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TEACHER GUIDE

Maintaining Standards: Professional Discipline



The Alberta
Teachers' Association

Maintaining Standards: Professional Discipline

Responsibility and Application

The Alberta Teachers' Association disciplines its members for failure to act professionally. The statutory authority for this responsibility is contained in the Teaching Profession Act and the Association's bylaws approved pursuant thereto. A set of formal procedures regulates the process by which the Association upholds the interests of the public and the profession by maintaining high standards of professional conduct.

All Alberta teachers holding active membership in the Association (and for five years after they cease to belong) can be investigated if the executive secretary of the Association receives a formal complaint that the teacher may have acted in a manner unacceptable to the profession.

When and Why Complaints Are Made

Any person or group of persons may write to the executive secretary outlining the nature and particulars of a complaint. A form is available for this purpose. Association members are required to make a complaint about a member they believe to have behaved unprofessionally. Superintendents are required to make a complaint if they have reason to believe that a member has been convicted of an indictable offence. A member convicted of an indictable offence must inform the Association of the conviction.

Unprofessional conduct can include any of the following:

- Breach of the Code of Professional Conduct
- Conviction of an indictable offence under the Criminal Code
- Circulating false, derogatory reports about any person directly associated with education in Alberta
- Undermining the confidence of the public or pupils in education
- Any other behaviour that the Professional Conduct Committee (PCC) determines to be unprofessional

Steps in the Complaint Procedure

- The executive secretary assigns an executive staff officer to investigate the complaint and report findings.
- Based on the investigator's report, the executive secretary determines if the matter should be referred to a hearing committee.
- A decision that no hearing be held may be appealed to the Complainant Appeal Committee (CAC).
- The executive secretary may direct that an alternative resolution process be used.

- If a hearing is ordered, the executive secretary appoints a hearing committee drawn from the PCC. The committee consists of not fewer than 17 members of the association who are appointed by the executive council in accordance with the bylaws, and 3 members of the public who are not members of the association and who are appointed by the Lieutenant Governor in Council after the Minister has consulted with the executive council.
- The investigated member is notified of the time and place of the hearing, the specific charges and the particulars. The investigated member is responsible for his or her own defence and may retain legal counsel at his or her own expense.
- The statute provides that a hearing committee of the PCC shall
 - allow the accused to be represented by counsel,
 - hear all evidence in support and in defence of the complaint and
 - decide whether the member is guilty or not guilty and order penalties it considers appropriate.
- Hearings are open to the public. Witnesses may be called to testify under oath and may be cross-examined.
- The hearing committee retains legal counsel to advise on questions of procedure and law.
- The hearing committee notifies the executive secretary of the outcome of the hearing. The decision and any penalty ordered is effective at the point a ruling is made by the hearing committee.
- The executive secretary sends a copy of the hearing committee's decision to the investigated member, Provincial Executive Council and the registrar of Alberta Education. The complainant is notified of the outcome of the hearing.
- The decision of a hearing committee is available to the public upon request and free of charge.

Penalties and Appeals

A hearing committee can order one or more of the following penalties:

- Reprimand
- Fine(s)
- Suspension or expulsion from the Association
- Recommendation to the minister of education to suspend or cancel teaching certification
- Discipline in any other way it considers appropriate

A member found guilty of unprofessional conduct may appeal the decision and/or the penalty ordered to the Professional Conduct Appeal Committee. Provincial Executive Council also has the right to appeal. The decision of the appeal committee is final.