

2022 Bill 15

Third Session, 30th Legislature, 71 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 15

**EDUCATION (REFORMING TEACHER
PROFESSION DISCIPLINE)
AMENDMENT ACT, 2022**

THE MINISTER OF EDUCATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 15

2022

EDUCATION (REFORMING TEACHER PROFESSION DISCIPLINE) AMENDMENT ACT, 2022

(Assented to , 2022)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends SA 2012 cE-0.3

1 The *Education Act* is amended by this Act.

2 Section 1 is amended

(a) by adding the following after clause (e):

(e.1) “Commissioner” means the Alberta Teaching Profession
Commissioner appointed under section 225.6;

(b) by adding the following after clause (v):

(v.1) “Registrar” means the Registrar appointed under section
195.1;

(c) by repealing clause (kk) and substituting the following:

(kk) “teacher” means an individual who holds a teaching
certificate;

Explanatory Notes

- 1** Amends chapter E-0.3 of the Statutes of Alberta, 2012.
- 2** Adds definitions.

(kk.1) “teaching certificate” means a teaching certificate as defined in the regulations made under section 201;

3 Section 30(1)(f) is repealed and the following is substituted:

(f) in Part 7, sections 201, 229.1 and Division 3.1;

**4 The following is added after the heading “Part 7
Education Professions and Occupations”
preceding section 196:**

Registrar

195.1(1) The Minister may, in writing, appoint an individual to act as the Registrar for the purposes of this Act and the regulations.

(2) The Registrar may delegate any power, duty or function conferred on the Registrar under this Act or the regulations to any employee or class of employees in the Minister’s department.

5 Section 198(1) is amended by striking out “certificate of qualification as a teacher issued pursuant to this Act” and substituting “teaching certificate”.

6 Section 199 is amended by striking out “certificate of qualification as a teacher issued under this Act” and substituting “teaching certificate”.

3 Section 30(1)(f) presently reads:

30(1) The following provisions and any regulations made under them apply to a registered or accredited private school and its operation, and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to the person responsible for the operation of a private school or a member of the governing body of the operator of a private school, as the case may be:

(f) in Part 7, sections 201 and 218;

4 Registrar.

5 Section 198(1) presently reads:

198(1) Unless otherwise authorized under this Act, a board shall employ as a teacher only an individual who holds a certificate of qualification as a teacher issued pursuant to this Act.

6 Section 199 presently reads:

199 Unless a person holds a certificate of qualification as a teacher issued under this Act, that person is not eligible to hold a supervisory position that directly relates to the teaching functions of a teacher.

7 Section 201(1) is amended

- (a) by striking out “The Minister may” and substituting “The Lieutenant Governor in Council may”;**
- (b) in clause (b) by striking out “certificate of qualification as a teacher” and substituting “teaching certificate”;**
- (c) by repealing clauses (c), (d), (e) and (f);**
- (d) in clause (g) by striking out “a Registrar and other”;**
- (e) by repealing clause (j).**

7 Section 201(1)(b), (c), (d), (e), (f), (g) and (j) presently read:

201(1) The Minister may make regulations

- (b) governing appeals from a decision to refuse to issue a certificate of qualification as a teacher or a leadership certificate, including, without limitation, regulations*
 - (i) respecting the grounds on which an appeal may be made,*
 - (ii) providing for the establishment of appeal panels and setting out their powers and duties,*
 - (iii) providing for procedural and evidentiary matters related to the appeal process,*
 - (iv) authorizing the Minister to accept, reject or vary the recommendations of an appeal panel and authorizing the Minister to take any action necessary to implement the Minister's decision, and*
 - (v) respecting the responsibility of the parties to an appeal for costs in respect of the appeal;*
- (c) providing for and governing the means of dealing with allegations that a teacher is unskilled or incompetent in teaching or that a principal or other individual who holds a leadership certificate is unskilled or incompetent in carrying out the leadership duties related to that leadership certificate, or the means of dealing with complaints about alleged unprofessional conduct of a teacher or of a principal or other individual who holds a leadership certificate, other than a teacher, principal or other individual who is subject to the disciplinary provisions set out under the Teaching Profession Act, including, without limitation, regulations*
 - (i) governing what constitutes unprofessional conduct of a teacher or unskilled or incompetent teaching,*
 - (ii) governing what constitutes unprofessional conduct of a principal or other individual who holds a leadership certificate or the unskilled or incompetent carrying out of the leadership duties related to a leadership certificate,*
 - (iii) respecting the form and manner in which a complaint or allegation is to be made,*

