



Province of Alberta

## SCHOOL ACT

# PRACTICE REVIEW OF TEACHERS REGULATION

**Alberta Regulation 11/2010**

### Extract

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(no amdt)

**ALBERTA REGULATION 11/2010**

**School Act**

**PRACTICE REVIEW OF TEACHERS REGULATION**

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## Schedule

**Interpretation**

**1(1)** In this Regulation,

- (a) “Act” means the *School Act*;
- (b) “board” means
  - (i) a person providing an early childhood services program,
  - (ii) an operator of a private school,
  - (iii) an operator of a charter school, or
  - (iv) in respect of a band school, a person designated by the Registrar as the board of the school for the purposes of this Regulation;
- (c) “certificate” means a provisional certificate, an interim professional certificate or a permanent professional certificate or any other authority to teach issued under the

*Certification of Teachers Regulation* (AR 3/99) or a predecessor to that regulation;

- (d) “complaint” means
  - (i) a complaint under section 9(1),
  - (ii) a notice of termination that the Registrar treats as a complaint under section 10(2), or
  - (iii) a matter that, under section 14(3), constitutes a complaint;
- (e) “conduct” includes an act or omission;
- (f) “indictable offence” means an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada), the *Food and Drugs Act* (Canada) or the *Youth Criminal Justice Act* (Canada) that is prosecuted by indictment;
- (g) “investigator” means a person appointed to conduct an investigation under this Regulation;
- (h) “practice review appeal committee” means the committee established by section 8;
- (i) “practice review complainant appeal committee” means the committee established by section 5;
- (j) “practice review general panel” means the panel established by section 6;
- (k) “practice review hearing committee” means a committee established under section 7;
- (l) “professional competence” means the skill and competence of a teacher in teaching;
- (m) “professional conduct requirements” means the professional conduct requirements set out in the Schedule;
- (n) “Registrar” means the individual appointed under section 4 to act as the Registrar for the purposes of this Regulation;
- (o) “superintendent” means
  - (i) a superintendent of schools appointed under the Act,
  - (ii) a person providing an early childhood services program,

- (iii) an operator of a private school, or
  - (iv) in respect of a band school,
    - (A) the director of education, or
    - (B) if there is no director of education, a person designated by the Registrar as the superintendent of the school for the purposes of this Regulation;
- (p) “teacher” means
- (i) an individual who holds a certificate but is not subject to the *Teaching Profession Act*, or
  - (ii) an individual who once held but no longer holds a certificate;
- (q) “Teaching Quality Standard” means the Teaching Quality Standard Applicable to the Provision of Basic Education in Alberta Ministerial Order (#016/97), as amended from time to time;
- (r) “unprofessional conduct” means conduct described in section 2.
- (2) This Regulation applies notwithstanding that a teacher no longer holds a certificate.
- (3) For greater certainty, this Regulation does not apply to a teacher to whom the *Teaching Profession Act* applies.

**Unprofessional conduct****2** Conduct that

- (a) is detrimental to the best interests of students, the public or teachers generally,
  - (b) does not meet the professional conduct requirements, or
  - (c) is the basis for a conviction for an indictable offence
- constitutes unprofessional conduct.

**Unskilled or incompetent teaching****3** Failure to meet the requirements of the Teaching Quality Standard constitutes unskilled or incompetent teaching.

## **Administrative Matters**

### **Registrar**

**4** The Minister may, in writing, appoint an individual to act as the Registrar for the purposes of this Regulation.

### **Practice review complainant appeal committee**

**5(1)** The practice review complainant appeal committee is established.

**(2)** The Minister may, in accordance with subsection (3), appoint the members of the practice review complainant appeal committee and may designate one member as the chair.

**(3)** The practice review complainant appeal committee

- (a) must consist of at least 3 members,
- (b) must have a majority of members who are teachers referred to in section 1(1)(p)(i),
- (c) must include at least one member of the public who does not hold and has not held a certificate, and
- (d) may include one or more members who are teachers to whom the *Teaching Profession Act* applies.

