



BCCPAC Submission

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B.C. College of Teachers*

Person Complaints

All self regulatory bodies, such as the College of Physicians and Surgeons or the B.C. College of Teachers, accept complaints directly from the public. To do so is fundamental to the concept of protecting the public interest.

The chair of the College, Richard Walker, recently stated that since 2003, there have been 270 person complaints, yet none of these have resulted in discipline for misconduct. How is this possible?

Background:

From its inception in 1987 until 2003, the College accepted only 2 complaints from the public. In 2003, the *Teaching Profession Act (TPA)* was changed to make it mandatory for the College to accept person complaints. Today, we believe there is still considerable resistance to the entitlement of parents to complain directly to the College.

Issues:

1. **Annual Reports for the College only list the numbers of person complaints received.** However, all sources of complaints and reports are combined in outlining discipline outcomes. Thus, it has not been possible to determine the outcome of person complaints prior to Mr. Walker's statement. If the College is to operate in an open and transparent manner, information on person complaints must be more accessible.
2. **Of the 270 person complaints, 175 were dismissed on the basis that they involved competence.** We are unaware of any information in the College bylaws or policies that clarifies how and why the College makes a determination that an incident is based on competence. If, for example, a teacher strikes a student, how does the College determine whether that is professional misconduct, or misconduct that occurred because the teacher is incompetent? It seems to us that this is a pivotal issue, because it opens and closes doors for parents in accessing the person complaint process.
3. **We know that for many parents, filing a complaint with the College is intimidating. They are often afraid of retribution on their child.** When the person complaint processes were first developed in 2003/04, an educator was entitled to some information on the complaint, in keeping with administrative fairness. This provided some level of protection for the child while the case moved through College processes. Once a case moved forward, more information was available to the educator and their legal representative. This seemed a fair way to protect both the child and the educator. This process has been changed so that an educator is now immediately entitled to all information provided by the complainant (Section 3 of the Person Complaint Form, and all attachments).
4. **Parents have complained to us that they sometimes wait years to get a response from the College on their complaints.** They are not able to obtain any information while the complaint is in process, they simply receive a letter outlining the outcome, long after they lodged their complaint. There is no appeals process for the parent.
5. **We have concerns about the timeliness of College investigations of person complaints, and the effect that delays may have in obtaining accurate information.** In addition, the

ability of the College to conduct fair investigations may be hampered when investigations by school districts and the B.C. Teachers' Federation may have preceded them.

Preliminary Investigation Sub-Committee (PISC)

PISC is likely the single most significant impediment to open and transparent discipline at the College. It wields enormous control over the handling of misconduct at the College. The vast majority of reports and complaints are handled by PISC.

Background:

When complaints and reports come to the College, the Registrar has limited powers to dismiss them. The majority are forwarded to PISC. PISC decides what kind of action will be taken for each one.

PISC is the "preliminary filter" for reports and complaints. It reviews the information provided for each case, then makes a decision to:

- Take no further action;
- Order an informal resolution for minor matters (letter writing between the College and the member);
- Order an investigation if it believes it needs more information;
- Issue a "caution" to the member (a warning);
- Refer the matter to a consent resolution process (an agreement between the member and the college as to how the misconduct will be resolved);
- Issue a citation (a legal summons).

PISC is a sub-committee of the council. It is made up of three council members, and the council also elects two alternate members of PISC. Two of the three PISC members must also be members of the College (educators), and one must be a layperson (non-educator). Currently, the two "educator" members on PISC were also elected to the council with the endorsement of the B.C. Teachers' Federation.

When PISC makes decisions, it operates on a simple majority vote. Two of the three members must agree that the action to be taken is appropriate. The only exception is if PISC wants to issue a citation. In that case, all three members must agree, otherwise the decision on whether or not to issue a citation is made by the Chair of the Discipline Committee. Currently, the Chair is also a BCTF endorsed member.

Once PISC issues a citation, it is banned from participating in a hearing panel, or from sitting as a council member for a Conduct Review Sub-committee (CRSC) to supervise an agreement. Other council members take on these adjudicative roles.

Issues:

1. **PISC is not acting like a “filter”, nor is it “preliminary”.** Most handling of discipline is done by PISC, regardless of the nature of the report and complaint. Rather than putting cases into process, it is being used as “the process”.
2. **PISC is not issuing citations for serious misconduct, and the percentage of citations it does issue has fallen dramatically in recent years.**
3. **College bylaws do not provide guidance on the types of misconduct that must result in the issuance of a citation.** As a result, PISC is free to refer cases to the Consent Resolution Process – which it oversees and controls. It is able to keep discipline to itself by the simple act of refraining from issuing citations.
4. **The *Teaching Profession Act* does not appear to give PISC the same adjudicative powers that hearing panels and Conduct Review Sub-Committees have.** As the 2009 Annual Report states, “PISC has a non-adjudicative function to decide based on the information before it, which process is best suited to each case.” As a result, PISC is reaching Consent Resolution Agreements that are technically not formal discipline (reprimand, suspension or termination of a teaching certificate). Thus we see, for example, agreements wherein members “relinquish their certificate” rather than have it taken away. This perspective is further confirmed by Krieger in the Vancouver Sun, Saturday, May 22, 2010, “When there is a consent resolution, the accused may surrender his certificate voluntarily or agree to certain conditions that speed up the process, while lifting the need for formal discipline.”
5. **Many of the Consent Resolution Agreements that PISC handles are published anonymously.** They are able to do so, because they fall outside the legislated requirements of the *Teaching Profession Act*. They appear to use loopholes in the legislation to protect the names of members.
6. **Many of the Consent Resolution Agreements list unspecified “conditions” that the member must meet.** They are also vaguely worded, and do not always provide a summary of the misconduct that occurred.
7. **The public is not able to access any further information on these agreements, even with a Freedom of Information request.** In contrast, reports of full hearings have always been available. Thus, public entitlement to information has been severely curtailed in recent years.

