

INSIDE

PAGE **2**

Overview

Legislation

PAGE **4**

Concerns

Complaint Intake

PAGE **5**

PCC Review

PAGE **6**

Investigation Process

PAGE **7**

PCC Decision

PAGE **8**

Consent Resolution

PAGE **9**

Hearing Process

PAGE **10**

Communications

Introduction

One aspect of fulfilling the SPTRB's mandate is to ensure a fair and transparent complaint management process. This includes complaint intake, review and investigation of complaints, and appropriate disposition of complaints.

The processes outlined in this document are intended to provide an overview and explanation of the steps involved in the complaint management process from initial contact with a concern to the final decision of the hearing process. It also provides information related to when parties, including the public, are informed of a complaint during the process.

SPTRB Objects

The objects of the Saskatchewan Professional Teachers Regulatory Board are to establish and administer the professional certification and standards of professional conduct and competence of teachers for the purposes of serving and protecting the public.

SPTRB Mission

The SPTRB serves the public interest by ensuring registered teachers meet professional standards for certification, conduct and competence.

SPTRB Vision

In Saskatchewan:

- Registered teachers are qualified, competent and trustworthy;
- The public has confidence in the teaching profession;
- Students achieve their highest learning potential.

Overview

A complaint can be submitted to the SPTRB using the form available at www.sptrb.ca. SPTRB staff will confirm with the complainant or employer that their complaint or employer's notice was received. SPTRB staff will inform the registered teacher that a complaint, or employer's notice, was received and it will be presented to the Professional Conduct Committee (PCC). The information provided to the registered teacher includes: a copy of the complaint, an explanation of the process moving forward, possible outcomes following review by the PCC, and their right to seek support from a third party (such as the STF or legal counsel).

Next, the complaint or employer's notice is presented to the PCC. The PCC can only investigate complaints or employer notices if it has the authority and jurisdiction to do so. To allow the PCC to investigate, the complaint or employer's notice must indicate misconduct or incompetence as defined in *The Registered Teachers Act* and the SPTRB's Regulatory Bylaws. Upon review and consideration, the PCC may choose to either not investigate the matter(s) or order an investigation.

The complaint or employer's notice may be investigated by SPTRB staff and/or a contracted investigator. In both instances, the investigator is an agent of the PCC and remains under the direction of the PCC. The investigator will submit a report of their investigative findings to the PCC.

When deliberating the facts of the case using the investigative report, the PCC's threshold of consideration is on a balance of probabilities – in other words, based on the facts of the case, is it more likely than not that the misconduct or incompetence occurred? Upon receipt and consideration of the investigative report the PCC may: take no further action; refer the matter to a consensual complaint resolution agreement (CCRA) process; or determine a formal complaint and recommend that the Discipline Committee (DC) hear said complaint.

A CCRA is a process by which the registered teacher and the PCC develop an agreed statement of fact and develop measures to rectify the situation that led to the complaint. Cases referred for consent resolution must be resolved to the satisfaction of the complainant, the registered teacher and the PCC. The CCRA is noted on the SPTRB's public registry as well as the SPTRB website.

When the PCC is confident that there is a reasonable expectation of a finding of guilt at a hearing and that proceeding to a hearing is in the public interest, the PCC may refer the matter to the DC. A formal complaint submitted to the DC consists of a charge(s) of professional misconduct or incompetence. Formal complaints are made public via the SPTRB website once they are submitted to the DC by way of a Notice of Hearing document. The date, time and location of the hearing are made public not less than 2 weeks prior to the hearing. The hearing is public, and all decisions of the DC are noted on the SPTRB's public registry and the SPTRB website.

