



## Understanding Your Duty to Report

### Guiding Principle: Public Interest

The concept of “public interest” – as it relates to regulatory discipline – has two main elements:

1. Students must be protected from certificate holders who inflict physical, emotional or sexual harm on them (intentionally or otherwise).
2. Certificate holders cannot conduct themselves – on or off duty – in a way that harms or reduces public confidence in the teaching profession or the school system.

### Action: Regulatory and Employment Issues

If a certificate holder’s conduct meets either of the following criteria, a regulatory response **is required** even if employment discipline has already been imposed:

- The conduct alleged involves emotional, physical or sexual harm, abuse or exploitation of a student by a certificate holder.
- The alleged conduct calls into question the integrity of the teaching profession or the school system, and/or conflicts with a fundamental value of the school system – even if there is no direct harm to a student.

**Simple rule: When in doubt, report.** Let the Commissioner decide if it is truly a regulatory matter.

### School Districts/Independent School Authorities Must Report:

- A suspension or dismissal
- Discipline for misconduct that involves:
  - Physical harm to a student or minor
  - Sexual abuse or sexual exploitation of a student or minor, or
  - Significant emotional harm to a student or minor
- A resignation if it is in the “public interest” to report the matter
- Conduct/competence considered to be in breach of the “certification standards” if it is in the public interest to do so
- When it is in the “public interest”:
  - Letters of expectation/direction
  - Mental health conditions
  - Less than satisfactory reports
  - Criminal offence arrest

## Your Duty to Report

Section 38 of the *Teachers Act* states that a certificate holder must promptly provide to the Commissioner a written and signed report if they have reason to believe that another certificate holder has engaged in conduct that involves any of the following:

- (a) physical harm to a student;
- (b) sexual abuse or sexual exploitation of a student;
- (c) significant emotional harm to a student.

This is **non-negotiable** and applies even if the information on which the belief is based is privileged. The exception to this rule is information as a result of a solicitor-client relationship, or that is confidential and its disclosure is prohibited under another Act.

### Consequences for Professional Misconduct

Certificate holders can face consequences or sanctions at multiple levels for the same conduct:

- Professional regulatory
- Criminal
- Civil
- Employment
- Personal

### What Type of Conduct Could be Sanctioned?

- Professional misconduct
- Conduct unbecoming a certificate holder
- Incompetence
- Incapacity

## Reports: The Process at the TRB

- The process starts with a report from a school district/authority or a complaint from a member of the public about conduct or competency of a certificate holder.
- The report then goes to TRB's Intake Officer who will ensure jurisdiction and that the report has met the criteria in the *Teachers Act*.
- The certificate holder in question is advised of the report and any other necessary notifications are made.
- In the case of a complaint made by the public, the TRB, at the direction of the Commissioner, may seek information related to the complaint from school boards/authorities at the intake stage.
- Once enough information is gathered a summary of the file is prepared for review by the Commissioner.

## Commissioner's Initial File Review

The Commissioner reviews the information gathered and may:

- take no further action and provide reasons for this decision;
- initiate an investigation;
- make or accept a proposal for a consent resolution agreement; or
- issue a citation, which would lead to a hearing.

## If Disciplinary Action is Warranted

Whether the case is resolved through a disciplinary hearing or consent resolution process, there are several options available if a certificate holder is found guilty:

- A reprimand
- Suspension of a certificate
- Placing limits or conditions on a certificate
- Cancelling a certificate

Discipline decisions are published to provide the public with the confidence that educators who fail to meet the standards are held accountable.

## Discipline Hearings

Panel determines three things:

- Did the alleged misconduct actually happen?
- If yes, did the misconduct breach the standards of conduct or competence?
- If yes, what is the appropriate penalty?

## Qualifications and Fitness Hearings

If the Director of Certification denies an application on grounds of either failure to meet the qualification standards or fitness, the applicant may request that the Director reconsider. If the denial is maintained, the applicant can bring a "certification appeal" to the Commissioner. The Commissioner then has two options: dismiss the appeal or referral to a hearing.

## Independent School Teacher Conduct and Competence Standards

1. Educators value and care for all students and act in their best interests.
2. Educators are role models who act ethically and honestly.
3. Educators understand and apply knowledge of student growth and development.
4. Educators value the involvement and support of parents, guardians, families and communities in schools.
5. Educators implement effective practices in areas of classroom management, planning, instruction, assessment, evaluation and reporting.
6. Educators have a broad knowledge base and understand the subject areas they teach.
7. Educators engage in career-long learning.
8. Educators contribute to the profession.

## Teacher Regulation Branch

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400-2025 West Broadway  
Vancouver, BC V6J 1Z6 CA  
[www.bcteacherregulation.ca](http://www.bcteacherregulation.ca)

604-731-8170 (Metro Vancouver)

## Toll Free

1-800-555-3684 (within North America)



## How the Teacher Regulation Branch Can Assist Employers in Professional Conduct Matters

The mandate of the Teacher Regulation Branch (TRB) is to administer the certification and discipline of certificate holders in the public and independent schools systems. Under the Teachers Act, the TRB is guided by two foundational principles: the paramount nature of the public interest and transparency.

With that in mind, when an employer seeks information about a certificate holder or a person who holds a letter of permission who is charged with a criminal offense or who is the subject of a complaint to the TRB, we have certain freedoms as well as restrictions in our ability to disclose what we know.

Employer Assistance from the TRB	
Our restrictions	What we can do to help
<ul style="list-style-type: none"> <li>The TRB is limited in terms of the type of information we share because we are: <ul style="list-style-type: none"> <li>Bound by Memorandums of Understanding (MOUs) with local and provincial police forces, which prohibit the sharing of information with a third party, including employers;</li> <li>Limited by the <i>Freedom of Information and Protection of Privacy Act</i> (FOIPPA) as to what information can be disclosed to a third party, including employers; and</li> <li>Limited by our own processes. We cannot share any information that may seriously hinder our own intake and investigation processes.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>We may inform the school district or independent school authority where the certificate holder is employed if we learn a certificate holder is charged with a criminal offence or if the Commissioner receives a complaint against a certificate holder. In both of these circumstances, the Commissioner is obligated to conduct a preliminary review and must notify the employer in the case of deciding to defer, to investigate, or to suspend.</li> <li>We may point the employer towards other helpful sources of information about the charge/investigation (i.e. publicly on the Ministry of Justice's <a href="#">Court Services Online website</a>).</li> <li>If deemed there is a risk to children or the allegations and charges are serious, the Commissioner may impose an interim suspension on the certificate holder's certificate.</li> <li>In the case of a suspended certificate, the Commissioner must advise the certificate holder and the employer, and the suspension must be recorded in the online public register.</li> <li>If the Commissioner decides to take no further action in regards to an employer report, he/she must provide the employer with written reasons.</li> </ul>