OCT and additional discipline from your school board.

The police may investigate simultaneously with a CAS or become involved based on the results of a CAS investigation or a separate report to them by the family or another individual. Nothing precludes a parent or a student from contacting the OCT before, during, or after a CAS investigation.

An OECTA representative
can be your local unit
president/designate
or a Staff Officer
at Provincial Office.

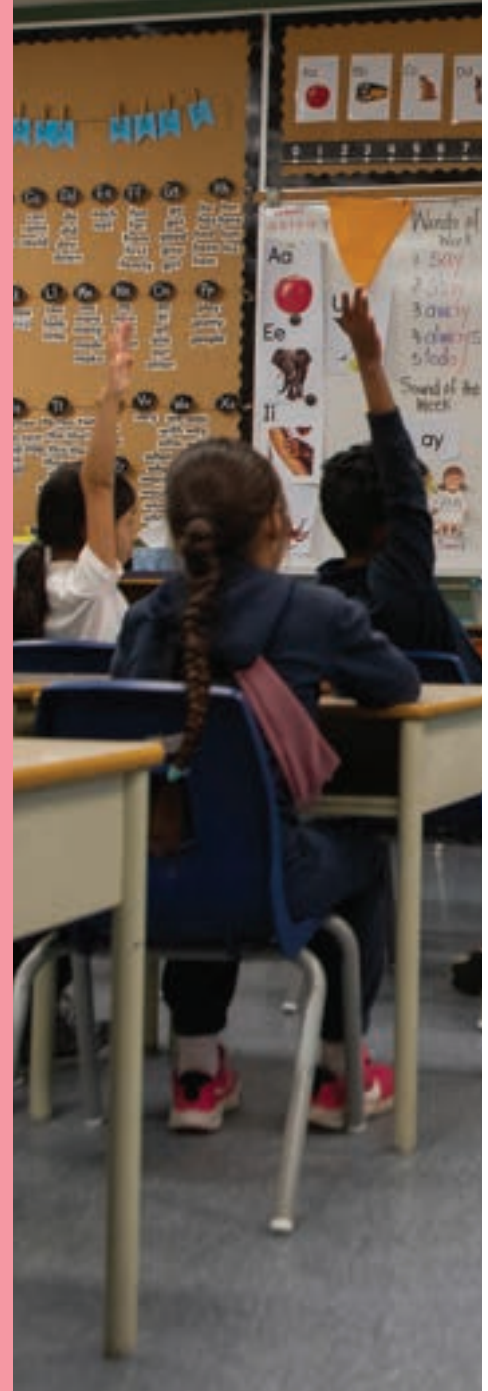
SCHOOL BOARD HUMAN RESOURCES

School boards have management rights to investigate the professional conduct of their employees. They are obliged under the *Ontario College of Teachers Act* to report to the OCT when a teacher has been suspended. If other investigations are ongoing, a board may choose to delay its investigation until one or more of the other investigating bodies have completed their processes.

- As its employee, your school board has the right to investigate your conduct.
- Your board may investigate you while you are simultaneously being investigated by a CAS and/or the OCT.
- Alternatively, your board may wait for other organizations to conclude their investigations prior to initiating its own.
- If you are disciplined, your board has the power to report the circumstances to the OCT, who will perform its own investigation.
- Regardless of the outcomes of any other investigations (CAS, police, etc.), the board has the right to investigate you and reach its own conclusions regarding any disciplinary action.

It is important to be aware of your school board's policies on matters such as harassment, complaint procedures, and staffing to ensure you are being treated fairly. Your local unit president can help you navigate these internal proceedings.

[Click here to watch the video School Board Human Resources Investigations](#)



POLICE



The police may be called in to investigate a complaint of possible criminal activity from any source; a member of the public, student, parent, school administrator, or a CAS. Allegations of abuse that are investigated simultaneously by the police and CAS are known as joint investigations. Usually, a complaint of abuse, as defined under the *Child, Youth and Family Services Act*, is investigated by the police first if there is a suspicion of criminal conduct. It is possible for the police to be involved in the investigation without any prior notice to you.

The police may question many individuals before charges are laid, which may include taking formal, video-recorded statements and seemingly informal discussions with witnesses. However, all information gathered during these types of investigations may be admissible in court. You should be aware that even if the police decide not to press charges, a CAS may continue to pursue an investigation for their own purposes. Additionally, school boards retain the right to conduct their own investigation as well.

[Click here to watch the video
Police Investigations](#)

”

*If you are contacted, say,
“I am willing to cooperate,
but I am unable to comment
until I contact my union.”*

What should you do if the police investigate your conduct?

CAS and police investigative processes are similar. You are advised not to make any admissions before you speak to an OECTA representative or legal counsel.

If you become aware that you are the subject of a criminal investigation, contact the duty officer at Provincial Office immediately (1-800-268-7230). If the allegations relate to your duties as a teacher, OECTA will connect you with a lawyer who specializes in teachers and the law.

Do not speak to anyone outside of an OECTA representative or legal counsel about the allegations. It is easy to incriminate yourself while trying to explain a seemingly innocent situation. The crown attorney in a criminal trial can subpoena anyone who can act as a witness.

Sometimes the police state that they are “just asking some questions.” This is when teachers mistakenly talk openly to the police, thinking they can avoid a misunderstanding. Nothing is “off the record.” Everything that you say can and will be used in the investigation and could be admissible in court if charges are laid.