Appendix B provides illustrations of the issues presented.

Citations and Investigations

Issuing citations and conducting investigations are important functions of the College, to ensure that incidents of misconduct are properly addressed.

Background:

The College’s website says, “A citation is a formal charge that will form the basis of a hearing, a quasi-judicial proceeding presided over by three Council members responsible for deciding whether the allegations of misconduct and/or incompetence are proven or not.”

Once the College has issued a citation, it can proceed by means of a full hearing or it may reach an agreement with the member. Both hearing panels and Conduct Review Sub-Committee hearings (to review agreements) are made up of three Council members who are not PISC members.

A citation also opens the door for the College to require school districts and other parties to provide them with information that might not otherwise be legally available to them. While the College can investigate without issuing a citation, cooperation with the College is not mandatory.

Issues:

1. The *Teaching Profession Act* and the bylaws of the College do not direct the College to issue citations for serious misconduct. The only exception is that the College must issue a citation if a member refuses to undergo a criminal record check (Sections 29 and 30, *TPA*). In the past, over half of reports and complaints resulted in the issuance of a citation. Now, PISC is handling many cases that are very serious in nature. We also note a number of cases in which citations have been issued, then rescinded, and the agreement has been negotiated by PISC.

2. The number of citations has dramatically decreased in the last few years.

The number of cases dealt with through hearing panels and Conduct Review Sub-Committee agreements pales in comparison with those dealt with by PISC.

While we note that the net total number of citations increased in 2009, we believe the increased number is likely due to the legislated requirement for the College to issue a citation if a member refuses a criminal record check.

3. In 2007, the College attempted to change its bylaws so that it could compel persons to provide information to PISC, without issuing a citation. The B.C. School Trustees' Association (BCSTA) strenuously objected to this change.

BCSTA's letter to the Minister of Education, dated July 24, 2007, stated, "Section 32(3) of the *TPA* specifically provides for the power to order production of documents (by adopting s. 34(3) *Administrative Tribunals Act*) but only "for the purposes of an inquiry under section 28(5) or 29." The Act makes it clear that "an inquiry" is the formal process that follows the issuance of a citation." The letter also states, "Expansion of Role of PISC This expansion of the College's investigatory powers would support the trend for the College to deal with teacher misconduct issues almost exclusively through informal processes that fall outside the scope of accountability as legislated."

This bylaw change was disallowed by the Minister of Education, likely because of the strong objections of BCSTA. The proposed bylaw change provides compelling evidence that the College has been willing and committed to handling misconduct through PISC.

4. The numbers of investigations ordered by PISC have dramatically decreased. In 2002, the College received 89 complaints and reports, and ordered 55 investigations. Typically, Annual Reports show that more than half of the reports and complaints result in investigation.

In 2005, the ratio of investigations dropped substantially, and the 2009 Annual Report shows that 197 reports and complaints were received, but only 25 investigations were ordered. We have concerns that cases may be adjudicated without complete information and patterns of behaviour may not be fully explored.

Competence

The *Teaching Profession Act* gives the College the authority to adjudicate on matters of competence, as well as conduct. For parents, ensuring the competence of educators is a major concern. The quality of teaching is the single most important factor in improving student achievement. If parents want their children to do well at school, competence is a key factor that must be addressed.

Background:

Competence can be seen as having the skills, knowledge and abilities necessary to perform a task or a profession well.

The College lists 22 cases of incompetence that are not in the archives.

In 4 of these cases, the College has issued citations:

Hearings:	- William Ernest Aspden - Duncan W.G. Stuart - A Respondent (D-10-04)
Conduct Review Sub-Committee:	-A-02-07

The remaining 18 of these cases were handled by PISC, and we note the following:

- None of these cases published the name of the educator.
- In 11 cases, the member was found to be “incompetent due to a medical condition”.
- 4 members relinquished their teaching certificates, and this is technically not discipline.
- 7 included no admission of incompetence, but described the member as having, “generally ineffective teaching techniques” or “received three less than satisfactory teaching reports and dismissal from employment”.
- 16 members received unspecified conditions, including one who had relinquished their certificate.

Issues:

1. **Case summaries include some with serious misconduct.** It is difficult to reconcile medical conditions with serious misconduct such as the following:

CR-E10-05 states that the former member was incompetent due to a medical condition. She “engaged in an inappropriate personal and sexual relationship with a student.” She accepted an undertaking not to apply for a College certificate until she met unspecified conditions.

