

# Index

**Accepting Schools Act, 2012**, 8

**Child and Family Services Act**, 8

## **Complaint**

to Ontario College of Teachers

breakdown of complaints, 68

complaint process —

chart depicting, 56, 109

disposition, 52

generally, 48

hearings stage, 53

discipline committee hearings, 54

fitness to practise committee hearings, 55

intake stage, 48

investigation stage, 51

investigation, 51

investigation committee, 51

member's rights during, 49

school board notification, 50

disposition and origin of, 61, 64, 65

disposition of complaints by discipline committee, 66

disposition of complaints by fitness to practise committee, 66

disposition of complaints by investigation committee, 65

disposition of complaints through the dispute resolution program,  
67

investigation committee – before a hearing, 64

gender breakdown, 72

nature of, 61

Ontario Regulation 437/97 – Professional Misconduct, 71

top three categories of, 69

**Criminal Code**, 17, 19, 35, 36, 58, 59

**DeLuca, Kenneth**, 34

**Discipline Committee**

disposition of complaints, 66

generally, 38

hearings, 61, 63

ratification of cases by, 68

**Education Act**, 5

breach of, 6

duty owed by principal to students, 6

duty owed by teachers to parents and students, 7

negligence under, 6

Putting Students First Act, 2012, 5

Regulations under, 5, 6

Ontario Regulation 298 – Operation of Schools, 77

statutory duties defined under, 5

**Education System, Role of in Canada**, 4

**Educators' Rights and Responsibilities**, 9

employee misconduct, 10

employment rights, 11

freedom of information, 10

generally, 9

personnel files, 9

social media —

freedom of expression, 12

policies, 13

technology, 14

privacy, 14

workplace discipline and, 11

**Electronic Media, Advisories and**, 59

**Employment**

rights, 11

termination of, 4, 11

**Ethics**, 27

**Executive Committee**, 38

**Federal Jurisdiction of Education in Ontario**, 78

**Fiduciary Duty**

breach of, 20

- Fiduciary Duty** — *continued*  
case law, 17  
generally, 17  
public policy —  
    Criminal Code, 19  
standard of professional conduct, 18
- Fitness to Practise Committee**  
disposition of complaints, 66  
generally, 38  
hearings under, 55
- Freedom of Expression, 12**
- Hearing of Complaint**  
discipline committee hearings, 54  
fitness to practise committee hearings, 55  
generally, 53
- History, of Teaching Profession, 27**
- Investigation Committee**  
disposition of complaints by, 52, 64-65  
generally, 38, 51  
referral to a hearing, 53
- Kenneth DeLuca, 34**
- Legislation Related to Education, Appendix IV**
- Legislative Framework for Education, 5**  
Accepting Schools Act, 2012, 8  
Child and Family Services Act, 8  
Education Act, 5  
    breach of, 6  
    duty owed by principal to students, 6  
    duty owed by teachers to parents and students, 7  
    negligence under, 6  
    Putting Students First Act, 2012, 5  
    Regulations under, 5, 6  
    statutory duties defined under, 5  
educators' rights and responsibilities, 9  
employee misconduct, 10  
employment rights, 11  
freedom of information, 10  
generally, 9  
personnel files, 9