- (iv) *authorizing a complaint or allegation to be dealt with notwithstanding the fact that the individual who is the subject of the complaint or allegation may no longer hold a certificate under this Act, and respecting the circumstances under which that complaint or allegation may be dealt with,*
- (v) *respecting the investigation of complaints and allegations and the powers and duties of a person conducting the investigation or receiving the report of the person conducting the investigation, as the case may be,*
- (vi) *respecting the establishment of panels to deal with complaints and allegations and respecting the powers and duties of those panels,*
- (vii) *respecting procedural and evidentiary matters in respect of the investigation of complaints and allegations and in respect of the business of the panels, including, without limitation, regulations*
 - (A) *providing for the taking of evidence under oath,*
 - (B) *providing for the compellability of witnesses,*
 - (C) *requiring persons to produce records and documents relevant to the subject-matter of a complaint or allegation, and*
 - (D) *authorizing proceedings for civil contempt of court to be brought against a person who fails to comply with a notice to attend a proceeding before a panel as a witness or a notice to produce records or documents, or who refuses to be sworn or to answer questions at a proceeding before a panel,*
- (viii) *authorizing a person conducting an investigation of a complaint or allegation to investigate any other matter related to the conduct of the individual who is the subject of the complaint or allegation that arises in the course of the investigation,*
- (ix) *authorizing the Minister, on receipt of a panel's recommendation, to do one or more of the following, whether or not that is the panel's recommendation:*

8 Section 214(1)(a) and (b) are amended by striking out “certificate of qualification” and substituting “teaching certificate”.

- (A) dismiss the complaint or allegation;*
- (B) serve a letter of reprimand on the individual who is the subject of the complaint or allegation;*
- (C) suspend one or more certificates of the individual who is the subject of the complaint or allegation, with or without conditions;*
- (D) cancel one or more certificates of the individual who is the subject of the complaint or allegation, or cancel one or more certificates and issue a certificate of a different class, type or category;*
- (E) order that the individual who is the subject of the complaint or allegation be ineligible for one or more certificates for a definite or indefinite time, with or without conditions;*
- (d) respecting the responsibility of the parties to a proceeding in respect of a complaint or allegation referred to in clause (c) for costs in respect of the proceeding;*
- (e) authorizing the Minister to accept, reject or vary the recommendations of a committee established under the Teaching Profession Act to cancel or suspend one or more certificates, and authorizing the Minister to take any action necessary to implement the Minister's decision;*
- (f) governing the publication of particulars regarding any recommendation or decision made in proceedings in respect of a complaint or allegation referred to in clause (c) or in proceedings under sections 17 to 65 of the Teaching Profession Act;*
- (g) authorizing the Minister to appoint a Registrar and other officials for the purpose of carrying out powers and duties under the regulations;*
- (j) authorizing the Registrar to delegate to any employee under the Minister's administration the powers or duties of the Registrar that are specified in the regulations;*

8 Section 214(1)(a) and (b) presently read:

9 Section 218 is repealed.

214(1) A contract of employment between a board and a teacher automatically terminates at the time that

- (a) the teacher's certificate of qualification is suspended or cancelled by the Minister, or*
- (b) the teacher's certificate of qualification expires.*

9 Section 218 presently reads:

218(1) In this section,

- (a) "executive secretary" means the executive secretary as defined in the Teaching Profession Act;*
- (b) "Registrar" means the Registrar appointed under the regulations.*

(2) A superintendent or the person responsible for the operation of a private school must make a report in writing to the Registrar regarding the suspension, termination, resignation or retirement from employment of a teacher, principal or other individual if the suspension, termination, resignation or retirement, as the case may be, results from conduct that brings into question the suitability of the teacher, principal or other individual to hold one or more certificates prescribed by the regulations and issued pursuant to this Act.

(3) A board must make a report in writing to the Registrar regarding the suspension, termination, resignation or retirement from employment of a superintendent if the suspension, termination, resignation or retirement, as the case may be, results from conduct that brings into question the suitability of the superintendent to hold one or more certificates issued under this Act.

(4) If a report made under subsection (2) is in respect of a teacher, principal or other individual who is employed by the board and who is subject to the disciplinary provisions set out under the Teaching Profession Act, the board must make a complaint about the teacher's, principal's or other individual's conduct pursuant to section 24 of the Teaching Profession Act.