CR-A11-06 states that the member was incompetent due to a medical condition. She “engaged in physical horseplay with students and employed inappropriate words and phrases such as, “Dumbass”, “Shit” and “Don’t make me kick your ass”. Further, she acknowledged that she developed a relationship with a student that was too emotionally intimate and engaged in conduct which she admitted was inappropriate.” This member was given unspecified conditions, but no formal discipline. In this case, a citation had originally been issued, but was rescinded by PISC.

While a medical condition may explain some incompetence, it does not excuse it. The consequences may differ, but still need to be present. The College is not absolved of its responsibility to ensure the safety of children, simply because a member admits to a medical condition. Of the 12 cases with medical conditions, 11 admitted incompetence, only one relinquished their teaching certificate, the others all received unspecified conditions. None of these involves formal discipline, thus they do not meet the requirements for publication of the name, nor are they linked to the online registry.

2. **Those cases that do not list a medical condition do not find the member to be incompetent.** Instead, they use terms such as “received three less than satisfactory reports from the school district”. In these cases, which are all posted anonymously, members have been given unspecified conditions. Again, these are not discipline and will not be reflected in the online registry. We are lead to the inevitable conclusion that members cannot be found to be incompetent unless they have a medical condition.
3. **Many cases take an inordinate amount of time between the time the incompetence was reported to the College and a judgment was made by PISC.** For example, Member CR-A04-07 received three less than satisfactory teaching reports from his school district until his resignation in 2003. PISC approved the Consent Resolution Agreement on April 11, 2007.

Appendix C lists competence cases handled by PISC.

Public Notification

When the College disciplines a member, it is required to provide public notification. For parents, this is a critical requirement for maintaining student safety, and for ensuring that the College acts in an open and transparent manner in handling misconduct.

Background:

In 2007, the *Teaching Profession Act* was amended by adding:

Public notification

27.2 (1) *Subject to subsection (2), the registrar must notify the public of*

(a) the name

(i) of a member, or

(ii) of a person to whom a letter of permission has been issued under section 25 who has been disciplined by the council, and

(b) the reasons why the disciplinary action was taken.

(2) The registrar must withhold notification of the reasons referred to in

subsection (1) (b) if the council considers that notification of the reasons would cause significant hardship to a person who was harmed, abused or exploited by the member or by the person to whom a letter of permission was issued under section 25.

(3) The notification required under subsection (1) may be made by posting a notice on the council's web site.

Thus, the College is required to notify the public when it disciplines a member. It may withhold the reasons for the discipline if it would cause significant hardship to a victim. The College may use its website to fulfill this requirement. If the College elects to provide public notification in another way, it

can do so. The college begins its discipline listings with a preamble on public notification, thus the College has elected to use the website to fulfill this requirement.

Issues:

1. **Many case summaries do not technically qualify as discipline, thus they avoid the requirements for public notification.** These cases can be posted anonymously. Despite the breadth of the requirements of the TPA for public notification, almost half of the case summaries are published anonymously.
2. **Case summaries are extraordinarily difficult to find.** From the home page, parents can select “professional conduct” and select “discipline decisions” from the drop-down menu. This takes them to a page that lists decisions by the way in which they were addressed: hearing, conduct review sub-committee or consent resolution. Each of these listings is divided alphabetically – “A to L” and “M to Z”. The cases that are presented here only represent a partial listing.

A parent can also select, by type, from the menu on the left hand side of the page. This brings them to completely different groupings. There is no information on the home page of discipline to indicate that these groupings are different from those on the home page of discipline.

Both listings carry a selection of recent and older cases. The only exception appears to be that all anonymous case summaries can only be accessed from the menu on the left hand side of the page. Numbering for anonymous cases is confusing, and it also means that recent and old cases are mixed together.

It takes 13 “clicks” to review all the groupings for cases not in the archives. We can find no rationale for the manner in which case summaries are posted, other than to obfuscate public notification.

Online Registry

Parents have enthusiastically supported the requirement for an online registry of educators. Parents want the assurance that those who are working with their children are members in good standing.

Background:

In 2007, the *Teaching Profession Act* was amended to add Section 27.1, an online registry available to the public. The registry was to contain the names of all members and the status of their teaching certificate, as well as a record of any suspensions or cancellations of their certificate. In addition, the registry was to contain a record of any disciplinary action taken for misconduct that involved physical harm, sexual abuse or significant emotional harm to a student or minor. Also to be included were any breaches of conduct or competence that breached the standards of professional conduct or competence.

The online registry could withhold a statement of the reasons for a disciplinary action if including them would cause significant hardship to a victim. A member could apply for removal of the record of disciplinary action after five years, if it did not involve a suspension or termination of their teaching certificate.

The breadth of Section 27.1 in reporting discipline should have resulted in reporting anything other than minor misconduct.