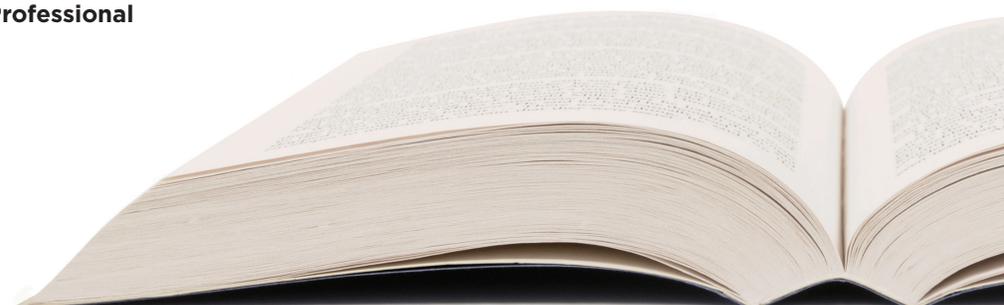
Relevant Legislation and Bylaws

The Registered Teachers Act, sections:

- 30-48

Regulatory Bylaws of the Saskatchewan Professional Teachers Regulatory Board sections:

- 1.01-1.09
- 2.01-2.02
- 3.01-3.02
- 4.01
- Schedule H



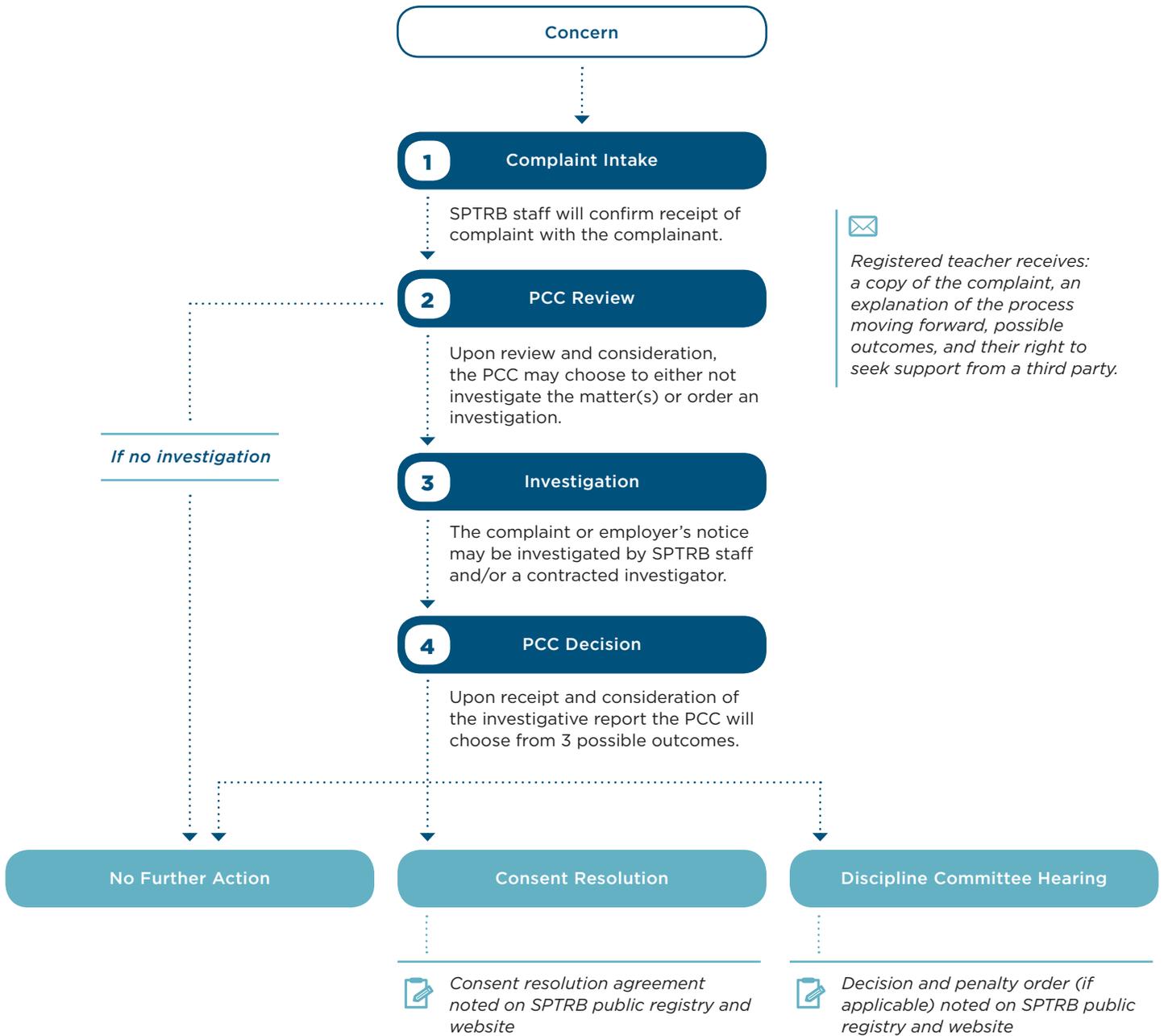


FIGURE 1 : OVERVIEW

Concerns

SPTRB staff are trained to determine whether an initial inquiry consists of allegations that are a concern or a complaint. Direction is provided based on the nature of the concern. If appropriate, the individual is encouraged to discuss the concern with the teacher, principal, superintendent or other school division authority. The individual may be advised to discuss their concern with another regulatory body. If necessary, the individual is encouraged to report their concern to the police. SPTRB staff will inform the individual how to submit a written complaint to the SPTRB, and the individual may choose to do so at any time.