### **Practice review general panel**

**6(1)** The practice review general panel is established.

**(2)** The Minister may, in accordance with subsection (3), appoint the members of the practice review general panel.

**(3)** The practice review general panel

- (a) must consist of at least 15 members,
- (b) must have a majority of members who are teachers referred to in section 1(1)(p)(i),
- (c) must include at least 3 members of the public who do not hold and have not held a certificate, and
- (d) may include one or more members who are teachers to whom the *Teaching Profession Act* applies.

**Practice review hearing committees**

**7(1)** The Registrar may establish the practice review hearing committees that the Registrar considers necessary.

**(2)** The Registrar may, in accordance with subsection (3), appoint the members of a practice review hearing committee and may designate one member as the chair.

**(3)** A practice review hearing committee

- (a) must consist of members appointed from the practice review general panel,
- (b) must consist of at least 3 and not more than 5 members,
- (c) must have a majority of members who are teachers referred to in section 1(1)(p)(i),
- (d) must include at least one member of the public who does not hold and has not held a certificate, and
- (e) may include a member who is a teacher to whom the *Teaching Profession Act* applies.

**Practice review appeal committee**

**8(1)** The practice review appeal committee is established.

**(2)** The Minister may, in accordance with subsection (3), appoint the members of the practice review appeal committee and may designate one member as the chair.

**(3)** The practice review appeal committee

- (a) must consist of at least 3 members,
- (b) must have a majority of members who are teachers referred to in section 1(1)(p)(i),
- (c) must include at least one member of the public who does not hold and has not held a certificate, and
- (d) may include one or more members who are teachers to whom the *Teaching Profession Act* applies.

## **Complaint**

### **Complaint**

**9(1)** Any individual may make a complaint to the Registrar about the professional competence or alleged unprofessional conduct of a teacher.

**(2)** A complaint under subsection (1) must be in writing.

**(3)** If a superintendent or a principal has reason to believe that a teacher has been or may have been convicted of an indictable offence at a time when the teacher held a certificate or was eligible for the re-issuance of a certificate, the superintendent or principal must make a complaint under this section relating to that belief.

**(4)** A complaint may be made

- (a) about the professional competence of a teacher not later than 2 years after the teacher ceases to engage in the practice of teaching, or
- (b) about the alleged unprofessional conduct of a teacher at any time.

**(5)** If the Registrar receives a complaint that relates to the professional competence or alleged unprofessional conduct of a teacher who is subject to the *Teaching Profession Act*, the Registrar must refer the complaint to the executive secretary of The Alberta Teachers' Association to be dealt with in accordance with the *Teaching Profession Act*.

### **Termination of contract treated as a complaint**

**10(1)** If the employer of a teacher referred to in section 1(1)(p)(i) terminates the contract of employment of the teacher on grounds related to the professional competence or alleged unprofessional conduct of that teacher, the employer must forward a copy of the notice of termination and the grounds for the termination to the Registrar.

**(2)** The Registrar may treat the notice of termination as a complaint, but the employer is not considered to be a complainant for the purposes of this Regulation.

**(3)** The Registrar must not take any action under section 11 until

- (a) any appeal to the Board of Reference or to the Court of Appeal relating to the termination of the contract of employment has been heard and disposed of, or

- (b) the time for commencing an appeal to the Board of Reference or to the Court of Appeal relating to the termination of the contract of employment has expired without an appeal being commenced.

**Registrar's actions**

**11(1)** Within 30 days after receiving a complaint, the Registrar shall

- (a) serve on the teacher who is the subject of the complaint a notice setting out the nature of the complaint,
- (b) notify the superintendent in writing of the nature of the complaint, and
- (c) make any preliminary inquiries relating to the complaint that the Registrar considers appropriate.

**(2)** Subject to subsection (3), within 30 days after making preliminary inquiries, the Registrar shall

- (a) direct that no further action be taken, if the Registrar is of the opinion that the matter is frivolous, vexatious or without merit,
- (b) if the complaint is about the professional competence of a teacher, direct that the complainant address the matter with
  - (i) the teacher who is the subject of the complaint,
  - (ii) the principal, and
  - (iii) the superintendent,
- (c) if the complaint is about the alleged unprofessional conduct of a teacher and the Registrar determines that the complaint does not necessarily warrant an investigation, appoint a member of the practice review general panel who is a teacher to conduct a resolution process under section 17 with respect to the complaint and refer the complaint to the member, or
- (d) appoint an investigator and refer the complaint to an investigator.

