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## **PROTOCOL FOR REPORTING TEACHER PROFESSIONAL MISCONDUCT**

### **1.0 Duty of the Employer**

The Ontario College of Teachers Act compels employers – deemed as the Director of Education/Secretary of the Board – to notify the College when certain employment circumstances arise that involve College members as per Section 43 of the Act.

<https://www.oct.ca/network/employers/duty-to-report>

This includes the following:

- When terminating or restricting duties (i.e. suspension, removal of coaching duties) for reasons of professional misconduct
- When a member, whom the employer would have terminated or restricted, resigns
- When a member resigns in the course of an employer's investigation of acts that, if proven, would have caused the employer to terminate or restrict the duties.
- If a member is charged with or convicted of either or both of the following offences under the Criminal Code:
  - Involving sex and minors
  - and/or
  - That indicates that students may be at risk, in the opinion of the employer
  - If a member has engaged in conduct or has taken action that should be reviewed by a College committee, in the opinion of the employer

### **2.0 Duty of Employees**

**2.1** It is the duty of every employee of the Board to promptly report to the Principal of the school in which he/she works, the appropriate Superintendent of Schools or the Superintendent of Human Resources, any situation of suspected abuse and/or neglect of children and youth including suspected abuse by a teacher towards a student.

**2.2** It is the duty of every employee of the Board to report to the Principal of the school in which he/she works, the appropriate Superintendent of Schools or the Superintendent of Human Resources where the employee becomes aware that any employee (including himself or herself) has been charged with or convicted of a Criminal Code offence involving sexual conduct with any person under 18 years of age, or with any offence which involves drugs, violence or theft.

**2.3** It is the duty of any Principal or Superintendent who received information under 1.0 or 2.0 to immediately report such information to the Director of Education or designate.

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**2.4** It is the duty of every Principal who believes that a teacher has engaged in conduct which the principal believes should be the subject of a review by the College's investigation, discipline or fitness to practice committee, to promptly consult with his/her Superintendent and, where the Superintendent agrees that the matter should be referred to the College, to so advise the Director of Education or designate.

**2.5** It is the duty of every Principal who imposes restriction on any teacher's duties for the reason that the teacher engaged in professional misconduct, including sexual abuse, to promptly report this to his/her Superintendent and the Director of Education and/or designate.

### **3.0 Report to the Ontario College of Teachers**

**3.1** It is the responsibility of the Director of Education or designate to write a letter addressed to the College Registrar, including:

- the name of the member(s) with whom you have a concern
- details of the incident
- whether the member's employment status has changed as a result

**3.2** The Director will advise the Board of any report which its Director or designate makes to the College concerning any employee of the Board.

### **References**

Safe Schools Act