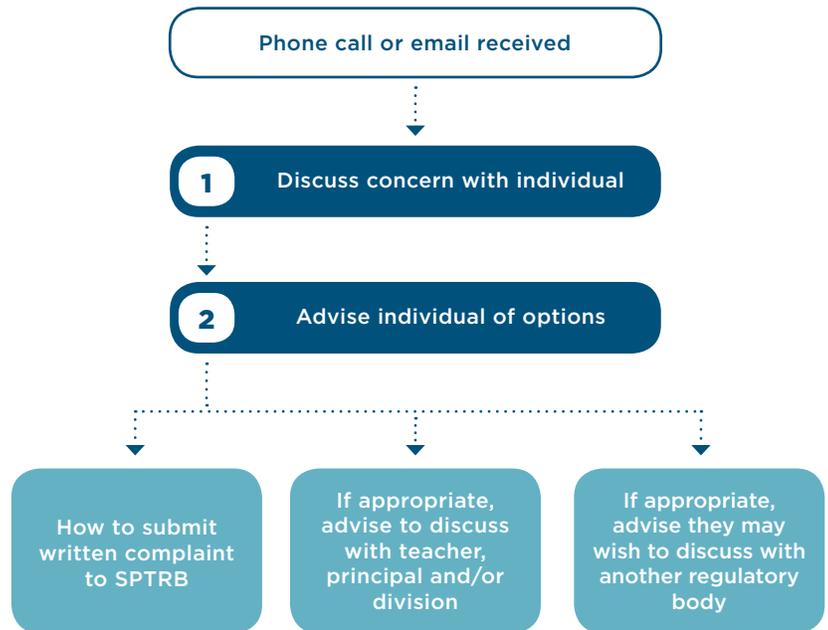


FIGURE 2 : CONCERNS

Complaint Intake

A complaint must be submitted to the SPTRB in writing (or audio recording) and can be submitted by anyone. Employers must also notify the SPTRB of any resignations, terminations, suspensions or retirements they reasonably suspect may be related to misconduct or incompetence by submitting an employer’s notice. SPTRB staff may seek clarification from the complainant to obtain the necessary information for the PCC to appropriately review the complaint.

Receipt of either a written complaint or employer’s notice is confirmed with the submitter. The registered teacher is informed in writing that there has been a complaint or employer’s notice received and will receive a copy or summary of the complaint as soon as it is practicable for the SPTRB to do so.