**(3)** Where the Registrar decides to appoint an investigator with respect to a complaint relating to the professional competence of a teacher and the Registrar is aware that the teacher's employer is investigating the matter, the Registrar shall appoint an investigator

within 30 days after being advised that the investigation has been concluded.

(4) The Registrar may suspend an investigation at any time if, in the Registrar's opinion, the investigation should be suspended pending the completion of another proceeding relating to the complaint.

(5) The Registrar shall serve on the complainant and on the teacher and send to the superintendent a notice setting out

- (a) the decision of the Registrar,
- (b) the reasons for the decision, and
- (c) if the decision is that no further action will be taken, the complainant's right to appeal that decision under section 15.

#### **Registrar's authority in absence of complaint**

**12(1)** In respect of a matter relating to the professional competence of a teacher or the alleged unprofessional conduct of a teacher, the Registrar may, in the absence of a complaint,

- (a) make any preliminary inquiries that the Registrar considers appropriate about the matter, and
- (b) appoint an investigator to look into the matter and refer the matter to the investigator.

**(2)** Where the Registrar decides to appoint an investigator with respect to a matter relating to the professional competence of a teacher and the Registrar is aware that the teacher's employer is investigating the matter, the Registrar shall not appoint an investigator until after being advised that the investigation has been concluded.

**(3)** The Registrar may suspend an investigation at any time if, in the Registrar's opinion, the investigation should be suspended pending the completion of another proceeding relating to the matter being investigated.

**(4)** If the Registrar appoints an investigator under subsection (1)(b), the Registrar shall

- (a) serve on the teacher a notice setting out the nature of the matter being investigated, and
- (b) notify the superintendent in writing of the nature of the matter being investigated.

(5) When the Registrar takes an action under subsection (1), the Registrar is not considered to be a complainant for the purposes of this Regulation.

(6) In the case of a matter relating to the professional competence of a teacher, any action taken under subsection (1) must be taken not later than 2 years after the teacher ceases to engage in the practice of teaching.

### **Investigation**

**13(1)** Within 30 days after receiving a matter that has been referred by the Registrar, the investigator shall commence an investigation of the matter.

(2) An investigator may

- (a) request any person, including the teacher's employer or former employer and the teacher or any other employee of the teacher's employer or former employer, to answer any questions and to produce to the investigator any documents, papers, notes, records and other materials and things relevant to the investigation, and
- (b) copy and keep copies of any of the materials or things that are produced under clause (a).

(3) An investigator shall conduct the investigation in a manner that the investigator considers most suitable in the circumstances.

(4) An investigator may investigate any other matter related to the matter being investigated that arises in the course of the investigation.

(5) An investigator shall send to the Registrar, forthwith on concluding the investigation, a written report, including copies of all materials related to the investigation.

(6) If the teacher who is the subject of the investigation is alleged to have been convicted of an indictable offence, the investigator shall attempt to confirm whether the teacher has, in fact, been convicted of an indictable offence and immediately on doing so shall prepare a report to that effect.

### **Decision of the Registrar**

#### **Registrar's decision on report of investigator**

**14(1)** On reviewing a report from an investigator, the Registrar shall, subject to subsection (2), forthwith

- (a) decide not to take any further action, if the Registrar is of the opinion that
  - (i) the matter is frivolous or vexatious or without merit, or
  - (ii) there is insufficient evidence to warrant
    - (A) a resolution process under section 17, or
    - (B) a hearing before a practice review hearing committee,
- (b) if the matter relates to the alleged unprofessional conduct of a teacher and the Registrar determines that the matter does not necessarily warrant a hearing, decide to appoint a member of the practice review general panel who is a teacher to conduct a resolution process under section 17 with respect to the matter and to refer the matter to the member, or
- (c) decide to refer the matter to a practice review hearing committee for a hearing.

(2) In a case where it has been confirmed that a teacher has been convicted of an indictable offence, the Registrar must refer the matter to a practice review hearing committee.

(3) If a matter that the Registrar dealt with under section 12 is referred by the Registrar under subsection (1)(b) or (c), the matter that is referred constitutes a complaint, but the Registrar is not considered to be a complainant for the purposes of this Regulation.