Under Canada’s *Charter of Rights and Freedoms*, the police are not obligated to inform you of your right to remain silent or your right to legal counsel unless they are arresting you.

You do not have to voluntarily meet with the police and are only required to stay or go with them if you are detained or arrested. You do not have to provide the police with any statements or answer questions regarding the matter under investigation, regardless of whether you are detained, arrested, or the police approach you for a voluntary statement.

You should exercise your right to remain silent and consult a lawyer before deciding whether or not to speak with the police. If the police wish to question you before you have spoken with an OECTA representative or lawyer, politely inform them that you will cooperate, but wish to contact a lawyer through OECTA before answering any questions.

What rights do you have if you are arrested?

The police will lay criminal charges if they think that they have reasonable and probable grounds to believe that you have committed a criminal act or acts.

When arresting you, the police must identify themselves, tell you that you are under arrest, explain why you have been arrested, and make clear that you are not free to leave. They must also advise you of your right to legal counsel and your right to remain silent.

If you have been arrested, the police can search you if they believe that it is necessary for safety reasons, or to protect or discover evidence related to the reason for your arrest.

Remember, you have the right to remain silent and to consult a lawyer.

Can you be jailed?

Teachers arrested on serious charges may be detained. If you have been arrested and jailed, you must be brought before a judge or justice of the peace. This usually happens within 24 hours of the arrest. If no judge is available, then it must be done as soon as reasonably possible. A lawyer retained by OECTA will do everything possible to secure your release but cannot guarantee this happens quickly. You are advised to not sign anything while in custody before getting legal advice.



I am willing to cooperate, but I am unable to comment until I contact my union.

Can you be charged and not detained?

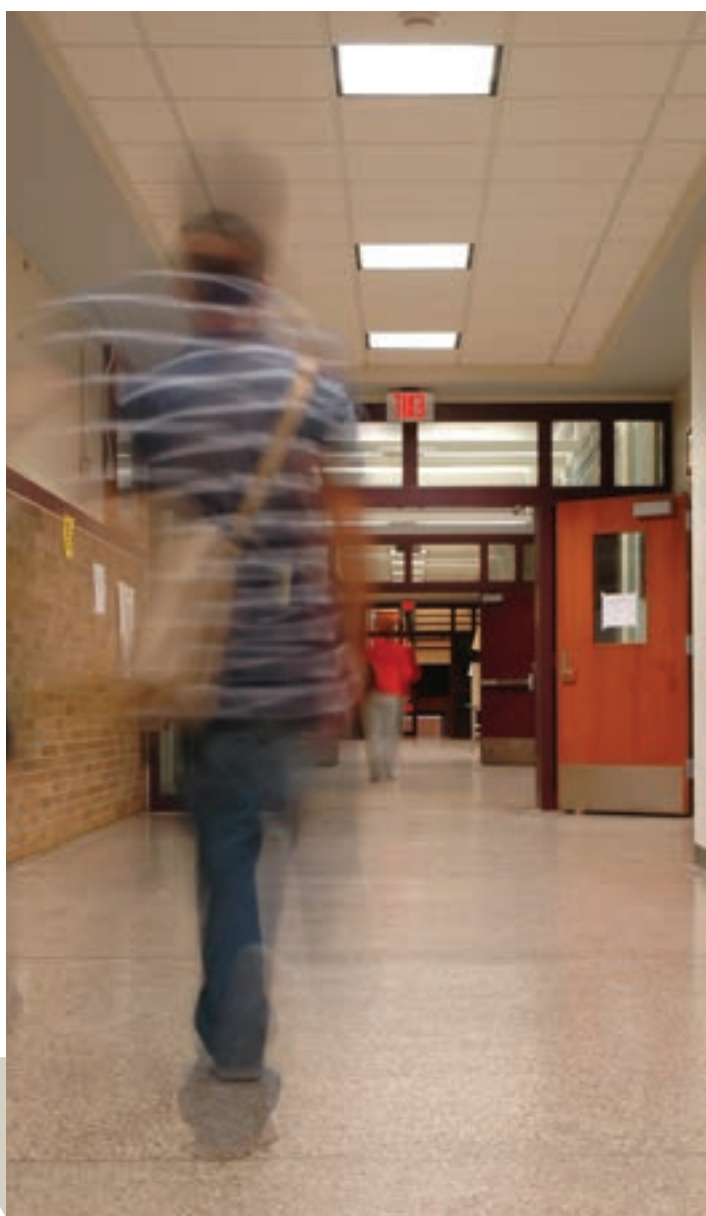
In cases of less serious crimes, a teacher may be charged and immediately released, either with or without conditions, along with a duty to appear in court as scheduled. There are different legal forms that will instruct you of when and where to appear in court. If you do not appear at the designated location at the specified time, you could be charged with failing to appear and a warrant could be issued for your arrest.

Understand your rights

Do not depend on the police to inform you of your rights or to provide you with legal advice. You have the right to a lawyer and must be given a reasonable opportunity to find and speak with one. The police cannot limit your phone calls if you are trying to find a lawyer.

If you are arrested, call your local unit president or Provincial Office at 1-800-268-7230. If you are eligible for legal support from the Association in relation to your criminal matter, OECTA will contact its legal counsel and implement the Association's regular procedures. OECTA works with experienced lawyers who specialize in teachers and criminal law. If you are unable to contact an OECTA representative, seek legal council on your own or obtain a legal aid lawyer with police assistance. Even if you have already spoken to another lawyer, be sure to call an OECTA representative as soon as possible.