**Legislative Framework for Education** — *continued*

educators' rights and responsibilities — *continued*

social media —

freedom of expression, 12

policies, 13

technology, 14

privacy, 14

workplace discipline and, 11

Occupational Health and Safety Act, 7

**LeSage Report**

findings, 86

generally, 83

moving forward, 95

recommendations, 87, Appendix 1

already in practice, 88

changes to by-laws, 88

currently in practice but needing legislation, 90

for government, 91

implemented without legislation, 89

terms of reference, 84

the process, 85

**Limitations Act, 2002**, 21

**Ministry of Education**

federal jurisdiction of education in Ontario, 78

jurisdiction over private schools, 75

**Misconduct, Professional**, 23

**Native as a Second Language Teacher Programs**, 81

**Occupational Health and Safety Act**, 7

**Ontario College of Teachers**

Advisories, 58

changes to by-laws, 88

complaint to —

breakdown of complaints, 68

disposition of and origin of, 61, 64, 65

disposition of complaints by discipline committee, 66

disposition of complaints by fitness to practise committee, 66

disposition of complaints by investigation committee, 65

disposition of complaints through the dispute resolution program,  
67

investigation committee – before a hearing, 64

- Ontario College of Teachers** — *continued*
- complaint to — *continued*
    - gender breakdown, 72
    - nature of, 61
    - Ontario Regulation 437/97 – Professional Misconduct, 71
    - top three categories of, 69
  - complaint process —
    - chart depicting, 56, 109, Appendix III
    - disposition, 52
    - generally, 48
    - hearings stage, 53
      - discipline committee hearings, 54
      - fitness to practise committee hearings, 55
    - intake stage, 48
    - investigation stage, 51
      - investigation, 51
      - investigation committee, 51
      - member's rights during, 49
      - school board notification, 50
  - council and committees, 38
    - composition of, 39
  - generally, 29
  - glossary of terms, Appendix II
  - guidance of members, 59
  - history of, 30
  - incapacity, 43, 47
  - incompetence, 43, 46
  - investigation and discipline, terminology, 47
  - jurisdiction over private schools, 76
  - LeSage Report —
    - findings, 86
    - generally, 83
    - moving forward, 95
    - recommendations, 87
      - already in practice, 88
      - changes to by-laws, 88
      - currently in practice but needing legislation, 90
      - for government, 91
      - implemented without legislation, 89
    - terms of reference, 84
    - the process, 85
  - mandate of, 37
  - misconduct, professional, 43, 44
    - disobedience, 46

**Ontario College of Teachers** — *continued*

misconduct, professional — *continued*

incapacity, 47

incompetence, 46

insubordination, 46

Ontario College of Teachers Act, 1996, 31

amendment of, 39

organizational structure of, 40

chart depicting, 42

corporate and council services department, 40

investigations and hearings department, 41

membership services department, 41

office of the registrar, 40

standards of practice and accreditation department, 41

powers of, 33

privacy legislation and, 43

professional advisories, 57

professional misconduct, 43, 44

disobedience, 46

incapacity, 47

incompetence, 46

insubordination, 46

role of, 33

Royal Commission on Learning, 30

scope of, 33

standards of practice, 33

**Ontario College of Teachers Act, 1996**, 31

amendment of, 39

**Ontario Human Rights Code**, 35

**Parents**

delegation of role to teachers, 18

duty owed by teachers, 7

**Policies**

public —

Criminal Code, 19

technology, 14

**Principal**

duty owed to students, 6

**Privacy**

legislation, Ontario College of Teachers and, 43

**Privacy** — *continued*

workplace, social media, 14

**Private School**

jurisdiction of Ministry of Education over, 75

jurisdiction of Ontario College of Teachers over, 76

**Professional Misconduct**, 23**Public Policy**

Criminal Code, 19

**Putting Students First Act, 2012**, 5**Registration Appeals Committee**, 38**Report, LeSage**, 83**Sexual Relationship, Between Teacher and Student**, 21, 34

protection against, 36

**Social Media**

freedom of expression, 12

policies, 13

technology, 14

privacy, 14

workplace discipline and, 11

**Statutory Law**

development of, 3

history of, 3

**Student Protection Act, 2002**, 36, 58, 63, 72**Students**

duty owed by Board, 19

duty owed by principal, 6

duty owed by teacher, 7

fiduciary duty owed, 17

breach of, 20

sexual relationship, with teacher, 21, 34

protection from, 36

**Teacher**

behaviour outside of school, 18

duties of, 6

duties owed parents and students, 7

employment of, 33

employment rights, 11

**Teacher** — *continued*

ethics, 27  
fiduciary duty, 17  
freedom of expression, 12  
off-duty conduct, 19, 23  
profession, history of, 27  
role of, 4  
    parental, 18  
negligence, 6  
professional conduct, standard of, 18  
professional misconduct, 23  
sexual relationship, with student, 21, 34  
    protection from, 36  
social media —  
    freedom of expression, 12  
    policies, 13  
        professional advisories, 59  
        technology, 14  
    privacy, 14  
    workplace discipline and, 11  
termination of employment, 4, 11

**Teaching Profession**

ethics, 27  
history of, 27

**Teaching Professions Act**, 35, 38

**Technology, Policies in Respect of**, 14

**Termination of Employment**

teacher, 4, 11

**Workplace Discipline, Social Media and**, 11

freedom of expression, 12  
policies, 13  
    professional advisories, 59  
    technology, 14