(4) The Registrar shall serve on the complainant, if any, and on the teacher and send to the superintendent a notice setting out

- (a) the decision of the Registrar,
- (b) the reasons for the decision, and
- (c) if the decision is not to take any further action, the complainant's right to appeal that decision under section 15.

(5) The Registrar shall send to the teacher a copy of the report prepared by the investigator under section 13.

#### **Appeal of Registrar's decision**

**15(1)** The complainant, within 15 days of being served with a decision of the Registrar not to take any further action in respect of

the complaint, may by notice in writing to the Registrar appeal that decision to a practice review complainant appeal committee.

**(2)** An appeal under subsection (1) must include reasons why the complainant believes the matter should be referred to

- (a) a member of the practice review general panel under section 14(1)(b), or
- (b) a practice review hearing committee under section 14(1)(c).

**(3)** On receiving an appeal, the Registrar must notify the following persons that an appeal has been received:

- (a) the teacher;
- (b) the superintendent;
- (c) the chair of the practice review complainant appeal committee.

**(4)** At least 15 days before the date set for an appeal, the chair of the practice review complainant appeal committee shall notify the complainant, the teacher and the Registrar

- (a) of the date, time and location of the appeal, and
- (b) of his or her right to make written and oral representations to the practice review complainant appeal committee.

**(5)** The complainant, the teacher and the Registrar, at an appeal before the practice review complainant appeal committee, may

- (a) attend and be represented by counsel or any other individual, and
- (b) at the request of the practice review complainant appeal committee, provide clarification of any matter.

**(6)** If information is available to the practice review complainant appeal committee that was not available to the investigator or the Registrar, the practice review complainant appeal committee may, in making its decision, consider the relevance of that information.

**(7)** Proceedings before the practice review complainant appeal committee shall be held in private.

**(8)** Not later than 15 days after the conclusion of the proceedings before it, the practice review complainant appeal committee shall make one of the following decisions and provide reasons for the decision:

- (a) confirm the decision of the Registrar;
  - (b) direct the Registrar to
    - (i) appoint an investigator and refer the complaint to the investigator, or
    - (ii) continue the investigation;
  - (c) if the complaint relates to the alleged unprofessional conduct of a teacher, direct that a member of the practice review general panel who is a teacher be appointed to conduct a resolution process under section 17 with respect to the complaint and that the complaint be referred to the member;
  - (d) direct that the complaint be referred to a practice review hearing committee for a hearing.
- (9) The chair of the practice review complainant appeal committee shall serve on the complainant and send to the teacher, the Registrar and the superintendent, if any, a notice of the practice review complainant appeal committee's decision and the reasons for the decision.

**Registrar's decision on report respecting resolution process**

**16** On reviewing a report under section 17(5) from a member of the practice review general panel who conducted a resolution process, the Registrar shall

- (a) decide not to take any further action, if the Registrar is of the opinion that the matter has been effectively resolved through the resolution process,
- (b) decide to appoint an investigator and to refer the matter to the investigator, or
- (c) decide to refer the matter to a practice review hearing committee for a hearing.

**Resolution Process****Resolution process**

**17(1)** Where a matter is referred to a member of the practice review general panel to conduct a resolution process, the member shall endeavour to

- (a) review the facts,

- (b) identify any concerns of students, the public or teachers generally with respect to the matter,
  - (c) assist in the resolution of the matter, and
  - (d) provide advice to the teacher, if appropriate.
- (2) The member of the practice review general panel who is appointed to conduct a resolution process with respect to a matter may draw upon the assistance of any other member of the panel in conducting the resolution process.
- (3) A resolution process conducted in respect of a matter shall be conducted informally and in private.
- (4) A resolution process and all statements disclosed during a resolution process are without prejudice and confidential and may not be disclosed to any person other than the Registrar or used in any other proceedings without the consent of the parties.
- (5) The member of the practice review general panel who conducts a resolution process shall provide a report to the Registrar that includes the member's opinion as to whether the teacher displayed a negative or positive attitude, and whether the matter should be disposed of or an investigation or hearing should be conducted.
- (6) The Registrar shall provide a copy of the report under subsection (5) to the teacher and the complainant for comment before making a final decision pursuant to section 16.