The police may conclude that no criminal activity took place or that there is insufficient evidence to secure a conviction at trial. In such cases, they may keep your file open in the event that further information comes to light. They may also share information with your board, a CAS, or the OCT.



THE ONTARIO COLLEGE OF TEACHERS

The Ontario College of Teachers (OCT), or the College as it is also known, was established in 1996 and investigates complaints of professional misconduct or incompetence made against teachers. The Ontario College of Teachers Act, [Regulation 437/97 – Professional Misconduct](#), define activities that are deemed professional misconduct by the College.

What should you do if the OCT investigates your conduct?

If the OCT investigates your conduct, immediately contact an OECTA representative; either your local unit president or the duty officer at Provincial Office.

Once you receive the complaint in writing, usually sent by email, forward a complete copy of the complaint package to your local OECTA unit president using your personal email. Do not use your school board email for any communication about a complaint. The complaint package will indicate the exact allegations and provide a brief explanation of the investigation process.

With the assistance of OECTA legal counsel, a response to the allegations may be prepared and provided to the College. OECTA legal counsel will also inform the OCT that all future correspondence is to be directed to them.

The College has the authority to suspend or revoke a teaching certificate. You should take all complaints seriously.

When do I contact OECTA?

Contact an OECTA representative as soon as you become aware of a complaint.

A teacher usually receives an email from an OCT investigator informing them of a complaint. The actual complaint is later mailed and/or emailed. Provide all documents to the OECTA representative(s) who have been assigned to your case.

Professional misconduct

The following activities are defined as professional misconduct (these are just a few examples, see [Regulation 437/97 – Professional Misconduct](#) for more details):

- Failing to maintain the standards of the profession.
- Abusing a student verbally, physically, psychologically, emotionally, or sexually.
- Failing to supervise adequately a person who is under your professional supervision.
- Failing to comply with the [Ontario College of Teachers Act](#), the [Education Act](#), or the regulations or bylaws made under either act.
- An act or omission that having regard to all the circumstances, would reasonably be regarded as disgraceful, dishonourable, or unprofessional.
- Conduct unbecoming of a member.
- Failing to comply with your duty under the [Child, Youth and Family Services Act](#).
- Making remarks or engaging in behaviours that expose any person or class of persons to hatred on the basis of a prohibited ground of discrimination under Part I of Ontario's [Human Rights Code](#).

You are advised to be aware of all your duties under the *Education Act* and professional standards, as outlined in the following resources: [Standards of Practice for the Teaching Profession](#), [Ethical Standards for the Teaching Profession](#), and [Professional Boundaries](#).

Professional misconduct: hatred on or off duty

The Association has noted an increase in College complaints in the area of failing to comply with human rights legislation and providing educational services free from discrimination (as one example, see the OCT's [Professional Advisory on Anti-Black Racism](#)). In 2020, "hatred" was included as a new ground of professional misconduct under [Regulation 437/97](#).

Comments and conduct that may be considered hatred, and therefore professional misconduct, include:

- Conduct occurring both inside and outside the classroom
- Off-duty conduct
- Conduct or remarks made electronically
- Behaviour or remarks made to any person

The OCT has found that the harmful impact of discrimination outweighs the intent, even when the teacher did not intend to cause harm. They have also found that the conduct did not have to take place in a school setting to have an adverse impact on the school environment.

You are advised that sexist, racist, homophobic, transphobic, and discriminatory words and actions that violate protected grounds under Ontario's *Human Rights Code* are considered student abuse due to the adverse psychological

and emotional impacts they have. The impact of these words and actions on the students who have been harmed will be considered at far greater weight over the intentions you may have had. It is important to carefully consider how you communicate with your students. Be sensitive, listen carefully, and respond appropriately to the experiences and perspectives of others.

Professional misconduct: right to education without racism, anti-Black racism, anti-Indigenous discrimination, and xenophobia

Student cognitive, emotional, psychological, and social development can be negatively impacted when teachers are culturally insensitive, use the N-word, reinforce discriminatory stereotypes, or suggest that certain groups are intellectually and culturally inferior or unworthy. When the definition of professional misconduct was [expanded to include hatred](#), the College noted that, "[a]n ethical professional engages in anti-oppressive and emancipatory practices."

You are advised to be diligent in updating your professional competency in anti-racism and anti-oppression. Resources and professional development courses can help, like OECTA's guide [Your Professional Obligations: Understanding the Impact of the N-word in Catholic Schools](#), and the OCT's [Professional Advisory on Anti-Black Racism](#). These resources and more are available for members at catholicteachers.ca.

Professional misconduct: right to education without homophobia, transphobia, sexism, gender discrimination, and misgendering

The law protects a student's right to education without homophobia, transphobia, and misgendering. OECTA members have been found to have committed professional misconduct for providing educational materials to students that reinforce gender stereotypes, are homophobic, or transphobic. You are advised to demonstrate respect in compliance with Ontario's *Human Rights Code* to avoid allegations that your conduct has abused learners psychologically and/or emotionally. Some allegations of harm include disregarding the 2SLGBTQIA+ community, creating an unsafe or uncomfortable learning environment, and disrespecting women and members of diverse gender identities.

