

Alberta Teacher's Association Complaint Process

Alleged Unprofessional Conduct

NOTE: The information in this document applies only to complaints before January 1, 2023. The [Alberta Teaching Profession Commission](#) is now responsible for reviewing and investigating formal complaints of incompetence of misconduct involving teachers. To file a new complaint after January 1, 2023, please visit alberta.ca/teaching-conduct-and-competency-complaints.aspx.

Complaints filed with the Alberta Teachers' Association

The Alberta Teachers' Association (ATA) is responsible for overseeing complaints filed against its active members. This includes teachers and teacher leaders (e.g. principals) employed in public, separate and francophone school authorities who are subject to collective agreements (are ATA union members). These complaints are made under the *Teaching Profession Act* (TPA) and the ATA's bylaws.

The Registrar at Alberta Education handles all other complaints filed against Alberta certificated teachers who are not active members of the ATA.

Complaints filed with the ATA fall into two main categories: complaints of alleged unprofessional conduct and complaints of professional competence (practice review).

Unprofessional conduct complaints

Under the TPA, unprofessional conduct is behavior that is considered to be:

- Detrimental to the best interests of students, the public or the teaching profession;
- Does not meet the ATA's [Code of Professional Conduct](#);
- Is the basis of a criminal conviction by indictment under the *Criminal Code*, the *Controlled Drugs and Substances Act*, the *Food and Drugs Act* or the *Youth Criminal Justice Act*.

The ATA sets out the unprofessional conduct complaint process in the following manner:

1. Any person may make a complaint of alleged unprofessional conduct to the executive Secretary of the ATA.
2. The ATA investigates all complaints of alleged unprofessional conduct filed.
3. Upon receipt of an investigation report, the executive secretary has three possible options:
 - The first option is to take no further action regarding the complaint because it is considered frivolous, vexatious or without merit, or there is insufficient evidence to warrant a hearing.
 - The second option is to refer the complaint to an invitation process (dispute resolution). This happens when the teacher's actions breach the code of professional conduct and the nature of the conduct is more suited to this informal and confidential process to discipline the teacher. This process tends to be used for matters that fall on the low end of the conduct spectrum, that are not considered serious enough to be referred to a hearing. The invitation process is conducted where the teacher meets with a member from the profession to guide the teacher in building an understanding of why the teacher's actions were considered to be unprofessional.
 - The third option is to refer the complaint to a professional conduct hearing committee for a hearing. This happens when there is sufficient evidence substantiating the allegations of unprofessional conduct. At the hearing, the ATA presents the case against the investigated teacher member; the teacher has no union representation.
4. Where the executive secretary makes the decision to take no further action regarding a complaint and not refer it to a hearing (option 1), the complainant may request a review of the executive secretary's decision to the complainant appeal committee, accompanied by a \$250 fee that must be paid within 30 days. This committee will determine if the executive secretary's decision to take no further action regarding a complaint was reasonable. If it is determined the executive

secretary's decision was not reasonable, the committee may refer the matter to a hearing.

5. Where a matter is referred to a hearing, the teacher may or may not be found guilty of unprofessional conduct. If a teacher is found guilty of unprofessional conduct, the hearing committee typically imposes a penalty ranging from:
 - A letter of reprimand addressing their unprofessional conduct,
 - Fines of up to \$10,000 per guilty charge,
 - Suspension or cancellation of their ATA membership, and
 - A recommendation to the Minister of Education that their teaching certificate be suspended or cancelled.
6. The teacher or provincial executive council of the ATA may appeal a hearing committee's decision and/or penalty. The appeal committee will determine if the hearing committee's decision was reasonable. The professional conduct appeal committee may quash, vary or confirm the hearing committee's decision, make its own decision or refer the case back to the hearing committee. The decision must be issued within 60 days. Hearing and appeals are open to the public, unless in the opinion of the hearing committee, the interest of any person other than the investigated person may be detrimentally affected if the hearing is not held in private.

7. Where the Minister receives a recommendation from an ATA hearing or appeal committee to suspend or cancel a teacher's certificate, the Minister considers this recommendation and then renders an independent decision regarding the teacher's suitability to hold a certificate of practice. The Minister may accept, reject or vary, with or without conditions, a recommendation of a professional practice review hearing committee or professional practice review appeal committee. Ministers' decisions to suspend or cancel a certificate are final.

Source : TPA and some information was paraphrased from the ATA website:

<https://www.teachers.ab.ca/TheTeachingProfession/UpholdingProfessionalStandards/Pages/default.aspx>

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