### **Hearing Before Practice Review Hearing Committee**

#### **Notice of hearing before practice review hearing committee**

**18(1)** On making a decision under section 14(1)(c) or 16(c) or receiving a direction under section 15(8)(d), the Registrar shall establish a practice review hearing committee and the practice review hearing committee shall hold a hearing.

- (2) The chair of the practice review hearing committee shall forthwith set the date, time and location of the hearing.
- (3) At least 15 days before the date set for a hearing, the chair of the practice review hearing committee shall serve on the teacher a notice stating
- (a) the date, time and location of the hearing, and
  - (b) reasonable particulars of the matter to be heard.

**Proceedings at hearing**

**19(1)** The Registrar and the teacher may appear and be represented by counsel or any other individual at a hearing before the practice review hearing committee.

**(2)** A hearing before a practice review hearing committee must be open to the public unless

- (a) the complainant requests that the hearing be held in private because of the confidential nature of the matters to be heard, or
- (b) in the opinion of the practice review hearing committee, the interests of any person other than the teacher may be detrimentally affected if the hearing is not held in private.

**(3)** The practice review hearing committee may grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the hearing committee.

**(4)** Evidence may be given before a practice review hearing committee in any manner that the hearing committee considers appropriate, and the hearing committee is not bound by the rules of law respecting evidence applicable to judicial proceedings.

**Compellable witness**

**20(1)** Subject to subsection (3), the chair of the practice review hearing committee, at the request of the Registrar or the teacher, may issue an order compelling the teacher or any other individual who, in the opinion of the chair, may have knowledge of the matter

- (a) to appear as a witness before the practice review hearing committee, or
- (b) to produce any materials, including any documents, papers, notes or records, to the practice review hearing committee.

**(2)** At least 15 days before the date of the hearing, the Registrar shall serve an order issued under subsection (1) on the appropriate person.

**(3)** If the teacher has been convicted of an indictable offence, no person shall require the attendance as a witness at a hearing before the practice review hearing committee of any person who attended as a witness at the court that convicted the teacher of the indictable offence.

**(4)** A witness may be examined under oath on anything relevant to the hearing before a practice review hearing committee and shall

not be excused from answering any question on the ground that the answer might

- (a) incriminate the witness,
- (b) subject the witness to a penalty under an enactment, or
- (c) establish the witness's liability
  - (i) to a civil proceeding at the instance of the Crown or of any other person, or
  - (ii) to prosecution under any enactment,

but if the answer so given tends to incriminate the witness, subject the witness to a penalty or establish the witness's liability, it shall not be used or received against the witness in any civil proceedings or in any proceedings under any enactment, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

#### **Civil contempt proceedings**

**21** The chair of a practice review hearing committee may direct the Registrar to initiate proceedings for civil contempt of court before the Court of Queen's Bench against a witness

- (a) who fails
    - (i) to attend before the practice review hearing committee in compliance with a notice to attend, or
    - (ii) to produce records in compliance with a notice to produce them,
- or
- (b) who refuses to answer any question the witness is directed to answer by the practice review hearing committee.

#### **Proceedings in absence of teacher**

**22** The practice review hearing committee may, on proof of service of the notice of hearing on the teacher,

- (a) proceed with the hearing in the absence of the teacher, and
- (b) act, decide and report on the matter being heard in the same way as if the teacher were in attendance.

**Unskilled or incompetent teaching**

**23** The practice review hearing committee may find that a teacher is unskilled or incompetent in teaching if, in the opinion of the practice review hearing committee, the teacher does not meet the requirements of the Teaching Quality Standard.

**Unprofessional conduct**

**24(1)** The practice review hearing committee

- (a) may find the conduct of a teacher to constitute unprofessional conduct if, in the opinion of the practice review hearing committee, that conduct is
    - (i) detrimental to the best interests of students, the public or teachers generally, or
    - (ii) does not meet the professional conduct requirements,and
  - (b) must find the conduct of a teacher to constitute unprofessional conduct if that conduct is the basis for a conviction for an indictable offence.
- (2) Where a teacher has been convicted of an indictable offence, a practice review hearing committee shall make a recommendation to the Minister under section 25(1)(b) and has no authority to investigate the conduct of the teacher on which the conviction is based except for the purpose of making a recommendation to the Minister.