Issues:

1. **We are more concerned that parents will use the online registry than that they will not.** The circumvention of formal discipline, the length of time it takes for the College to adjudicate, and the fact that almost half of the discipline cases are anonymous publication render the online registry almost useless. Parents cannot rely upon the registry for accurate and up-to-date information.
2. **Information in the registry can be misleading.** For example, the Consent Resolution Agreements contain a case summary for Mark Dyck. It says, in part, "Mr. Dyck developed an inappropriate relationship with a female student through e-mail and engaged in a telephone conversation of a sexual nature with her. The communications included comments about having sexual intercourse with her as well as sexual fantasies he had that involved her." Mr. Dyck agreed to allow his certificate to lapse and to not apply for reinstatement for two years. A check of the online registry only shows that Mr. Dyck's certificate has lapsed. There is no link to the discipline summary, because he was not disciplined.
3. **The College has taken actions that may not be appropriate for the misconduct involved.** In many cases, members have anonymous publication, even when serious misconduct is involved. Others have received only unspecified "conditions". Especially in cases where the discipline summary is anonymous, it is impossible to check on whether or not the online registry contains any links to misconduct.
4. **The length of time that lapses between incidents of misconduct or reports of incompetence, and adjudication by the College is unacceptable.**

For example, in July, 2006, Member CR-A04-10 escorted a group of students to Cuba. "During the trip, the Member attempted to cultivate an inappropriate relationship with an 18-year-old female student. While they were alone together in the water at the beach, the Member pulled the student into a hug, told her he loved her and kissed her three times on the lips. When she began swimming away, the Member untied her bikini top and fondled her breasts from behind. Later that day, he also smacked the student on the buttocks. The College's investigation also found that the Member had, in previous years, smacked female students on the buttocks." The College reached an agreement in April 2010 in which the member agreed not to renew his certificate until he provides a satisfactory psychiatric report. That is not formal discipline, and should he meet the conditions, there would likely be no connection between the report and the online registry.

Likewise, cases of incompetence also involve unacceptable delays. Member CR-A04-07 received three less than satisfactory teaching reports until his resignation in 2003. The College did not impose conditions until April 11, 2007.

5. There may be no connection to the online registry for members who have relinquished certificates, who have not been disciplined in other ways, or who are listed anonymously. Members who relinquish their certificates can re-apply for membership, unless the agreement stipulates a period of time before re-application. The Fitness Investigation Sub-Committee reviews these applications. It is composed of 3 council members who are also members of the College. There is no requirement in the bylaws requiring it to include a layperson. FISC makes no public reports on its adjudications, other than statistical data provided in the Annual Report.

Teacher training

It is of critical importance to parents that teacher training programs adequately prepare new teachers for their classrooms.

Background:

The College's website says, "There are nine teacher education programs in BC that prepare teachers to teach in the K-12 system. The programs range from one to two years and include both theoretical coursework and practical experiences in schools.

The College is responsible for ensuring that applicants who are admitted to the profession meet certain standards of qualification and fitness. To this end, in 2004 the College entered into an [agreement](#) with the eight existing teacher education programs in BC. These programs must ensure that their graduates meet the Standards for the Education, Competence and Professional Conduct of Educators in BC. The College also has the responsibility to approve any new teacher education programs proposed in BC." Parents have consistently advocated for training for teachers in learning differences. In 2009, the B.C. School Trustees' Association wrote to the Deans of Education, requested this training. Background on this issue, and the letters from the Deans may be found at Janet Steffenhagen's blog, the Report Card, November 10, 2009:

<http://communities.canada.com/vancouver/blogs/reportcard/archive/2009/11/10/education-deans-respond-to-call-for-more-special-ed-training-for-teachers.aspx>

Issues:

1. **The College has the authority to require universities to provide more teacher training in learning differences.** It does not appear to be exercising that authority to ensure that improvements are made. As a result, children are not having their needs met.
2. **The Workmen's Compensation Board requires that each school have staff trained to provide first aid for staff. No such requirement is in place to provide first aid for students.** Ensuring the physical safety of students is a fundamental responsibility of educators.

Appendix A – BCCPAC Resolutions

2009.21 Criminal Record Review Act

That BCCPAC endorse the BC College of Teachers recommendation for the newly proposed Criminal Record Review Act on behalf of the membership.

2008.19 Independent Panels for Teacher Discipline

That BCCPAC support the appointment of independent panels which include professional representation, to adjudicate on discipline reports and hearings for the B.C. College of Teachers, with panel members reporting to both the College Council and the public, to better protect the public interest and students.

2007.10 Educator Central Employment Registry or Data Base

That BCCPAC supports a Registry of Members, maintained by the BC College of Teachers that would include a comprehensive public registry, similar to that of the Ontario College of Teachers. The Registry should include: the name of the educator, date of criminal record check, status of their teaching certificate, practicing status, education – where and what, specialty training – where and what, discipline history (including a link to this history) with further resolve, BCCPAC immediately send a letter to the Ministry of Education in support of the required legislative amendments to that end.

2007.11 Discipline Process

That the Ministry of Education undertake a comprehensive review of discipline processes for employees to ensure that the needs of students are the foremost consideration in dealing with misconduct and incompetence. This process would involve all education partner groups as well as representatives of the Ministry of Labour and Citizen's Services. The review would identify issues and problems as well as potential changes to legislation.