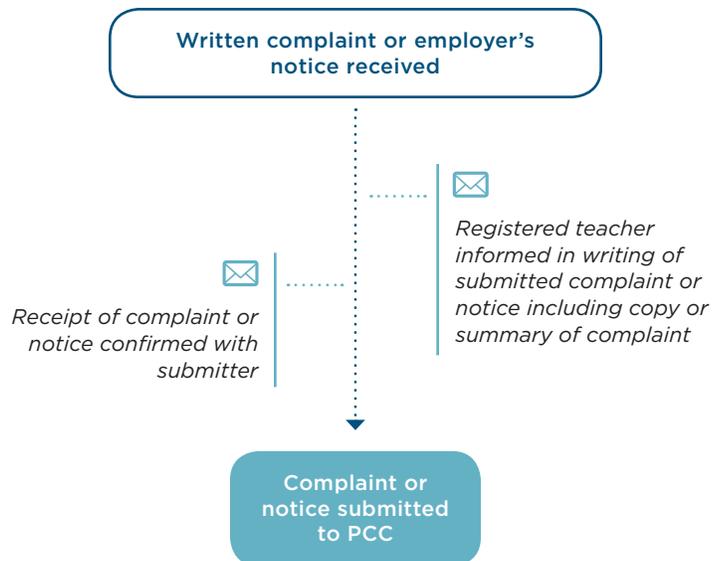


FIGURE 3 : COMPLAINT INTAKE

PCC Review

Once the SPTRB registrar’s office receives the complaint, the complaint is presented to the Professional Conduct Committee (PCC). The PCC must determine whether they have jurisdiction to investigate the complaint or employer’s notice. Questions considered include:

- Is the person a registrant of the SPTRB, or has the person been registered in the past 2 years?
- Is the person a member of another regulatory body, and is that body better suited to review this complaint?
- Is a non-teacher claiming to be a registered teacher?
- Is the complaint frivolous or vexatious?
- If the allegations are true, would they constitute misconduct or incompetence as defined in *The Registered Teachers Act* (Sections 32 and 33) and in the SPTRB Regulatory Bylaws (2.01, 3.01, and Schedule H).

If the PCC determines they have appropriate jurisdiction, that if true the allegations would constitute misconduct or incompetence, and it would be in the public interest to do so, an investigation is ordered. Alternatively, if an investigation is not ordered, the process is complete.

If the PCC decides to take no further action, the registrant and complainant are both notified of the decision, and the process is complete.

Decisions of the PCC cannot be appealed.