(5) If a report made under subsection (2) is in respect of a teacher, principal or other individual who is employed by

- (a) a board and who is not subject to the disciplinary provisions set out under the Teaching Profession Act,*
- (b) the person responsible for the operation of a private school, or*
- (c) the operator of a charter school,*

the superintendent, the person responsible for the operation of the private school or the operator of the charter school must make a complaint about the teacher's, principal's or other individual's conduct pursuant to the applicable regulation made under sections 201 and 224.

(6) A board that makes a report under subsection (3) must make a complaint about the conduct of the superintendent pursuant to the applicable regulation under section 224.

(7) No action lies against any of the following in respect of any report made under subsection (2) or (3) in good faith when acting or purporting to act under this Act or the regulations:

- (a) a superintendent;*
- (b) a board;*
- (c) the person responsible for the operation of a private school or the operator of a charter school;*
- (d) a person appointed as an official trustee;*
- (e) the executive secretary;*
- (f) a person who acts on the instruction of, or under the supervision of, a person referred to in clauses (a) to (e).*

(8) No action for defamation may be founded on a report made under subsection (2) or (3) in good faith.

(9) If a complaint under subsection (4), (5) or (6) is dismissed, the Registrar must remove

- (a) from the teacher's, principal's or other individual's file the corresponding report made under subsection (2), and*
- (b) from the superintendent's file the corresponding report made under subsection (3).*

10 Section 221(1) and (2) are amended by striking out “certificate of qualification as a teacher issued under this Act” and substituting “teaching certificate”.

11 Section 224 is amended

- (a) by renumbering subsection (1) as subsection (1.1) and by adding the following before subsection (1.1):**

Regulations

224(1) The Minister may make regulations respecting the qualifications, appointment and conditions of employment and the termination of employment of superintendents of schools.

- (b) in subsection (1.1)**

- (i) by striking out “The Minister may” and substituting “The Lieutenant Governor in Council may”;**
 - (ii) by repealing clauses (a), (d), (e) and (f);**
 - (iii) in clause (g) by striking out “a Registrar and other”;**
 - (iv) by repealing clause (j);**
- (c) in subsection (2) by adding “or (1.1)” after “subsection (1)”.**

10 Section 221(1) and (2) presently read:

221(1) Unless otherwise authorized under this Act, a board shall not knowingly employ as a teacher a person who does not hold a certificate of qualification as a teacher issued under this Act.

(2) Unless otherwise authorized under this Act, a person shall not teach in a school operated by a board unless that person holds a certificate of qualification as a teacher issued under this Act.

11 Section 224(1)(a), (d), (e), (f), (g) and (j) and (2) presently read:

224(1) The Minister may make regulations respecting superintendents of schools, including regulations

- (a) respecting the qualifications, appointment and conditions of employment and the termination of employment of superintendents of schools;*
- (d) providing for and governing the means of dealing with allegations that a superintendent or other individual who holds a superintendent leadership certificate is unskilled or incompetent in carrying out the leadership duties related to that superintendent leadership certificate, or the means of dealing with complaints about alleged unprofessional conduct of a superintendent or other individual who holds a superintendent leadership certificate, including, without limitation, regulations*
 - (i) governing what constitutes unprofessional conduct of a superintendent or other individual who holds a superintendent leadership certificate or unskilled or incompetent carrying out of the leadership duties related to a superintendent leadership certificate,*
 - (ii) respecting the form and manner in which a complaint or allegation is to be made,*
 - (iii) authorizing a complaint or allegation to be dealt with notwithstanding the fact that the individual who is the subject of the complaint or allegation may no longer hold a certificate under this Act, and respecting the circumstances under which that complaint or allegation may be dealt with,*

- (iv) *respecting the investigation of complaints and allegations and the powers and duties of the person conducting the investigation or receiving the report of the person conducting the investigation, as the case may be,*
- (v) *respecting the establishment of panels to deal with complaints and allegations and respecting the powers and duties of those panels,*
- (vi) *respecting procedural and evidentiary matters in respect of the investigation of complaints and allegations and in respect of the business of the panels, including, without limitation, regulations*
 - (A) *providing for the taking of evidence under oath,*
 - (B) *providing for the compellability of witnesses,*
 - (C) *requiring persons to produce records and documents relevant to the subject-matter of a complaint or allegation, and*
 - (D) *authorizing proceedings for civil contempt of court to be brought against a person who fails to comply with a notice to attend a proceeding before a panel as a witness or a notice to produce records or documents, or who refuses to be sworn or to answer questions at a proceeding before a panel,*
- (vii) *authorizing a person conducting an investigation of a complaint or allegation to investigate any other matter related to the conduct of the individual who is the subject of the complaint or allegation that arises in the course of the investigation, and*
- (viii) *authorizing the Minister, on receipt of a panel's recommendation, to do one or more of the following, whether or not that is the panel's recommendation:*
 - (A) *dismiss the complaint or allegation;*
 - (B) *serve a letter of reprimand on the individual who is the subject of the complaint or allegation;*
 - (C) *suspend one or more certificates of the individual who is the subject of the complaint or allegation, with or without conditions;*