2006.12 Mandatory Criminal Records Check Repeated Every Three Years for All School District Employees

That BCCPAC lobby the Ministry of Education to require that every person employed in a public school in BC submit to a new comprehensive criminal records check every 3 years of their employment with a School District, and also upon any transfer or re-location to another School District.

2005.27 Legislated Standards for Professional Misconduct, Reporting Processes and Promotion of Awareness

That BCCPAC urge the Ministry of Education to:

1. Work with partner groups to develop clear standards for professional misconduct; the standards would also include direction for school districts as to how professional misconduct must formally be handled by school boards.
2. Enshrine the standards in legislation and be based on The Standards for the Education, Competence and Professional Conduct of Educators in British Columbia.
3. Work with partner groups to develop a clear standard for reporting professional misconduct to the British Columbia College of Teachers (BCCT). Once developed, the standard of reporting would include a process for ensuring that the standard is uniformly understood and properly implemented; and,
4. Mandate the BCCT and urge school boards to promote awareness of professional misconduct and the reporting process to its partner groups/educational community.

2005.28 Investigation of Educator Misconduct Processes

That BCCPAC urge the Ministry of Education to conduct an intensive, all-level (school, district and provincial) investigation to identify and address the obstacles which hinder reporting and management of educator misconduct. BCCPAC would participate in the investigation, and in the subsequent recommendations that arise from this process.

2005.29 Removal of Impediments to BC College of Teachers' Investigations of Misconduct

That BCCPAC request the Minister of Education to remove sections 28(4.1) and (4.2) of the Teaching Profession Act, which prevent the BC College of Teachers from undertaking any action, including beginning an investigation, while a grievance is in process.

2005.30 Monthly Reporting of BC College of Teachers' Person Complaints

That BCCPAC request the Minister of Education to amend the Teaching Profession Act to require the BC College of Teachers to report monthly on its website on the number of person complaints received during that month, and to include tracking of the disposition of all person complaints. This report should also include the numbers of cases pending, and the length of time they have been pending. Tracking should be done in such a way as to ensure the confidentiality of the person who laid the complaint, but to allow the public to monitor that complaints are being addressed in a timely way.

2005.31 Publication of Citations and Public Access to Discipline Hearings of the BC College of Teachers

That BCCPAC urge the Minister of Education to:

- Investigate different models for notification to the public that a citation has been issued and a hearing will be held into the professional conduct of a member of the BC College of Teachers.
- Develop a model of notification which does not list specific details of the citation, but which references the Standards which may have been violated. **And to** amend the Teaching Profession Act to allow open hearings to the public and to provide for notification of hearings two weeks prior to the hearing.

2005.32 Publication of Discipline by the BC College of Teachers

That BCCPAC urge the Minister of Education to amend the Teaching Profession Act to include mandatory publication of the names of educators found guilty of professional misconduct or conduct unbecoming a member, and which result in a suspension or termination of their Teaching Certificate, or whenever any discipline is handed out for physical, emotional or sexual misconduct. These names would be accessible to the general public; the only exemption would be in those cases where publication would cause grievous harm to a child.

2005.33 School District Penalties and Publication for Failure to Report Discipline to the BC College of Teachers

That BCCPAC request that the Minister of Education amend the School Act, Sections 16 and 166.28, to stipulate penalties for school districts that fail to report discipline that they have taken with employees and that they are required to report to the BC College of Teachers; and that the Act also require the College of Teachers to publish on their website the names of school districts who have failed to report discipline, as well as the amount of the penalty imposed.

And, that BCCPAC request the Minister of Education to amend the Teaching Profession Act to require the BC College of Teachers to notify the Minister of Education of any school districts that have failed to report discipline to the College.

2005.34 Educator Central Employment Registry or Database

That BCCPAC urge the Minister of Education to create an educator employment registry that includes a full disciplinary history accessible to school boards. The database would include such information as: educator name, practicing status, status of certificate, employment history (present and past employers and periods of employment), and criminal record checks, and would be accessible to all school boards.

2004.19 Assuring the Independence of the BC College of Teachers

That BCCPAC urge the Ministry of Education to ensure that the Teaching Profession Amendment Act paragraph 28(4)(C.1) (Bill 51, 2003) guarantees the independence of the BC College of Teachers and its freedom from the influence of any one voice in the education community to ensure student, parent, and the public interest is protected.

2004.21 Upholding Standards for Education

That BCCPAC strongly urge the Ministry of Education and the BC College of Teachers to uphold, adopt as a bylaw and ratify the “Standards for Education, Competence and Professional Conduct for Educators in British Columbia.”

2004.22 Support for the Requirement to Report Professional Misconduct to the BCCT

That BCCPAC strongly support the continued inclusion of sub-section 27.1(1) of the Teaching Profession Amendment Act (Bill 51, 2003), that creates a duty on the part of a member of the BC College of Teachers to report their belief that another member is guilty of professional misconduct.

2004.23 Support for the BC College of Teachers Person Complaint Process

That BCCPAC strongly support the continued inclusion of the BC College of Teachers Person Complaint Process, sub-section 28(4) of the Teaching Profession Amendment Act (Bill 51, 2003).