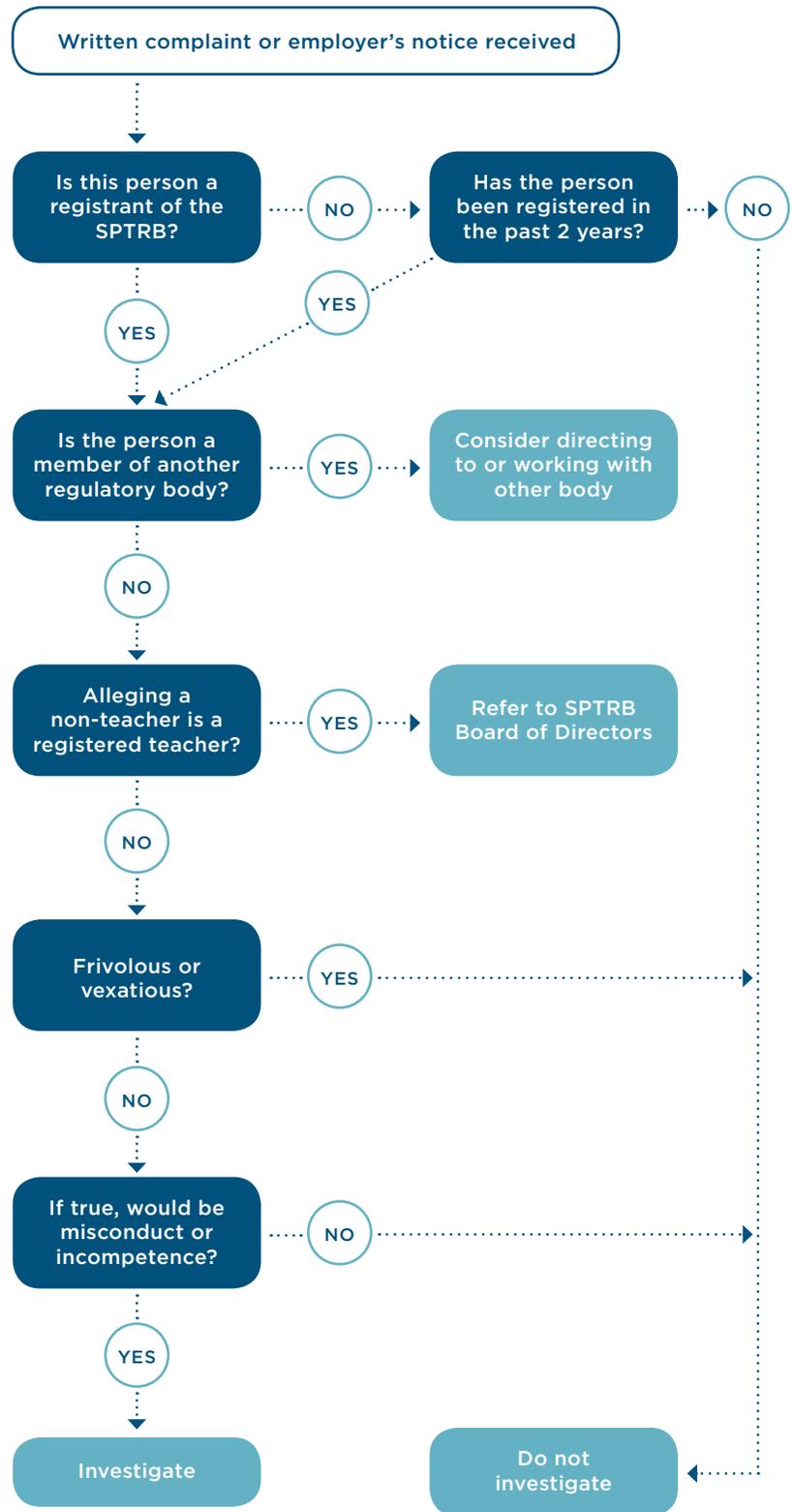


FIGURE 4 : PCC REVIEW

Investigation Process

Once an investigation has been ordered, the registered teacher, the complainant and/or the registered teacher’s employer(s) are notified. The PCC may investigate the allegations by taking any steps it considers necessary. An investigator (either SPTRB staff or contracted investigator) conducts the investigation on behalf of the PCC in an impartial, timely, thorough and fair manner.

The registered teacher who is the subject of the complaint is asked to provide a written response to the allegations and to provide any additional information (documents or names of witnesses) he or she believes are relevant to the matter. This information is provided to the investigator.

The investigator:

- Interviews the complainant;
- Interviews relevant witnesses;
- Collects relevant documents/materials;
- Interviews the registered teacher who is the subject of the complaint;
- Writes a report on the investigation.

Individuals interviewed by an SPTRB investigator are welcome to have a support person present (STF, union representative, lawyer, family member, etc).

Upon completion of an investigation, the PCC will be presented with the investigator’s report.



FIGURE 5 : INVESTIGATION PROCESS

PCC Decision

Once the PCC has received the investigator’s report, it will review and consider the contents. The PCC may:

- take no further action because, in its opinion, no further action is warranted on the facts of the case;
- attempt a consent resolution process; or
- determine a formal complaint and recommend that the Discipline Committee hear the complaint.

When deliberating the facts of the case using the investigative report, the PCC’s threshold of consideration is on a balance of probabilities. If the facts indicate that it is more likely than not that professional misconduct or professional incompetence occurred, the decision to move forward with either a consensual complaint resolution agreement (CCRA) or a Discipline Committee

(DC) hearing is made by the PCC and communicated to the registered teacher.

If the PCC considers the conduct in question is of such a nature that consent resolution is a suitable remedy, it will embark on the consent resolution process. When the PCC is confident that there is a reasonable expectation of a finding of guilt at a hearing and that proceeding to a hearing is in the public interest, the PCC may refer the matter to the DC. To initiate a DC hearing, a formal complaint must be submitted by the PCC to the DC.

If the PCC decides to take no further action, the registered teacher, the complainant, and the employer are notified of the decision, and the process is complete.

Decisions of the PCC cannot be appealed.

