

Alberta Education Registrar's Complaint Process

Alleged Unprofessional Conduct - Teachers and Teacher Leaders

Governing Legislation

The [Practice Review of Teachers and Teacher Leaders Regulation](#) (regulation) governs complaints of alleged unprofessional conduct filed against teachers and teacher leaders employed by private/independent, charter, or First Nation operated school authorities in Alberta, superintendents, deputy superintendents, teachers and teacher leaders who elect out of active membership in the Alberta Teachers' Association (ATA); and those who continue to hold a certificate after leaving the profession.

These teachers / teacher leaders are subject to the regulation which defines unprofessional conduct as conduct that: "(a) is detrimental to the best interest of students, the public, teachers or teacher leaders generally, (b) does not meet the professional conduct requirements, or (c) is the basis for a conviction for an indictable offence". These teachers / teacher leaders must conduct themselves in accordance with the requirements outlined in the *Schedule* found in the regulation titled *Professional Conduct Requirements for Teachers and Teacher Leaders* (also available at the end of this document).

The professional conduct of most Alberta certificated teachers and teacher leaders employed by public, separate, or francophone school authorities is governed by the [Teaching Profession Act](#). The ATA is responsible for overseeing complaints of the alleged unprofessional conduct filed against their active members.

Complaint

Any individual may make a complaint to the Registrar, at anytime regarding the alleged unprofessional conduct of a teacher or teacher leader.

The employer must make a complaint to the Registrar about a teacher or teacher leader who is believed to have been convicted of an indictable offence while certificated.

A superintendent or operator of a private school must file a complaint with the Registrar under the regulation when a

teacher's / teacher leader's suitability to hold a certificate is brought into question due to conduct that results in the suspension, termination, resignation, or retirement from employment.

School authorities must notify the Registrar about a teacher or teacher leader whose employment contract is terminated due to unprofessional conduct. In these circumstances the Registrar may treat a notice of termination as a complaint.

Section 14 of the regulation authorizes the Registrar to act on a matter in the absence of a complaint.

Registrar's Ability to Disclose

Under section 23 of the [Certification of Teachers and Teacher Leaders Regulation](#), the Registrar may notify an employer or prospective employer about a complaint, a report filed under section 218 of the Education Act or a proceeding pending or underway that may result in one or more of the teacher's / teacher leader's certificates being suspended, cancelled, or not re-issued.

Registrar's Actions – Complaint

Steps the Registrar will take upon receipt of a complaint of alleged unprofessional conduct:

- 1st – Acknowledge receipt of the complaint and notify the teacher or teacher leader, and employer, about the complaint.
- 2nd – Make preliminary inquiries in relation to the complaint.
- 3rd – Render a decision regarding the complaint to:
 - A. Take no further action, if the complaint is considered frivolous, vexatious or without merit; or
 - B. Direct the complaint to a resolution process, if the complaint does not warrant an investigation; or
 - C. Appoint an investigator and direct that the allegation(s) in the complaint be investigated.

Investigation

When an investigator is appointed, the investigator will contact the teacher / teacher leader and the investigation into the complaint will begin within thirty (30) days of the investigator's appointment.

- Under the regulation, the investigator has broad authority to interview individuals in relation to the complaint, request any records and documents relevant to the investigation, keep copies of any information collected, and where applicable must attempt confirmation of possible indictable offence convictions.
- Upon completion of an investigation, the investigator will send the Registrar a written report of the investigation.

Registrar's Actions - Investigation

Steps the Registrar will take upon reviewing a report from the investigator:

1st – Render a decision regarding the complaint to:

- A. Take no further action: if the complaint is considered frivolous, vexatious or without merit; or if there is insufficient evidence to warrant a resolution process or a hearing; or
 - B. Direct the Chair of the Practice Review General Panel to appoint a member of the Practice Review General Panel to conduct a resolution process under the regulation, and refer the complaint to the appointed member; or
 - C. Direct the Chair of the Practice Review General Panel to establish a Practice Review Hearing Committee to hear the matter and refer the complaint to the Practice Review Hearing Committee for a hearing.
- If it has been confirmed that the investigated teacher / teacher leader has been convicted of an indictable offence, the Registrar must direct the Chair of the Practice Review General Panel to establish a Practice Review Hearing Committee to hear the matter and refer the complaint to the Practice Review Hearing Committee.

2nd – Serve the Registrar's Notice of Decision to the teacher or teacher leader, complainant, and employer.

3rd – Send a copy of the investigation report to the teacher or teacher leader who was the subject of the investigation.