2002.2 Professional Development on Learning Styles

That BCCPAC urge the BCCT and the BCTF to ensure that all teacher training include courses on the latest research on the many learning styles of students.

2002.3 Mandatory Teacher Professional Development on Different Learning Styles

That BCCPAC urge all relevant organizations and government, to make it mandatory for all teachers to participate in professional development courses dealing with the latest research on different learning styles of students.

1992.2 Sex Offenders in Positions of Trust

That the governments of British Columbia and Canada take immediate action to enact appropriate legislation to ensure that persons convicted of sex offences with minors not be placed in or reinstated to positions of public trust and authority with children.

1999.16 First Aid Training for Teachers-in-Training

That the BC Confederation of Parent Advisory Councils urges the BC College of Teachers to include basic first aid principles as part of the curriculum for teacher certification;

And that the College of Teachers be urged to consult with BCCPAC and the BC Teachers’ Federation (BCTF) in determining an appropriate implementation of first aid training.

1997.1 College of Teachers

That the make-up of the College of Teachers Council be changed to include a number of non-teaching parents;

And that the BCCPAC select the parents who sit on the Council from nominations received from BCCPAC member Parent Advisory Councils and/or member District Parent Advisory Councils.

1997.2 College of Teachers Accountability

That the College of Teachers be held accountable for the professionalism of the teachers it certifies and that it take responsibility for responding to all complaints and determining appropriate disciplinary measures.

1996.4 Posting Codes of Ethics

That the Education Partners be encouraged to post their codes of ethics in a public area of all schools in BC, along with a process for complaints.

Appendix B – PISC Case Summaries

- **Hernandez, Michael Richards (Certificate Issued: 1998.01.01; cancelled in 2006 for non-payment of fees)**
admitted to conduct unbecoming a member. He developed an inappropriate relationship with a female child participating in a theatrical program in which Mr. Hernandez was her instructor. During this time, Mr. Hernandez referred to the female child as his “special friend” and shared private time with her in discreet locations within the facility. Mr. Hernandez purchased and placed candies on parts of her face and removed them by using his mouth. He initiated greeting rituals which included rubbing noses, rubbing chins and hugging one another. Mr. Hernandez admitted that his physical contact with the female child was inappropriate and sexual in nature. Subsequently, Mr. Hernandez was criminally charged with one count of assault contrary to section 266 of the Criminal Code. He pled guilty and was convicted on August 3, 2006. Mr. Hernandez was granted a conditional discharge following eighteen months of probation. On July 18, 2007, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement and Mr. Hernandez’s acceptance of a reprimand and his undertaking not to seek readmission to the College at anytime in the future.
- **Member CR-A07-07**
admitted to professional misconduct. In June 2006, prior to the Social Studies 11 provincial exam being administered, the Member told approximately ten students what the essay questions would be on the exam and told them what points to include in their responses. Students confirmed after writing the exam that the questions on the exam were those the Member had described. On July 18, 2007, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement. The Committee determined that publication of the Member’s name be withheld as publication would cause grievous harm to the Member and other parties.
- **Member CR-A11-09**
admitted to professional misconduct and conduct unbecoming a member of the College. While he was employed at a secondary school, he admitted that he had an inappropriate relationship with a grade 11 female student. His conduct included email communications that went beyond the normal student/teacher relationship, and which continued despite a directive from his employer not to interact with her. The student’s email account that she used to communicate with the Member was called “your girl” and his account was called “your man”. In communications with the student, he was sometimes disrespectful of colleagues, including comments about another teacher’s sexuality. On November 19, 2009, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement in which the Member accepted a three-month suspension, effective from the date of approval. The Sub-Committee agreed to withhold the Member’s name from publication in order to maintain the confidentiality of the student.
- **Member CR-B-03-08 (Certificate Issued 1991.06.03)**
admitted to conduct unbecoming a member of the College. In about 2004, the member played a game with a nine-year-old neighbourhood girl that was staying at his family home along with her sister. During the course of the game, the member licked the side of the girl’s face including the ear. On March 12, 2008, the Preliminary Investigation Sub-Committee (the “Sub-Committee”) approved the Consensual Resolution Agreement under which the Member agreed to relinquish his College Professional Certificate. In order to protect the identity of the children, the Sub-Committee agreed to withhold his name from publication.
- **Member CR-B07-08 (Certificate Issued: 2003.12.01; cancelled in 2006 for non-payment of fees)**
admitted to professional misconduct. In the 2004 – 2005 school year, the Member taught at a secondary school and in 2005, was issued a letter of discipline for his marking and reporting of marks. The Member acknowledged and accepted that events in his personal life had a significant impact on his ability to properly carry out his duties. On July 4, 2008, the Preliminary Investigation Sub-Committee (the “Sub-Committee”) approved the Consensual Resolution Agreement and accepted the Member’s undertaking not to apply for a College teaching certificate until such time certain conditions are fulfilled. The Sub-Committee agreed to withhold his name from publication as publication of his name would cause grievous harm to him and his ability to comply with certain conditions.
- **Member CR-C12-08 (Certificate Issued 1991.06.03)**
admitted to professional misconduct. From 1992 to 2006, the Member was advised by the secondary school principal that his conduct was inappropriate and his discipline of students was in contravention of the School Act. On one occasion, the Member struck a male student with an open palm to his head in order to get the student’s attention. After this incident, the Member was specifically instructed by the principal that it was his responsibility

to “refrain from physical contact with students”. In addition, the Member verbally abused students and used inappropriate communication with a parent. On December 16, 2008, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement in which the Member agreed to relinquish his College Certificate of Qualification. The Sub-Committee agreed to withhold the Member’s name from publication as it is satisfied that the public interest will be protected.