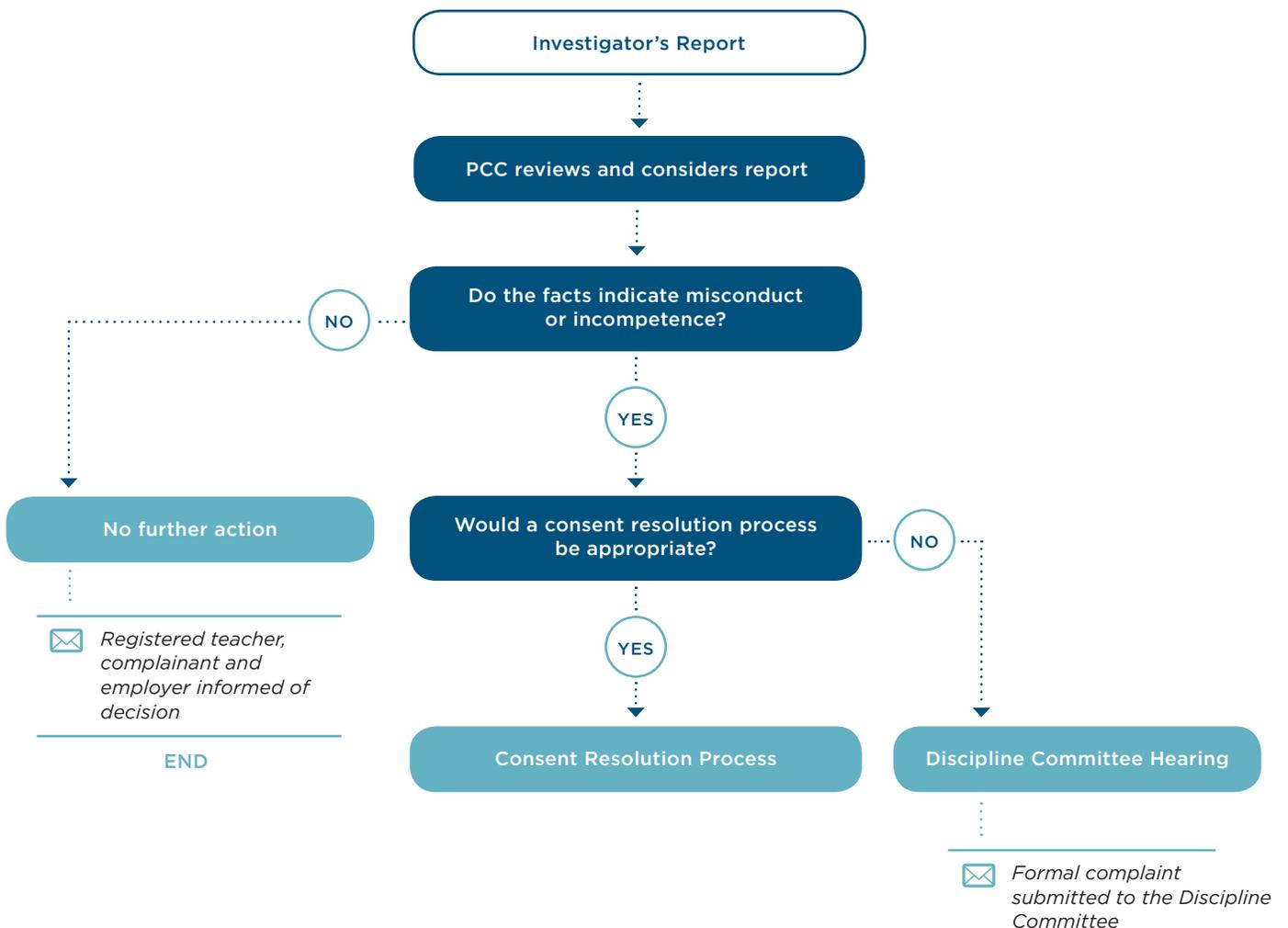


FIGURE 6 : PCC DECISION

Consent Resolution

If the PCC considers the conduct in question is of such a nature that consent resolution is a suitable remedy, it will seek agreement from both the registered teacher and complainant to move forward.

In order to reach a consensual complaint resolution agreement (CCRA), all parties must agree to participate in the process: PCC, registered teacher, and complainant (if applicable). If all parties agree to participate, the CCRA is discussed and drafted by the PCC and registered teacher.