See OECTA's resources [2SLGBTQIA+ and Coming Out and AIDE and Catholicism: A Backgrounder](#) among other helpful resources for members at catholicteachers.ca. Additionally, refer to the Ontario College of Teachers' [Professional Boundaries](#)—Professional Advisory.



Professional misconduct: yelling, swearing, and jokes

You are advised to take extreme caution when communicating with students. Findings of abuse have been made in cases where teachers used loud and aggressive tones, made jokes that are insensitive or offensive, used profanity, mockery, or sarcasm, and singled out students. This conduct has been determined to create a negative, uncomfortable, and intimidating learning environment that does not honour students' emotional, social, or physical well-being, cognitive development, or spiritual and cultural values.

Professional misconduct: political beliefs, personal stories, and freedom of speech

Discussion with students is expected to focus on the curriculum, academic subjects, appropriate pedagogy, lesson instruction, and approved learning activities. When issues like politics, news, dating preferences, and personal stories are raised, you are advised to exercise the appropriate professional filter and use sound judgement.

The limits on freedom of speech and expression for teachers are well-established and reviewed in the OCT's advisory on the [Use of Electronic Communication and Social Media](#). Your right to express opinions and beliefs may be limited, including situations where your expression incites hatred, creates a poisoned school environment, negatively impacts access to education, or jeopardizes a viable learning environment.

Professional misconduct: student health needs and confidentiality

The special education and health needs of students are paramount. Respecting your students' mental illnesses or disabilities requires following government and employer policies, procedures, protocols, and expectations, including confidentiality. Even if a student's guardian requests that you not follow an individual education plan (IEP) or asks you to provide support outside of school hours, you may be found to have committed professional misconduct if you act without the knowledge or permission of the board – despite having guardian consent.

This could apply if a student experiences emotional and psychological distress during an extracurricular activity, or if instruction and accommodations do not reflect an IEP.

[Click here to watch the video Professional Misconduct](#)

Professional misconduct: grooming, boundaries, and sexual abuse

Be aware that many innocent activities with students could be perceived as grooming – a term used to describe non-sexual activities or overly friendly behaviour that can, over time, lay the foundation for a future sexual relationship. Spending time with a student outside of school hours or being alone with a student can be viewed as a teacher using their position of authority to prepare the student for a future relationship by gaining their trust, endangering their welfare, and increasing their vulnerability.

Healthy professional relationships must be maintained in all interactions and communication with students, including during extracurricular activities, via phone, email, text message, and social media.

To help maintain professional boundaries, you should keep the door to your classrooms open and maintain a professional physical distance when meeting with students, such as sitting across from the student to provide feedback rather than beside them.

Respecting your students' mental illnesses or disabilities requires following government and employer policies, procedures, protocols, and expectations, including confidentiality.

Obligation to self-report in criminal matters

You should be aware that under the *Ontario College of Teachers Act*, you are required to report:

1. If you have been found guilty of an offence.
2. If you have been charged with an offence, and the report shall include information about every bail condition or other restriction imposed on you, or agreed to by you, in connection with the charge (see [Member Reporting Obligations](#) on the OCT website).

Failure to comply with these reporting obligations may be considered professional misconduct.

You must file a report as soon as reasonably possible after receiving notice of the finding of guilt, charge, bail condition, or restriction.

In addition, you should be aware that the OCT is required to post any current or previous criminal proceedings involving you that are relevant to their membership on the public register, including any undertakings of you in relation to the proceeding. The public register must also contain any restrictions imposed on your eligibility to teach by an order of a court or other lawful authority, including the name and location of the court or authority and the date the order was made (obligations on the OCT website for more details).



ONTARIO COLLEGE OF TEACHERS COMPLAINT PROCESS

Complaint Submitted to OCT

- » Complaint can be from a parent, teacher, or member of the public.
- » Complainant gives their name, address, and contact information.
- » Complaint can be filed about actions that took place years prior.



OCT Notifies Member

- » Usually, the member will get an email from the OCT to their school board email address. Communication from the OCT might also be sent to you via another email they have on file.
- » Members should forward the OCT's email to their local OECTA unit as soon as possible.
- » The complaint includes only allegations that are not proven at this stage.



Member Notifies OECTA - Response Prepared

- » Contact your local OECTA unit as soon as possible.
- » OECTA provides support in responding to the complaint.
- » Only use your personal email to contact your local OECTA unit.
- » Do not send any communications about the complaint via your board email.
- » Do not contact the person who made the complaint or make a statement.



OCT Investigates

- » An investigator will be assigned to your file, and will write a report to the Investigation Committee.
- » Speak to your local OECTA unit before providing a response or evidence.



Investigation Committee Reviews and Makes a Decision

- » The Investigation Committee will review your responses and make a written decision to do one of the following: not to proceed, to issue you a caution, to refer you to the Discipline Committee for a full hearing, or to refer the matter to the Fitness to Practice committee. Additional details are provided in the next section of this document.

The OCT Investigation Process

The OCT investigates when there is a written complaint about a teacher who is a member of the College. The registrar of the College or any member of the public can initiate a complaint. An intake officer at the College discusses the complaint with the complainant. If this person decides to make a formal complaint, an investigator is assigned to the case.



School boards must report the following issues to the College, where the report then becomes the complaint of the registrar:

- Teachers charged with certain convictions under the Criminal Code.
- Where the employer terminates, suspends, or restricts a teacher's duties because of professional misconduct.
- Where the teacher resigns while the employer was in the process of documenting the teacher for the purpose of termination.