**Recommendations of practice review hearing committee**

**25(1)** If a practice review hearing committee

- (a) does not find that a teacher is unskilled or incompetent in teaching or does not find that the conduct of a teacher constitutes unprofessional conduct, the practice review hearing committee may recommend that the Minister dismiss the complaint, or
- (b) finds that a teacher is unskilled or incompetent in teaching or that the conduct of a teacher constitutes unprofessional conduct, the practice review hearing committee may recommend that the Minister do one or more of the following:
  - (i) serve a letter of reprimand on the teacher who is the subject of the complaint;

- (ii) suspend the certificate of the teacher who is the subject of the complaint, with or without conditions;
- (iii) cancel the certificate of the teacher who is the subject of the complaint or cancel the certificate and issue a certificate of a different class, with or without conditions;
- (iv) order that the teacher who is the subject of the complaint be ineligible for a certificate for a definite or indefinite period of time, with or without conditions.

(2) If the decision of a practice review hearing committee

- (a) relates to a teacher who has been convicted of an indictable offence, and
- (b) does not contain a recommendation that the Minister cancel or suspend the certificate of the teacher,

the decision must include reasons why such a recommendation has not been made.

#### **Written decision**

**26(1)** The practice review hearing committee shall, not more than 45 days after the conclusion of a hearing, make a written decision on the matter.

(2) A written decision referred to in subsection (1) must include

- (a) each finding made by the practice review hearing committee,
- (b) the reasons for each finding, and
- (c) any recommendation of the practice review hearing committee.

#### **Duty to forward decision and record**

**27(1)** The chair of the practice review hearing committee shall forthwith

- (a) serve a copy of the decision on the teacher, and
- (b) send to the Registrar a copy of the decision and the record of the hearing that consists of all evidence presented at the hearing, including all
  - (i) exhibits,

- (ii) documents, and
  - (iii) testimony given before the practice review hearing committee, whether recorded in electronic, mechanical or handwritten form.
- (2) The teacher and any person representing the teacher may examine the record or any part of the record of the proceedings before the practice review hearing committee and hear any recording or examine any mechanical or handwritten record of evidence given before the practice review hearing committee.
- (3) If the teacher requests a transcript of all or part of the hearing, the teacher shall pay the cost of the preparation of the transcript.
- (4) If no appeal is commenced within the period set out in section 28(2), the chair of the practice review hearing committee shall forthwith, on the expiry of that period, send a copy of the decision of the practice review hearing committee to the Minister.

### **Appeal to Practice Review Appeal Committee**

#### **Appeal**

**28(1)** A teacher or the Registrar may appeal a finding or a recommendation, or both, of a practice review hearing committee to a practice review appeal committee.

**(2)** An appeal under subsection (1) must be commenced by a written notice of appeal to the chair of the practice review appeal committee not more than 15 days after the date on which the decision of the practice review hearing committee is served on the teacher.

**(3)** A notice under subsection (2) must

- (a) describe the finding or recommendation, or both, being appealed, and
- (b) state the reasons for the appeal.

**(4)** The chair of the practice review appeal committee shall notify the teacher and the Registrar at least 15 days before the date of the appeal

- (a) of the date, time and location of the appeal, and
- (b) of their right to make written and oral representations to the practice review appeal committee.

**Proceedings at appeal**

**29(1)** At the hearing before a practice review appeal committee, the teacher and the Registrar

(a) may appear and be represented by counsel or any other individual, and

(b) at the request of the practice review appeal committee, may provide clarification of any matter under consideration by the practice review appeal committee.

**(2)** The appeal to the practice review appeal committee must be founded on the decision of the practice review hearing committee and the record of the proceedings before the practice review hearing committee.

**(3)** Sections 19(3) to 22 apply to proceedings before the practice review appeal committee.

**Public hearing**

**30** A hearing before the practice review appeal committee must be open to the public unless, in the opinion of the practice review appeal committee, the interests of any person other than the teacher may be detrimentally affected if the hearing is not held in private.

