



Committee Report

Item: Discipline Committee Report

Public Interest Rationale: The Discipline Committee is a statutory committee of the Ontario College of Teachers. The committee's mandate is to hear and determine in an objective, transparent and fair manner, matters related to alleged professional misconduct and/or incompetence against College members, for the protection of the public interest.

Strategic Alignment: N/A

Submitted By: Kirby Chown, OCT, Chair

Committee Meeting Dates

Since the last committee report, the Discipline Committee (DC) and Fitness to Practise Committee (FTPC) and Roster of the DC/FTPC attended joint legal training sessions led by Independent Legal Counsel on April 18 and October 17, 2024.

The Discipline Committee held a formal committee meeting on October 18, 2024.

Summary of Business

a) Joint Training

At the joint training session of the DC/FTPC and Roster on April 18, 2024, Independent Legal Counsel, Julie Maciura of Steinecke Maciura LeBlanc, provided legal training on the following topics: (1) Hearings; (2) Role of Panels, Independent Legal Counsel and Staff; (3) Definitions of Misconduct, Incompetence and Incapacity; and (4) Fitness to Practice.

At the October 17, 2024, joint legal training session of the DC/FTPC and Roster, Independent Legal Counsel Ms. Maciura and her colleague Rebecca Durcan provided legal training on the following topics: (1) Agreed Statement of Facts and Joint Submissions on Penalty; (2) Appearance of Bias; (3) Deliberating and Decision Writing; and (4) Orders.

b) Committee Meeting

At the October 18, 2024 DC meeting, the members of the DC addressed the following topics:

(i) Chair's Update

The Chair thanked all committee members for their commitment and significant contributions to the tribunals' work. She reminded all present that she had previously set up twice annual meetings with the Discipline Committee to create an opportunity for questions to be raised by committee members dealing with issues and/or questions they had with the hearing process, as well as to offer suggestions for improvement in the discipline process. Before these meetings commenced, she had advised senior OCT staff and the Registrar about them. The meetings that were held were followed up with the Chair meeting with the Manager of Tribunals for follow-up. Throughout, she received positive feedback from the committee for these meetings. However, in 2024 she was advised that in accordance with the direction provided by College staff, the committee would no longer be permitted to hold informal meetings throughout the year. Rather, the Discipline Committee



would incorporate these meetings into its annual meeting. Staff in turn advised the committee that the College is working to further improve communications between committee members and staff.

(ii) Committee Discussion

Committee members had an opportunity to raise issues and to discuss and ask staff questions related to the improvement of the Discipline tribunal's procedures and achievement of the committee's mandate. Questions raised included the selection of panel chairs, better communication between the Discipline Committee and the College, training opportunities for new members and support for panel chairs.

(iii) Amendments to the *Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee*

Jennifer Shin, Manager of Tribunals, presented a series of proposed amendments to the Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee ("Rules"). Committee members had an opportunity to ask questions about the proposed amendments to staff and seek the assistance of Independent Legal Counsel.

The DC unanimously approved the proposed amendments, which related primarily to (1) amending numerical references in different parts of the Rules; (2) implementation of a page limit for facta submitted in support of motions (3) clarifying the member's opportunities to provide a response in matters referred to the DC under subsection 26(9) of the Act (i.e., administrative revocations and reprimands for members previously convicted of sexual offences); and (4) clarification of the rule allowing for costs for a party's unreasonable, frivolous and vexatious conduct during a proceeding.

Staff will translate and post the revised Rules on the College website, and will communicate the changes to stakeholders, including frequent hearings participants, when the amendments take effect.

(iv) Amendments to the *Practice Direction for Electronic Proceedings*

The Manager of Tribunals presented a proposed amendment to the Practice Direction for Electronic Proceedings ("Practice Direction"). Committee members had an opportunity to ask questions about the proposed amendment to staff and seek the assistance of Independent Legal Counsel.

The DC unanimously approved the proposal to add a provision setting out the content and formatting requirements for facta submitted in support of motions made during a proceeding.

Staff will translate and post the revised Practice Direction on the College website, and will communicate the changes to stakeholders, including frequent hearings participants, when the amendments take effect.



(v) Legislative Amendments

The committee heard a presentation from Nicholas Woloszczuk, Policy Analyst, regarding proposed legislative amendments that the College will put forward to the Ministry of Education.

Motions Referred to Council

No motions were referred for Council consideration.