In 2023, the government passed the *Better Schools and Student Outcomes Act* that amended the *Education Act* and the *Ontario College of Teachers Act* to expand the OCT's powers over complaints and discipline procedures. This included the ability to issue consequences to a teacher, like a caution, reminder, advice, admonishment, remedial training, or education. The changes also removed the right to a hearing where a complaint was filed in respect of conduct that resulted in a conviction under the *Criminal Code*.

You have the right to know the allegations against you when your board refers any allegations to the College, as per section 43.2(3.1) of the *Ontario College of Teachers Act*.

You should be aware that failure to respond within a reasonable time to any communication from the OCT regarding any investigation is a violation of *Regulation 437/97*. **Prior to responding to any inquiry from the College, be sure to contact an OECTA representative assigned to your case.**

Once the initial investigation is complete, the investigator forwards a report to the Investigation Committee. The report includes all responses and notes obtained during the investigation.

[Click here to watch the video OCT Investigations](#)

The Investigation Committee

The Investigation Committee receives the report from the investigator and can:

- Dismiss the complaint if it does not fall within the mandate of the OCT or if the complaint is frivolous, vexatious, an abuse of process, without substance, or made for an improper purpose.
- Refer the matter back to the investigator for further information.
- Resolve the complaint through the complaint resolution program with a memorandum of agreement without making a finding of professional misconduct, incompetence, nor incapacity against the teacher.
- Caution, admonish, advise, remind, or reprimand if they believe the complaint was substantiated but is a minor offence and does not warrant discipline.
- Refer the matter to the Discipline Committee for a hearing if the information suggests serious professional misconduct or incompetence.
- Refer the matter to the Fitness to Practise Committee for a hearing if the Investigation Committee has concerns that there may be a health-related issue affecting the member's ability to teach or causing incapacity.

It should be noted that the facts are not judged for evidence of guilt. The Investigation Committee asks itself, "If this were proven to be true, would it amount to professional misconduct, incompetence, or incapacity?" If the answer is yes, the complaint is referred to the appropriate committee.

The Discipline Committee

Serious complaints are referred to the Discipline Committee, which would hold a quasi-judicial discipline hearing.

Three members of the Discipline Committee make up a panel that hears the case and makes a determination. Lawyers represent both the OCT and the teacher. For the first time in the process, there is full disclosure of evidence. Witnesses may be called, and lawyers have the opportunity to cross-examine them. The allegations and hearing dates are open to the public and posted on the OCT's website.

Following a hearing, the panel makes a determination. If there is a finding of professional misconduct or incompetence, the College may impose one or more of the following on you:

- An order to revoke or suspend your teaching certificate to a maximum of 24 months.
- Terms or conditions on your teaching certificate, which may include taking certain courses or receiving counselling.
- A reprimand, admonishment, or counselling.
- A fine of up to \$5,000.
- Require you to pay the cost of the case.

The panel determines whether the findings and order of the Committee will be published in detail or in summary. The decision is registered on your certificate as a notation and is posted on the OCT's website.

Fitness to Practise Committee

If the Investigation Committee has concerns that there may be a health-related issue affecting your ability to teach, the matter may be referred to the Fitness to Practise Committee for a hearing. These hearings are closed to the public. The Fitness to Practise Committee may find you to be unable to perform your professional responsibilities due to physical or mental health related conditions. They may also find that a certificate held by you should be made subject to terms, conditions, or limitations.

If the Fitness to Practise Committee finds you to be incapacitated, it may make an order to find you unable to perform your professional duties, it may make an order to:

- Revoke or suspend your teaching certificate to a maximum of 24 months.
- Impose specified terms, conditions, or limitations on your certificate.
- Require evidence that any physical or mental condition related to the penalty imposed has been resolved.



In most fitness to practise cases, the committee tends to focus on rehabilitation or supervision. The Fitness to Practise Committee hearings are held confidentially, or 'in-camera,' and there is no publication of the findings.

Beware!

Penalties imposed by the OCT vary. The Discipline Committee imposes harsh penalties for offences relating to anything remotely connected to boundary violations, such as meeting with students after school, letter writing, e-mail messages, texting, or social media postings.

According to the [Ontario College of Teachers 2023 Annual Report](#), in 2023:

- Sexual abuse accounted for 20 of the 26 revocations issued.
- The College concluded 62 Discipline Committee hearings and one Fitness to Practise Committee hearing.

Of these hearings:

- 18% were sent to Complaint Resolution/Memorandum of Agreement Ratified by Investigation Committee.
- 9% were sent to the Discipline Committee.
- 73% were sent to the Investigation Committee.

The impact of an allegation against you can be enormous. You would usually be sent home during the investigation, which can take anywhere from one day to several months (or years if the allegation goes to a hearing). If there are charges, your name may be published. During this time, you may experience stigma and isolation from family, friends, neighbours, and colleagues. The stress of a false allegation can be overwhelming. Even if the allegation is unverified, teachers have reported feeling that their reputations have been permanently tarnished.

HUMAN RIGHTS TRIBUNAL

A claim of discrimination or harassment can be brought to the [Human Rights Tribunal of Ontario](#) (HRTTO) by a student, parent, school administrator, or colleague by filing an application. The HRTTO handles all new human rights applications under the [Human Rights Code](#) (the Code) and is the decision-making body for all applications claiming a violation of human rights under the Code. The Code is law and protects people in Ontario from discrimination and harassment.