**Decision on appeal**

**31(1)** Not more than 30 days after the conclusion of the proceedings before it, the practice review appeal committee shall do one or more of the following:

(a) quash, vary or confirm a finding or recommendation of the practice review hearing committee, or substitute a finding or recommendation of its own;

(b) refer the matter back to the practice review hearing committee for further consideration, if the practice review appeal committee is satisfied that new evidence is available;

(c) refer the matter to another practice review hearing committee for a new hearing.

**(2)** The practice review appeal committee shall make a written decision on the matter that includes its reasons for the decision.

**(3)** The chair of the practice review appeal committee shall forthwith

(a) serve a copy of the decision on the teacher,

- (b) send to the Registrar a copy of the decision and the record of the hearing, consisting of all evidence presented at the hearing, including all
- (i) exhibits,
  - (ii) documents, and
  - (iii) testimony given before the committee, whether recorded in electronic, mechanical or handwritten form,
- and
- (c) send to the Minister a copy of the decision.

### **Decision of the Minister**

#### **Powers of the Minister**

**32(1)** On receiving the decision of a practice review hearing committee or a practice review appeal committee, the Minister may examine the record or any part of the record of the proceedings before the practice review hearing committee or practice review appeal committee and hear any recording or examine any mechanical or handwritten record of evidence given before the practice review hearing committee or practice review appeal committee.

**(2)** On receipt of the decision of a practice review hearing committee or a practice review appeal committee, the Minister may do one or more of the following, whether or not that is the recommendation of the practice review hearing committee or practice review appeal committee:

- (a) dismiss the complaint;
- (b) serve a letter of reprimand on the teacher who is the subject of the complaint;
- (c) suspend the certificate of the teacher who is the subject of the complaint, with or without conditions;
- (d) cancel the certificate of the teacher who is the subject of the complaint or cancel the certificate and issue a certificate of a different class, with or without conditions;
- (e) order that the teacher who is the subject of the complaint be ineligible for a certificate for a definite or indefinite period of time, with or without conditions.

(3) A decision to take an action under subsection (2) must be in writing and must include the reasons for the decision.

(4) The Minister shall

- (a) serve a copy of the decision on the teacher who is the subject of the complaint, and
- (b) send a copy of the decision to the Registrar, the superintendent and the complainant, if any.

(5) A decision under this section is final.

(6) The Minister may take whatever action the Minister considers appropriate to

- (a) implement a decision under this section, and
- (b) make public a decision under this section.

## **General**

### **Service**

**33** When this Regulation requires that a document or notice be served on an individual, the document or notice is sufficiently served if it is

- (a) personally delivered to the individual,
- (b) sent to the individual by registered mail,
  - (i) in the case of a teacher, at the address last shown for the teacher on the registry maintained in accordance with the *Certification of Teachers Regulation* (AR 3/99), or
  - (ii) in the case of any other individual, at the individual's last known address,

or

- (c) sent to the individual by electronic means that result in a printed copy of the document or notice being received by the individual.

### **Transitional**

**34(1)** In this section, "former regulation" means the *Practice Review of Teachers Regulation* (AR 4/99).

- (2) Members of a complainant review committee established under the former regulation who hold office immediately before the coming into force of this Regulation are members of the practice review complainant appeal committee until their terms of office expire or until other members are appointed to replace them.
- (3) Members of a practice review panel established under the former regulation who hold office immediately before the coming into force of this Regulation are members of the practice review general panel under this Regulation until their terms of office expire or until other members are appointed to replace them.
- (4) Members of a practice review appeal committee established under the former regulation who hold office immediately before the coming into force of this Regulation are members of the practice review appeal committee established by this Regulation until their terms of office expire or until other members are appointed to replace them.
- (5) A complaint under the former regulation that is not disposed of before the coming into force of this Regulation shall be continued under and dealt with in accordance with this Regulation.

### **Repeal and Expiry**

#### **Repeal**

**35** The *Practice Review of Teachers Regulation* (AR 4/99) is repealed.

#### **Expiry**

**36** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2019.

### **Schedule**

#### **Professional Conduct Requirements for Teachers**

The conduct of a teacher, both on and off duty, bears directly on the community's perception of the ability of teachers to fulfill their unique position of trust and influence. Society and the school community hold teachers to a high standard of conduct. Teachers are expected to conduct themselves with due regard to the honour, dignity, welfare, rights and best interests of students, parents, colleagues, their employer and the teaching profession.