If all parties do not agree to participate, the matter is returned to the PCC for an alternate decision of either taking no further action or referring the matter to the Discipline Committee.

Consent resolution is a process by which the registered teacher and the PCC develop an agreed statement of fact and develop measures to rectify the situation that led to the complaint. Cases referred for consent resolution must be resolved to the satisfaction of the complainant, the registered teacher and the PCC.

The final CCRA is noted on the SPTRB’s public registry as well as the SPTRB website (redacted to remove certificate number, witnesses, school or division, etc). The CCRA generally will state the misconduct or incompetence (the agreed statement of fact), the sections of *The Registered Teachers Act* and Bylaws that have been breached and any agreed upon remedies or remediation.

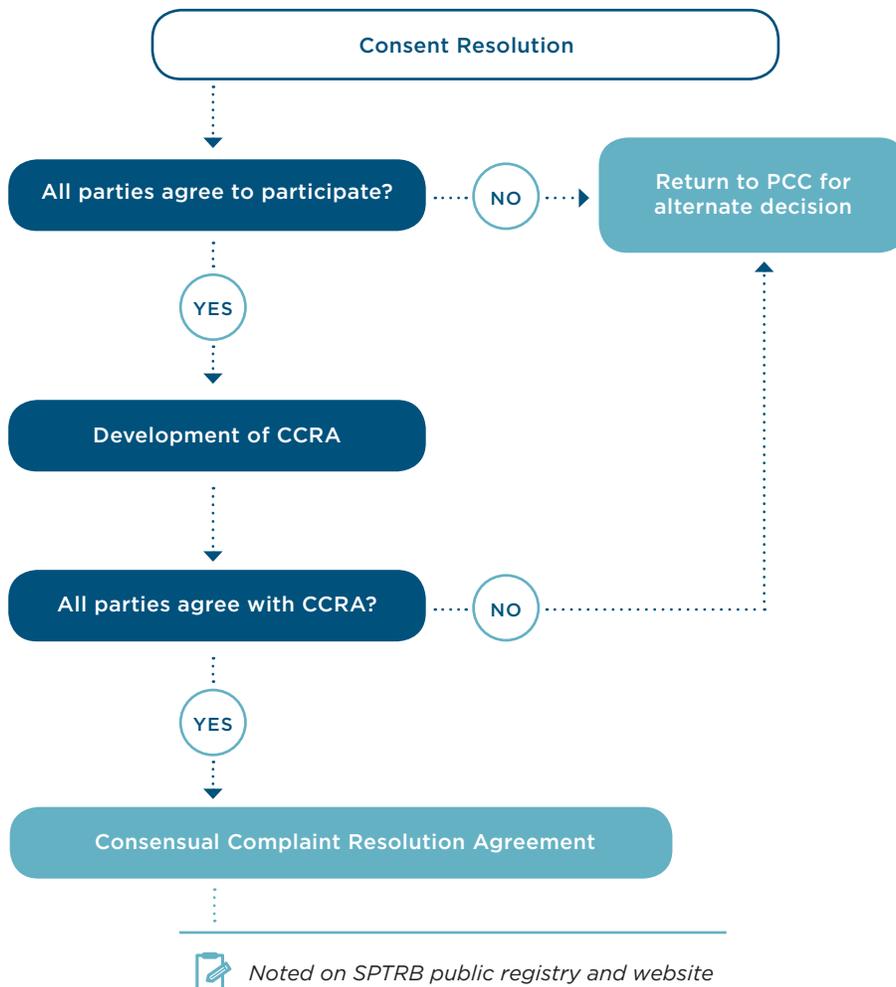


FIGURE 7 : CONSENT RESOLUTION

Hearing Process

The PCC must submit a formal complaint to the DC to initiate the hearing process. Principles of natural justice are followed to ensure a fair process for everyone. To that end, the registered teacher is informed and involved in the hearing process. This includes regular communication and evidentiary disclosure. Prior to the hearing, a notice of hearing is posted on the SPTRB website notifying the public of the hearing and charges. There may be pre-hearing conferences to address preliminary and/or procedural matters.