Appendix C – Competence Cases Handled by PISC

- **[Member CR-A03-08 \(Certificate Issued 1991.06.03\)](#)**
admitted that he was incompetent due to a medical condition. While experiencing the symptoms of his mood disorder, he exercised poor judgment and failed to maintain appropriate and professional boundaries between himself and students. The Member made inappropriate comments towards students and encouraged them to engage in improper activities. On March 12, 2008, the Preliminary Investigation Sub-Committee (the “Sub-Committee”) approved the Consensual Resolution Agreement and the Member’s undertaking not to teach until such time that certain conditions are fulfilled. The Sub-Committee agreed to withhold his name from publication due to his health status.
- **[Member CR-A04-07](#)**
received three less than satisfactory teaching reports from the school district where he was employed until his resignation in 2003. On April 11, 2007, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement and accepted the member's undertaking not to apply for or accept a teaching position in any jurisdiction for which a College certificate of qualification is required until such time certain conditions are fulfilled. In light of the fact that the member is not teaching and agrees to complete a remediation program before resuming teaching, the Preliminary Investigation Sub-Committee agreed to withhold his name from publication.
- **[Member CR-A05-08 \(Certificate Issued 1992.10.21\)](#)**
admitted that she was incompetent due to a medical condition. In September 2004, the member suffered from an untreated mental illness and experienced auditory delusions that gave rise to unpredictable behaviour, which she has no memory of. On May 27, 2008, the Preliminary Investigation Sub-Committee (The “Sub-Committee”) approved the Consensual Resolution Agreement under which the Member agreed to relinquish her College Professional Certificate. The Sub-Committee agreed to withhold her name from publication due to her health status.
- **[Member CR-A05-09](#)**
admitted to incompetency due to a medical condition. While employed as a middle school teacher during the 2004-2005 school year, the Member admitted to the school district that she was addicted to cocaine. In addition, the Member forged a medical certificate which she submitted to the school district stating that she was fit to return to work full-time. On May 26, 2009, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement and accepted the Member’s undertaking not to apply for a College certificate until such time certain conditions are fulfilled.
- **[Member CR-A06-09](#)**
admitted to incompetency due to being diagnosed with a medical condition. In 2005, after the Member and his wife separated, his wife obtained an order prohibiting him from contacting her or their young children. In November 2005, he was arrested and charged under the Mental Health Act for arson. The Member impulsively doused himself and his car in gasoline and proceeded to light a towel on fire in response to his wife’s refusal to see him. In May 2006, the Member pled guilty to charges of mischief and breach of the restraining order. He was given a conditional discharge, with two years probation and conditions. Around November 2006, he approached his wife and children at a restaurant and was subsequently charged with a breach of the probation order. In January 2007, the Member pled guilty to a breach of the no contact order and of the prohibition upon possessing incendiary devices and was sentenced to one day in jail. On June 4, 2009, the Preliminary Investigation Sub-Committee accepted the Consensual Resolution Agreement and the Member’s agreement not to work in any position, paid or unpaid, that requires a College teaching certificate until certain conditions are fulfilled.