Committee Mandate and Duties

Mandate of the Discipline Committee

- To deal with discipline issues. (OCTA, s. 3(1) at para. 8)

Nature of the Discipline Committee's Work

- The Discipline Committee:
 - a) shall hear and determine matters directed or referred to it under section 26, 29 or 33 (OCTA, s. 30(1)(a));
 - b) shall perform such other duties as are prescribed by the regulations (OCTA, s. 30(1)(b));
 - c) may, after a hearing, find a member guilty of professional misconduct, if the member has been guilty, in the opinion of the Committee, of professional misconduct (OCTA, s. 30(2)); and
 - d) may, after a hearing, find a member to be incompetent if, in its opinion, the member has displayed in his or her professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of a student of a nature or extent that demonstrates that the member is unfit to continue to carry out his or her professional responsibilities or that a certificate held by the member under this Act should be made subject to terms, conditions or limitations. (OCTA, s. 30(3))

Powers of the Discipline Committee

- Where the Discipline Committee finds a member guilty of professional misconduct or to be incompetent, it may make an order doing one or more of the following, in accordance with subsection 30(4) of the OCTA:
 1. Directing the Registrar to revoke any certificate held by the member under the Act.
 2. Directing the Registrar to suspend any certificate held by the member under the Act for a stated period, not exceeding 24 months.
 3. Directing the Registrar to impose specified terms, conditions or limitations on any certificate held by the member under the Act.
 4. Directing that the Registrar not carry out a direction made under paragraph 1, 2 or 3 for a specified period and not carry out the direction at all if specified terms are met within that period.
 5. If the act of professional misconduct consists of or includes sexual abuse or a prohibited act involving child pornography, requiring the member to reimburse the College for funding provided for a person under the program required under section 58.1.
 6. If the panel makes an order under paragraph 5, requiring the member to post security acceptable to the College to guarantee the payment of any amounts the member may be required to reimburse the College under the order under paragraph 5.



- Where the Discipline Committee finds a member guilty of professional misconduct, it may, in addition to exercising the powers described above, make an order doing one or more of the following, in accordance with subsection 30(5) of the OCTA:
 1. Requiring that the member be reprimanded, admonished or counselled by the Committee or its delegate.
 2. Imposing a fine in an amount that the Committee considers appropriate, to a maximum of \$5,000, to be paid by the member to the Minister of Finance for payment into the Consolidated Revenue Fund.
 3. Fixing costs to be paid by the member to the College.
- In making an order directing that the imposition of a penalty be postponed for a specified period and not be imposed if specified terms are met within that period, the Committee may specify the terms that it considers appropriate, including but not limited to terms requiring the successful completion by the member of specified courses of study. (OCTA, s. 30(6))
- In making an order revoking or suspending a certificate or imposing terms, conditions or limitations on a certificate, the Committee may fix a period during which the member may not apply for reinstatement or variation of the order. (OCTA, s. 30(7))
- Where the Discipline Committee is of the opinion that the commencement of the proceeding was unwarranted, the Committee may order that the College reimburse the member for his or her costs or such portion of them as the Discipline Committee fixes. (OCTA, s. 30(9))
- A hearing of the Discipline Committee shall, subject to making an order that the public be excluded from the hearing in accordance with the Act (OCTA, s. 32(7) and (7.1)), be open to the public. (OCTA, s. 32(6))
- The Committee need not hold a hearing or afford any person an opportunity for a hearing or an opportunity to make oral or written submissions before making a decision that the member has engaged in professional misconduct, if 1) the matter has been referred to the committee through subsection 26(5) or (9) of the OCTA and involves or includes sexual abuse of a student, a prohibited act involving child pornography, or a prescribed sexual act; and 2) the member has been convicted or found guilty of an offence under the *Criminal Code* (Canada) for the same conduct or action that is the subject of the matter, and the time of appeal has expired or the appeal was dismissed or abandoned and no further appeal is available. (OCTA, s. 30.2(8))

Future Meeting Dates as of October 31, 2024

- Committee and Roster training: April 17, 2025 and October 16, 2025
- Committee meeting: October 17, 2025



Committee Members

Kirby Chown, OCT (Chair)
Kiran Qureshi
Emile Ramlochan
Linda Staudt, OCT (Vice-Chair)
Myrna Tulandi
Hanno Weinberger, OCT

Roster Members

Susan Arbour, OCT
Scott Barker, OCT
Maria Bueno Marcial, OCT
Sarah Choudhury
Rachelle Coleman
Adam Dharsee, OCT
Pascale Evans, OCT
Lois Figg
Stefano Fornazzari, OCT
Andrew Glenny
Anthony Jeethan, OCT
Anne LaFlamme, OCT
Yasser Laheta, OCT
Damienne Lebrun Reid
Adam Lee, OCT
Élaine Legault
Alain Martel, OCT
Kelly Marvin, OCT
Marlène Marwah
Wanda Percival, OCT
Sandra Pizzuti, OCT
Emma Rhodes
Victoria Romero
Brian Serafini, OCT
Terrence Singh, OCT
Kayla Stephenson
Lisa Tucker
Myrna Tulandi
Kimberley Westfall-Connor