The HRTTO has the power to hold hearings, make decisions, and order remedies. It is a quasi-judicial adjudicative agency.

What should you do if an application is made to the HRTTO about your conduct?

The HRTTO will send you, known as the respondent, a copy of the application as soon as it is accepted for processing, usually within a week. There will be a deadline for you to file a response. In most cases, human rights applications are made against a school board as well as the teacher. If this happens, the school board's legal counsel will usually represent you along with the board itself, and will take the lead in responding to the application. However, you should also contact your local unit office to make them aware of the situation.

If the application names only you and relates to your duties as a teacher, immediately contact your local unit office to seek further advice.

What should you do if you believe your rights under Ontario's *Human Rights Code* are being violated?

Workers' human rights in the workplace are protected by Ontario's [Human Rights Code](#) and other legislation, such as the [Labour Relations Act](#), Schedule A of the [Charter of Rights and Freedoms](#), Part 1 of the [Constitution Act](#), and the [Occupational Health and Safety Act](#).

If you believe your human rights under Ontario's [Human Rights Code](#), are being violated, you can reach out to your local unit president and/or fill out the OECTA [Human Rights Complaint Intake Form](#) available on the Catholic Teachers website. You can also review OECTA's [Members' Guide to Human Rights Concerns and Complaints](#).

Click here to watch the video
The Human Rights Tribunal
of Ontario



OECTA CAN HELP

It is very important for you to seek direction from the Association as soon as you become aware of any investigation or allegation of misconduct. Many problems can be avoided with early and appropriate legal intervention. There is often no way to predict how an investigation will conclude and every situation must be taken seriously. This is your career and livelihood, so it is important to understand the potential consequences of any actions you take, regardless of your intent.

In addition to providing legal advice and counsel, the Association also offers conflict management services and career counselling.

Do not ignore your mental health and wellness needs! The trauma you may experience while undergoing investigation can have a serious impact on both your personal and professional life. Most school boards have an Employee Assistance Program (EAP) available to teachers that offer a range of free services, including counselling and stress management. If you are the subject of an investigation, accessing these services can be extremely helpful.

Staff in the Counselling and Member Services department at Provincial Office, or your local unit president, are there to help during this difficult time. You are also encouraged to consult the Association's mental health resources, available to members at catholicteachers.ca.

Access to legal services

The *OECTA Handbook* outlines legal advice available to members in its bylaws. Such legal advice is considered when a member is under scrutiny from the investigations outlined in this document, in consultation with your local unit president and the Provincial Office staff officer assigned to your case.

These bylaws include:

- “Where it is alleged that a member is guilty of unprofessional conduct or where a member is in a difficulty arising out of the performance of duties as a teacher, the Association shall investigate the matter and shall provide the member with legal advice where appropriate.”
- “Legal counsel may be provided when the Provincial Executive deems it appropriate.”
- “Legal advice and support shall be provided to a member whose status as a member in good standing of the Ontario College of Teachers and/or whose employment by a publicly funded Catholic district school board is jeopardized as a result of the member acting according to advice/direction of the Association.”

Remember, you are not alone!

RESOURCES

OECTA resources

Resources are available to members at catholicteachers.ca.

Link to webpage	Resources
Catholic Teachers' Website	<ul style="list-style-type: none"> • Teaching in the 21st Century Video Page
Accessibility, Inclusion, Diversity and Equity	<ul style="list-style-type: none"> • Empowered Storytelling: The Challenge, Choice, and Outcome Technique • Inclusive Language • Inclusive Events Checklist • Gender Pronouns • Getting Involved in the Association • Self-Identification Survey Questions • 2SLGBTQIA+ and Coming Out • 2SLGBTQIA+ Glossary of Terms • 2SLGBTQIA+ Vocabulary Worksheet - Blank • 2SLGBTQIA+ Vocabulary Worksheet - With Answers • Coming Out as Transgender - Infographic • Gender Infographic • AIDE and Catholicism • Your Professional Obligations: Understanding the Impact of the N-word in Catholic Schools • Identity Wheel
Mental Health and Wellness Series	<ul style="list-style-type: none"> • Distinguishing Mental Health and Mental Illness • Understanding Stress • Understanding Anxiety and Depression • Understanding Mental Illness • Steps to Take If You Are Concerned About Your Mental Health • Strategies to Promote Mental Health and Wellness • Resource List – Mental Health and Wellness
Safer Spaces Series (Scroll to bottom of the page)	<ul style="list-style-type: none"> • Safer Spaces? Braver Spaces? – Our Collective Responsibility • Intent vs Impact • Moral Elements of Care • Identity and Allyship • Allyship and Beyond • Reflection Tool – Moral Elements of Care and Allyship • Reflection Tool – Checklist for Safer Spaces • Understanding Trauma • Being a Trauma Informed Release Officer • Additional Resources – Safer Spaces

Ontario College of Teachers and legal resources

Link to webpage	Resources
Professionalism	<ul style="list-style-type: none"> • Professional Boundaries • Duty to Report • Professional Misconduct of a Sexual Nature • Use of Electronic Communication and Social Media • Ethical Standards • Standards of Practice • Supporting Students' Mental Health • Safety in Learning Environments
Professionalism and Accessibility, Inclusion, Diversity, and Equity	<ul style="list-style-type: none"> • Professional Advisory on Anti-Black Racism • Professional Misconduct Recognizes Hateful Remarks and Behaviour
Laws pertaining to teachers in Ontario	<ul style="list-style-type: none"> • Ontario College of Teachers Act • Teaching Profession Act • Child, Youth and Family Services Act • Ontario's Human Rights Code • Education Act

ONTARIO COLLEGE OF TEACHERS: CASES

This chart contains recent OCT cases, issues they address, and quotes regarding their outcome.