- [Member CR-A07-04](#)
received three less than satisfactory teaching reports and dismissal from employment. On July 30, 2004, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement and accepted the respondent's undertaking not to apply for any position requiring a College teaching certificate until certain conditions are fulfilled.
- [Member CR-A09-08 \(Certificate Issued: 1995.06.14\)](#)
admitted that, between 2002 and February 2006, he was incompetent due to a medical condition, namely alcohol dependence. He had a history of absences and other allegations relating to his conduct, all of which related to his alcohol dependency. On September 4, 2008, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement wherein the Member agreed to comply with the treatment recommendations in order to abstain from alcohol and other mood-altering drugs. The Sub-Committee agreed to withhold the Member's name from publication as it is satisfied that the public interest will be protected.
- [Member CR-A11-05](#)
was terminated from employment by a school board due to concerns regarding his teaching skills. A grievance was filed and resolved when the termination was rescinded and substituted with a resignation. On November 2, 2005, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement and accepted the member's undertaking not to apply for or accept a teaching position in any jurisdiction for which a College certificate of qualification is required until such time certain conditions are fulfilled.
- [Member CR-A11-06 \(Certificate Issued: 1991.06.03\)](#)
admitted that she was incompetent due to a medical condition. She acknowledged that during the 2000/2001 year, she exercised poor judgment and failed to maintain proper boundaries with her students. The member engaged in physical horseplay with students and employed inappropriate words and phrases such as, "Dumbass", "Shit" and "Don't make me kick your ass". Further, she acknowledged that she developed a relationship with a student that was too emotionally intimate and engaged in conduct which she admitted was inappropriate. On November 9, 2006, the Preliminary Investigation Sub-Committee agreed to rescind the citation and approved the Consensual Resolution Agreement accepting the member's undertaking not to apply for or accept a teaching position for which a College certificate of qualification is required until such time certain conditions are fulfilled.
- [Member CR-A12-08 \(Certificate Issued 1999.10.01\)](#)
received three consecutive less than satisfactory teaching reports from the school district where he was employed until his termination in 2006. The Member admitted that he had generally ineffective teaching techniques, which included his inability to apply educational planning and instructional overviews into actual classroom practice. On December 16, 2008, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement in which the Member agreed to relinquish his College Certificate of Qualification and his undertaking to not apply for readmission to the College until certain conditions are fulfilled. The Sub-Committee agreed to withhold the Member's name from publication as it is satisfied that the public interest will be protected.
- [Member CR-B09-08 \(Certificate Issued: 1991.06.03\)](#)
on three occasions, was alleged to have made inappropriate comments towards students and behaved in a manner that was intimidating and/or disrespectful of students in her capacity as a teacher and librarian at a secondary school. During the period 2000 to 2005, the Member was undergoing difficult personal circumstances, which impacted her interpersonal skills, and was diagnosed with a medical condition and was found to be unfit to be in the classroom. A citation was issued on April 19, 2007. Subsequently, confirmation was received of the Member's fitness to return to teaching. On September 4, 2008, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement and accepted the Member's undertaking to fulfill certain conditions. The Sub-Committee rescinded the citation and in light of the circumstances, agreed to withhold the Member's name from publication as it is satisfied that the public interest will be protected.
- [Member CR-B10-05](#)
received less than satisfactory teaching reports from the school district where she was employed until her resignation in January 2004. On October 25, 2005, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement and accepted the member's undertaking not to apply for or accept a teaching position in any jurisdiction for which a College certificate of qualification is required until such time certain conditions are fulfilled.

- Member CR-B12-09**
 received an unsatisfactory performance evaluation in June 2004 while employed as an elementary school teacher. He completed a formal teacher improvement plan during the period of November 2006 to January 2007. A second performance evaluation was scheduled for the 2007-2008 school year. The Member resigned from his employment in October 2007. In June 2008 he was diagnosed with a medical condition that impacted his competency to teach, and he has since undergone treatment for said condition. On December 11, 2009, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement and accepted the Member's undertaking that upon returning to teaching, he will provide written notice of his practicing status and authorization to the College to obtain evaluation reports from his employer.
- Member CR-C05-09**
 admitted to incompetency due to being diagnosed with a medical condition. Between 2003 and 2007, he received three less than satisfactory teaching reports from the school district where he was employed until his resignation in November 2007. The Member acknowledged that he was disrespectful towards students, such as imitating student behaviour in a mocking manner and ripping up a student assignment in front of classmates. Further, that he failed to create a varied and stimulating learning environment or respond to the individual learning challenges of students. On May 26, 2009, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement and accepted the Member's undertaking not to practice or return to teaching until such time certain conditions are fulfilled.
- Member CR-C09-09**
 admitted that he was incompetent due to a medical condition. The Member admitted that he assaulted a student, for which he plead guilty to a charge of assault and was granted a conditional discharge and probation. On September 14, 2009, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement in which the member agreed to relinquish his College Certificate of Qualification. He agreed to not apply for a new certificate until he provides a medical report that satisfies the Preliminary Investigation Sub-Committee.
- Member CR-C10-05**
 admitted that she was incompetent due to a medical condition. The member made threatening and derogatory telephone calls to another teacher employed by the School District. On October 25, 2005, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement and accepted the member's undertaking not to apply for or accept a teaching position for which a College certificate of qualification is required until such time certain conditions are fulfilled.
- Member CR-D05-09**
 admitted to incompetency due to being diagnosed with a medical condition. In October 2007, the Member entered a pharmacy and demanded medication from the pharmacist without payment. When the pharmacist declined the Member's request, the Member began to shout threats and obscenities and damaged merchandise and store displays. The Member was subsequently arrested and charged under Section 264 (uttering threats) and 175 (causing a disturbance) and 430(4) (mischief) of the Criminal Code of Canada. On May 26, 2009 the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement and accepted the Member's undertaking not to work in any position requiring a College teaching certificate until certain conditions are fulfilled. In light of the Member's medical condition, the Preliminary Investigation Committee agreed to withhold his name from publication.
- Member CR-E10-05**
 admitted that she was incompetent due to a medical condition. The member engaged in an inappropriate personal and sexual relationship with a student. She does not presently hold a valid College certificate. On October 25, 2005, the Preliminary Investigation Sub-Committee approved the Consensual Resolution Agreement and accepted the member's undertaking not to apply for a College certificate of qualification until such time certain conditions are fulfilled.