The hearing is public. The complainant, registered teacher, legal counsel and witnesses may be present at the hearing. Evidence is presented by the SPTRB

and registered teacher for consideration by the DC. The DC makes a final decision following the hearing. If the registered teacher is found not guilty of the formal complaint, the registrant and complainant are both informed of the decision, and the decision is posted on the SPTRB website. If the registrant is found guilty of the formal complaint, the DC provides a decision and discipline order. Both the registrant and complainant are notified of the decision. Decisions of the DC may be appealed to the Saskatchewan Court of Queen’s Bench. The decision is noted on the SPTRB website and public registry following the expiration of the appeal timeline.

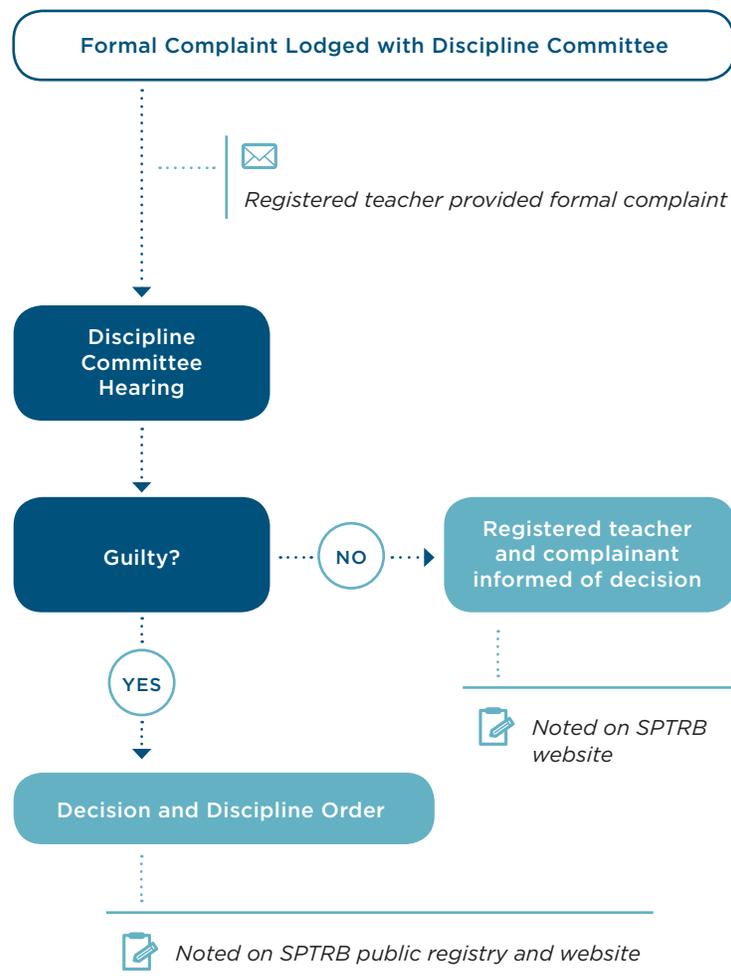


FIGURE 8 : HEARING PROCESS

Communication of Events in Process

The complaint and related documents are communicated only once the process reaches certain milestones and then only to designated individuals. The public is made aware of the complaint when the Professional Conduct Committee (PCC) has made its decision to refer the matter to a public hearing or if the matter was concluded successfully via a consent resolution process.

	Registered Teacher	Complainant	Employer	Other*	Public (via website)
Concern					
Complaint Intake	✓	✓			
PCC Review	✓	✓			
PCC Investigation	✓	✓	✓	✓	
PCC No Further Action	✓	✓	✓		
Consent Resolution	✓	✓			✓**
DC Notice of Hearing	✓				✓
Discipline Hearing	✓	✓			✓
DC Decision	✓	✓			✓

* may include witnesses and others that can provide facts

** made public only if a consent resolution agreement is reached by all parties



204 – 3775 Pasqua Street
Regina, SK, Canada S4S 6W8

Phone: 306.352.2230

Fax: 306.352.0022

Email: general@sptrb.ca

www.sptrb.ca