Case	Issues	Quote
OCT Case 2023	<ul style="list-style-type: none"> • Anti-Black Racism • Intent vs. Impact 	<p>“Although the Member did not intend any harm, the Panel finds that [the Member] failed to commit to students’ well-being, honour their human dignity and emotional wellness, and respect social justice.</p> <p>The Member failed to set a good example for students when he acted in a manner that was perceived to be an overt display of racism. The Member’s lack of awareness about the historically degrading and offensive nature of Blackface and its harmful impact on the community is also particularly concerning, as it could have reasonably demonstrated to students that it was acceptable for a teacher to act in such a disrespectful manner. Despite his intentions, the Member acted as a poor role model for students and as such, failed to fulfill his duties as a teacher.”</p>
OCT Case 2022	<ul style="list-style-type: none"> • Anti-Black Racism • Use of the N-word • Intent vs. Impact • Emotional, Psychological, and Social Development • Cultural Sensitivity 	<p>“Using racial slurs and making derogatory comments when addressing students is offensive and suggests that people of colour are intellectually and culturally inferior and unworthy. Such comments amount to verbal abuse of students... Given the power that teachers hold in a classroom and the fact that such power can maintain and perpetuate a colonial culture and oppressive approaches, the Member’s conduct would reasonably have had adverse psychological or emotional impacts on students, particularly those of colour.”</p>
OCT Case 2020	<ul style="list-style-type: none"> • Sarcasm, Intimidation • Singling Out Students • Inappropriate Jokes 	<p>“The Member verbally abused students in his class by raising his voice, yelling at students, and singling out students with derogatory remarks. For example, the Member yelled at Student 4 in response to the student making a joke in the class. This was an inappropriate reaction by the Member and this behaviour amounts to verbal abuse of a student.”</p>
OCT Case 2023	<ul style="list-style-type: none"> • Learning Environment • Racism • Classroom Management 	<p>“The Member contravened subsection 1(15) of Ontario Regulation 437/97 by failing to comply with section 264(1) of the <i>Education Act</i>. Section 264(1)(b) provides that it is the duty of a teacher to encourage students in the pursuit of learning. The Member’s derogatory, racist, and aggressive behaviour towards students in front of the class would reasonably have discouraged students from learning. Indeed, the Panel has received evidence that Student 1 was scared and stressed about attending the Member’s class. Student 1’s parent requested that Student 1 be transferred out of the Member’s class. Other students felt anxious and uncomfortable about expressing their views if they disagreed with the Member’s opinions during class discussions.”</p>

Case	Issues	Quote
OCT Case 2023	<ul style="list-style-type: none"> Professional Boundaries Appropriate use of Electronic Communications Emotional, Sexual, and Psychological Abuse 	<p>“The Member further engaged in inappropriate communication of a sexual nature with Student 3 in asking questions related to her dating life and sex life. Given the power imbalance between students and teachers the Member’s conduct was abhorrent... The Panel finds that the Member’s behaviour had some elements of a grooming – building a close relationship with a student in order to lay the groundwork for a future sexual relationship. The Member sent his students personal emails, engaged them in discussions of a sexual and personal nature, invited them to meet him privately, and touched them inappropriately.”</p>
OCT Case 2023	<ul style="list-style-type: none"> Appropriate Boundaries Special Education Psychological Distress Classroom Management Appropriate Discipline 	<p>“Although Student 1’s parents asked and paid for the Member to help them discipline their child at home, the Member ought to have known that it was inappropriate to involve herself in the personal life of a student in this way, and that subjecting a student to a Boot Camp as a form of discipline was unprofessional. It was also unprofessional and unethical for the Member to receive payment from a student’s parents to provide this type of service without the knowledge or permission of the Board. Moreover, given Student 1’s vulnerabilities, the Member’s conduct was particularly egregious and demonstrated a concerning lack of concern for Student 1’s well-being. Therefore, given these circumstances, the Member’s conduct would reasonably be regarded by members as disgraceful, dishonourable or unprofessional”</p>
OCT Case 2022	<ul style="list-style-type: none"> Following Curriculum Appropriate Discipline Classroom Management 	<p>“It has been shown that the Member failed to assess her students, measure their achievement and report on student progress to their parents. It has also been shown that the Member did not always follow Board- or Ministry-approved curriculum or use Board-approved teaching and learning resources...[E]xpert testimony was that teachers have a professional obligation to teach the subject matter approved by the Ministry of Education and, more importantly, the Board in which they work. They are also responsible for assessing students to measure their progress and ensure their learning needs are being met. [Expert testimony] also noted that under Regulation 298 of the <i>Education Act</i>, teachers have a duty to communicate regularly with parents.</p> <p>It has also been shown that the Member failed to modify her teaching to meet the needs of students with an IEP, for example, in the case of Student 1. According to Ms. M’s testimony, the Member had a professional responsibility to adapt her teaching to an individual student’s needs and the accommodations in his IEP. The Panel thus finds that the Member did not meet the standard of practice for assessments and curriculum compliance.”</p>