These are minimum professional conduct requirements for teachers who are not subject to the *Teaching Profession Act*. It is not an exhaustive list of requirements.

A teacher who is not subject to the *Teaching Profession Act* and who is alleged to have violated the standards of the profession, including these requirements, may be subject to a complaint of alleged unprofessional conduct under the *Practice Review of Teachers Regulation*.

1 In relation to students, the teacher is required

- (a) to teach in a manner in keeping with
  - (i) the Teaching Quality Standard Applicable to the Provision of Basic Education in Alberta Ministerial Order (#016/97), as amended from time to time,
  - (ii) applicable legislation, and
  - (iii) the policies of Alberta Education,
- (b) to teach in a manner that respects the dignity and rights of all persons and is considerate of their circumstances,
- (c) not to divulge information received about a student in confidence or in the course of performing his or her professional duties except
  - (i) as required by law, or
  - (ii) where, in the teacher's judgment, it would be in the best interests of the student to divulge the information,

and

- (d) not to
  - (i) profit from
    - (A) any learning activities of students in the school in which the teacher is employed, or
    - (B) the sale of goods or services to students in the school in which the teacher is employed,

or

- (ii) accept pay for tutoring students in the school in which the teacher is employed.

- 2 In relation to parents of students, the teacher is required
  - (a) to strive to establish a relationship of trust with parents,
  - (b) to provide parents with candid evaluations of their child's progress,
  - (c) to treat information received from parents with discretion,
  - (d) to be respectful in communications with and about parents, and
  - (e) not to discuss other students except where the matters being discussed are relevant to their child and then only to the extent that, in the teacher's judgment, is necessary.

- 3 In relation to colleagues, the teacher is required

- (a) not to undermine the confidence of students in other teachers, including teachers to whom the *Teaching Profession Act* applies,
- (b) not to criticize the professional competence or professional reputation of another teacher, including a teacher to whom the *Teaching Profession Act* applies, except
  - (i) in confidence to appropriate officials and after informing the other teacher of the criticism, or
  - (ii) in making a complaint about the unprofessional conduct of a teacher under section 9 of the *Practice Review of Teachers Regulation* or section 24 of the *Teaching Profession Act*,

and

- (c) not to take any steps to secure the discipline or dismissal of another teacher, including a teacher to whom the *Teaching Profession Act* applies, where the motivation of the teacher in taking the steps is the teacher's personal advantage or animosity toward the other teacher.

- 4 In relation to the teacher's employer, the teacher is required

- (a) to respect the authority of the employer, the board and the members of the school administration,
- (b) to express any concerns that the teacher has about the employer, the board, the members of the school administration or the operation of the school through appropriate channels as outlined in applicable policies,

- (c) to protest through appropriate channels any administrative policies or practices that the teacher cannot in good conscience accept,
- (d) to express his or her opinions and bring forward suggestions regarding the employer, the board, the members of the school administration or the operation of the school through appropriate channels and in an appropriate manner,
- (e) to foster and maintain open and honest communication with the employer, the board and the members of the school administration,
- (f) without limiting clauses (b) to (d), to be supportive of the employer, the board and members of the school administration,
- (g) to fulfill the terms of his or her contract of employment, and
- (h) to bring it to the attention of members of the school administration if the teacher is
  - (i) assigned duties that the teacher is not qualified to carry out, or
  - (ii) required to work in conditions that make it difficult for the teacher to teach.

5 In relation to the teaching profession, the teacher is required

- (a) to conduct himself or herself in a manner that maintains the honour and dignity of the profession, and
- (b) not to engage in activities that adversely affect the quality of the teacher's professional service.

6 In relation to the school community as a whole, the teacher is required

- (a) to conduct himself or herself in a manner that maintains the good reputation of the school,
- (b) to be knowledgeable about and able to communicate accurately the philosophy, mission and policies of the school, and
- (c) to conduct himself or herself in a manner that is respectful of the norms and values of the school community.