Appeal of Registrar's Decision

The complainant may appeal the Registrar's decision if the Registrar decides not to take any further action on a complaint. Such an appeal must:

- Be made in writing and include reasons why the matter should be referred to a resolution or to a hearing; and
- Be delivered to the Chair of the practice review general panel within **15 days of the complainant being served with the Registrar's decision.**

Resolution

A complaint alleging unprofessional conduct by a teacher or teacher leader may be referred to a resolution process when the Registrar is of the view that there is evidence of unprofessional conduct, but where the nature of the conduct neither warrants an investigation nor a referral of the matter to a hearing committee.

The resolution process is conducted informally and in private by a member of the Practice Review General Panel who is appointed by the Chair of the Practice Review General Panel.

During a Resolution Process:

- The appointed member will review the facts, identify concerns with respect to the matter, assist in resolving the matter, and provide advice to the teacher or teacher leader, if appropriate.
- The appointed member will complete a report to the Registrar and provide their opinion about any further action that should be considered in regards to the complaint (matter resolved; investigation or hearing is warranted).
- Statements disclosed during a resolution process are without prejudice and confidential, they may not be disclosed to any person other than the Registrar, or used in any other proceedings without the consent of the parties.

Registrar's Actions - Resolution

Steps the Registrar will take upon reviewing a report from the appointed member that conducted the resolution process:

1st – Before making a decision on further action, if any, the Registrar will provide a copy of the appointed member's report to the teacher / teacher leader and the complainant.

2nd – Render a decision on further action, if any, in regards to the complaint.

- The decision of the Registrar in this circumstance is final.

Hearing / Appeal Hearing

The Chair of the Practice Review General Panel will establish the appropriate committee (Hearing Committee, Appeal Committee or a Complainant Appeal Committee), and will appoint a Chair to that committee to adjudicate the matter.

In Advance of a Proceeding

The Chair of the appropriate established committee will:

- Set a date, time and location of the proceeding, and notify the involved parties and the teacher's / teacher leader's employer, at least 15 days before the hearing date; and
- Provide involved parties with rules and protocols for the proceeding.

Practice Review Hearings

Practice review hearings will be open to the public and will follow a legislated processes set out in sections 21-28 of the regulation. Hearings may be held in private, at the discretion of the respective committee, based on strict requirements.

Decisions and/or recommendations of the Practice Review Hearing Committee may be appealed by the involved parties. Appeals may be filed by the Teacher / Teacher Leader, or Registrar, in writing, to the Chair of the Practice Review General Panel, within 15 days of the decision being served onto the respective parties involved in the hearing. If no appeal is filed within the allowed timeframe, the decision and recommendation(s) of the Hearing Committee are sent to the Minister of Education for a final decision.

Practice Review Appeals

Practice review appeals will be open to the public and will follow a legislated processes set out in sections 30-32 of the regulation. Appeals may be held in private, at the discretion of the respective committee, based on strict requirements.

Decisions and/or recommendation(s) of the Practice Review Appeal Committee are sent to the Minister of Education for a final decision.

Practice Review Complainant Appeals

Practice review complainant appeal hearings will be held in private and will follow a legislated processes set out in sections 17(6)-17(11) of the regulation. These appeals may be filed by the Complainant where the Registrar has made a decision to take no further action regarding a complaint.

Decision of the Minister of Education

Upon receiving the decision and recommendation(s) of the Practice Review Hearing Committee or the Practice Review Appeal Committee, the Minister may examine any evidence and the record of the proceeding; and pursuant to section 33 of the regulation do one or more of the following:

- Dismiss the complaint;
- Serve a letter of reprimand on the teacher / teacher leader;
- Suspend one or more of the certificates of the teacher / teacher leader, with or without conditions;
- Cancel one or more of the certificates of the teacher / teacher leaders or cancel one or more of the certificates and issue one or more certificates of a different class, with or without conditions;
- Order that the teacher / teacher leader be ineligible for one or more certificates for a definite or indefinite period of time, with or without conditions.

The decision of the Minister is final and will be shared, in writing, with the: Teacher / Teacher Leader, Registrar, Complainant (if any), and employer.

Registrar's Complaint Process Alleged Unprofessional Conduct

Complaint
results in:

- **Dismissal – no further action** (may be appealed by Complainant)
- **Investigation**
- **Resolution** (if resolved matter closed)

Investigation
results in:

- **Dismissal – no further action** (may be appealed by Complainant)
- **Investigation** (if resolved matter closed or referred to investigation or hearing)
- **Resolution** (if resolved matter closed or referred to investigation or hearing)
- **Hearing**

Hearing
results in:

- **Finding or no finding of unprofessional conduct** (may be appealed by teacher/leader or Registrar)
- **Recommended penalty – reprimand, suspension or cancellation of certificate** (may be appealed to an appeal committee by teacher/leader or Registrar, committee may accept, reject or vary hearing decision)

Minister's
Decision (final)

- **Dismiss complaint**
- **Issue letter of reprimand**
- **Suspend certificate**
- **Cancel certificate**