Case	Issues	Quote
OCT Case 2021	<ul style="list-style-type: none"> • Classroom Management • Appropriate Discipline • Pedagogy 	<p>“With respect to the relevant factual findings that the Committee did make (i.e. that the Member used embarrassment as part of classroom instruction and failed to implement appropriate discipline), the Panel finds that this type of conduct could form the basis of a psychological or emotional abuse finding, but that the threshold for making such a finding was not met in the circumstances of this case. Psychological or emotional abuse is characterized as behaviour that may or that does, in fact, seriously interfere with a child’s cognitive, emotional, psychological, or social development. While the Panel found that the Member’s teaching technique of writing student’s common test or assignment mistakes on the board was embarrassing for students, the Panel received insufficient evidence to prove that this behaviour rose to the level of psychological or emotional abuse. The Panel finds that this conduct is better characterized as unprofessional conduct, but that it was not so serious as to constitute abuse of students.”</p>
OCT Case 2022	<ul style="list-style-type: none"> • Gender Stereotypes • Gender Roles • Perceptions of Denominational Rights • Homophobia • Transphobia • Social Media • Psychological Safety • Discrimination 	<p>“Teachers are expected to be inclusive and respectful towards students. Expressing homophobic and transphobic beliefs in class is discriminatory and offensive, particularly towards homosexual and transgender students. The Member’s conduct therefore amounts to verbal abuse of a student.</p> <p>The Member abused students psychologically or emotionally, contrary to subsection 1(7.2) of Ontario Regulation 437/97. In addition to the homophobic and transphobic beliefs which the Member expressed in class, the Member also used a version of the Examination of Conscience document that was not part of the Board curriculum. This document contained age-inappropriate and homophobic questions such as “Have I sinned with others of the same sex.” Given the position of trust and authority which teachers hold, the Panel finds that such conduct would reasonably have a negative psychological or emotional impact on students, particularly those who are homosexual and those who are transgender. Indeed, in this case, the Panel has received evidence that the Member’s conduct made Student 1 feel hurt and unsafe in the Member’s classroom. Student 1 realized that the Member, whom she previously respected, would not respect her if he knew about her sexuality. The Member’s conduct was therefore psychologically or emotionally abusive.”</p>

Case	Issues	Quote
OCT Case 2022	<ul style="list-style-type: none"> • Gender Stereotypes • Gender Roles • Homophobia • Transphobia • Discrimination 	<p>“The Panel found that the Member psychologically or emotionally abused students, contrary to subsection 1(7.2) of Ontario Regulation 437/97. When the Member delivered a speech to students, he shared his views that there was “proper masculine behaviour” and that men should work in gender-appropriate occupations, stand at the head of the household and protect their future wives. He also wrote a book, which he cited and promoted through various social media platforms that made the same points, including posts describing specific male and female duties in a “rightly ordered household” and that men are like recovering alcoholics when it comes to lust and that they should avoid fitness clubs where women entice them to sin whilst wearing “appalling” workout attire. On Twitter, the Member cited a tweet and wrote commentary that equated same-sex behaviour with animal behaviour. The Member’s messaging was laden with intolerance and derision for those who do not conform to his views. The Member’s comments made both male and female students feel upset and invalidated. His intolerance degraded students, their future aspirations and their gender identities. It disregarded the realities of students who identified as being part of the LGBTQ+ community and disrespected them and their lived experiences. Given the negative impact that the Member’s comments had on students’ psychological or emotional well-being, the Panel finds that his conduct was psychologically or emotionally abusive.”</p>
OCT Case 2023	<ul style="list-style-type: none"> • Sexual Abuse • Grooming • Professional Boundaries • Ethics of the Teaching Profession 	<p>“The Member also repeatedly burdened Student 1 with his personal and professional issues, such as when he asked Student 1 to lie about their relationship to protect his career, and when he told Student 1 that if he lost his wife because of his sexual relationship with Student 1, he would kill himself. As an adult in a position of power, the Member should never have engaged in a sexual relationship with Student 1 in the first place, and after deciding to do so, he should never have pressured Student 1 to lie in order to protect him. The Member put an enormous amount of pressure on Student 1, who was a teenage girl at the time, and his behaviour had an emotionally devastating impact on her.”</p>
OCT Case 2023	<ul style="list-style-type: none"> • Favouritism • Grooming • Professional Boundaries • Professional Ethics 	<p>“Spending time alone with a student outside of school hours is behaviour that is consistent with grooming, as it is an opportunity to gain the student’s trust and increase the student’s vulnerability. The Member’s ultimate violation of Student 1 occurred in the Member’s bedroom after the Member invited Student 1 to stay overnight at his home. The Member displayed similar behaviour with Student 2. He was aware that Student 2’s family was going through a difficult time, and that he was therefore particularly vulnerable when the Member invited Student 2 on the camping trip. The Member then failed to demonstrate consistent justice and care when he allowed Student 2 to drive his car around the campsite, provided him with cigarettes and alcohol, and suggested they could keep warm by zipping their sleeping bags together. Finally, the Panel finds that the Member breached the unique position of influence he had over Student 3 not only as his teacher, but as the father of a friend whose house he slept over on many other nights. This included when he “spooned” Student 3 and eventually placed his hand on Student 3’s penis when the other boys left the bedroom to get changed, stopping only when the other boys returned.”</p>



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