



Setting the Standard for Great Teaching
Fixer la norme pour un enseignement de qualité

Memo

Date: October 1, 2020
To: Members of Council
From: Jacqueline Karsemeyer, OCT
Chair, Investigation Committee
Subject: Report of the Investigation Committee

Committee Meetings/Panel Dates

Training and Meetings

The Investigation Committee training session and meeting, scheduled for April 7 and 8, 2020, respectively, were cancelled due to COVID-19. The training session was re-scheduled to August 25, 2020.

The Investigation Committee held a special meeting on May 14, 2020 to elect a new Vice-Chair and to discuss the 2021 Investigations and Hearings Department budget.

Investigation Committee (IC) Panel Dates

Regular IC Panel Meetings

January 23
February 12 and 25
April 15 and 16; April 28 and 30*
May 5 and 6; May 21 and 22
June 2 and 3; June 23 and 24; June 29 and 30
July 21 and 22; July 28**; July 29-30

*Each panel meeting from April to July 2020 was held over two-half days.

**Panel meeting to discuss one matter (Prosecutorial Viability Assessment)

Single-Member IC Complaint Resolution (CR) Panel Meetings

January 10
February 25
April 30
May 26
June 19
July 6

In July 2020, panels met for five half days to deliver 24 oral admonishments to members via videoconference. These oral admonishments could not be delivered in person due to the closure of the College's offices in March 2020 as a result of COVID-19.

Summary of Discussions

1. Special Meeting

During a special meeting on May 14, 2020, Erin Glen, OCT was elected Vice-Chair of the Investigation Committee with immediate effect.

As Acting Director, Janice Duggan provided an overview of the 2021 Investigations and Hearings Department budget and answered questions raised by Committee members. The Committee decided that a flat-line option for the 2021 budget was preferable to a budget increase.

Statistics

The following is a summary of the disposition of cases concluded by panels of the Investigation Committee between January 1, 2020 and July 31, 2020.

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)	6
Referred to Discipline Committee under clause 26(5)(a)	42
Referred to Fitness to Practise Committee under clause 26(5)(a)	4
Not referred under clause 26(5)(a) or (b) and no further action taken	18
Written reminder under subsection 26(5)(d)	2
Written advice under subsection 26(5)(d)	6
Written caution under subsection 26(5)(d)	17
Written admonishment under subsection 26(5)(d)	20
Oral caution/ under subsection 26(5)(c)	0
Oral admonishment under subsection 26(5)(c) (in person)	30
Resolved through complaint resolution under subsection 26(5)(d)	42
Resolution by undertaking	10
TOTAL	197

Note: Resolution by Undertaking numbers include six matters resolved through the Pilot Undertaking to Resign and Never Reapply process. The total number of dispositions does not include 23 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.

Committee Training and Meeting Dates

Training: August 25, 2020.

The training included:

- information regarding the College's Therapy and Counselling Program;
- the application of new amendments to the Ontario College of Teachers Act regarding the Investigation Committee's power to have members medically assessed;
- the role of teachers in extracurricular activities; and
- and a brief overview of *Canada v Vavilov* (SCC 2019).

Members of the Investigation Committee

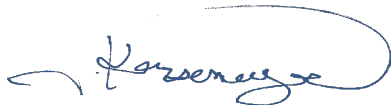
Charles Dimitry Abraham, OCT
Bob Cooper, OCT
Tim Gernstein, OCT
Erin Glen, OCT (Vice-Chair)
Jacqueline Karsemeyer, OCT (Chair)
Michelle Miner Seal
Bonnie Oakes Charron
Jennifer Wyatt, OCT

There was one resignation from the Investigation Committee:

- Stephen Zimmermann, OCT resigned on March 5, 2020.

Charles Dimitry Abraham, OCT and Bonnie Oakes Charron were appointed to the Investigation Committee on May 21, 2020.

The Investigation Committee appreciates the support of roster members in carrying out its panel duties.



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 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 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.