12 Section 225.1 is repealed and the following is substituted:

**Division 3.1
Discipline of Teachers
and Teacher Leaders**

Definitions

225.1 In this Division,

- (a) “administrator” means
 - (i) in the case of a school operated by a board, Francophone regional authority or operator of a charter school,

- (D) cancel one or more certificates of the individual who is the subject of the complaint or allegation, or cancel one or more certificates and issue a certificate of a different class, type or category;*
- (E) order that the individual who is the subject of the complaint or allegation be ineligible for one or more certificates for a definite or indefinite time, with or without conditions;*
- (e) respecting the responsibility of the parties to a proceeding in respect of a complaint or allegation referred to in clause (d) for costs in respect of the proceeding;*
- (f) governing the publication of particulars regarding any recommendation or decision made in proceedings in respect of a complaint or allegation referred to in clause (d);*
- (g) authorizing the Minister to appoint a Registrar and other officials for the purpose of carrying out powers and duties under the regulations;*
- (j) authorizing the Registrar to delegate to any employee under the Minister's administration powers or duties of the Registrar that are specified in the regulations;*
- (2) A regulation made under subsection (1) may be specific or general in its application.*

12 Division 3.1 Discipline of Teachers and Teacher Leaders.

- (A) the superintendent appointed under this Act for the board, Francophone regional authority or charter school, or
- (B) in respect of a matter that relates to the superintendent,
 - (I) the chair of the board or Francophone regional authority, or
 - (II) the operator of the charter school,
- (ii) in the case of an early childhood services program provided by a person other than a board or a private school,
 - (A) if the person providing the early childhood services program is an individual, that individual, or
 - (B) if the person providing the early childhood services program is not an individual, the chair of the board of the society under the *Societies Act*, the non-profit company under Part 9 of the *Companies Act* or the non-profit corporation incorporated by or under an Act of the Legislature that is providing the early childhood services program,
- (iii) in the case of a private school,
 - (A) if the person responsible for the operation of the private school is an individual, that individual, or
 - (B) if the person responsible for the operation of the private school is not an individual, the chair of the board of the society under the *Societies Act*, the non-profit company under Part 9 of the *Companies Act* or the non-profit corporation incorporated by or under an Act of the Legislature that is responsible for the operation of the private school,
- (iv) in the case of a First Nation school,
 - (A) the director of education, or

- (B) if there is no director of education, the individual designated by the Commissioner as the administrator of the First Nation school for the purposes of this Division,

or

- (v) in the case of an institution approved by the Minister, the individual designated by the Commissioner as the administrator of the institution for the purposes of this Division;
- (b) “appeal committee” means an appeal committee established under section 225.9993(4);
- (c) “code of professional conduct” means the code of professional conduct established under the regulations;
- (d) “complainant appeal committee” means a complainant appeal committee established under section 225.95(3);
- (e) “complaint” means
 - (i) a complaint made under section 225.91(1),
 - (ii) a matter referred by the Registrar to the Commissioner under section 225.91(3)(a),
 - (iii) a matter in respect of which the Commissioner, of the Commissioner’s own initiative, makes preliminary inquiries under section 225.91(3)(b), and
 - (iv) a notice of termination referred to in section 225.92;
- (f) “conduct” includes an act or omission;
- (g) “consent resolution agreement” means a consent resolution agreement entered into under section 225.994;
- (h) “First Nation school” means a structured learning environment through which an education program is offered by
 - (i) a council of a band as defined in the *Indian Act* (Canada),

- (ii) a person authorized by the council of a band as defined in the *Indian Act* (Canada), or
- (iii) the Government of Canada;
- (i) “hearing committee” means a hearing committee established under section 225.9(1);
- (j) “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;
- (k) “investigator” means an investigator appointed under section 225.96;
- (l) “investigator’s report” means a report referred to in section 225.96(4);
- (m) “leadership certificate” means a leadership certificate as defined in the regulations made under section 201;
- (n) “Leadership Quality Standard” means the Leadership Quality Standard adopted by the Minister under section 18(2)(b), as amended from time to time;
- (o) “panel” means the professional conduct and competency general panel established under section 225.8(1);
- (p) “panel member” means an individual appointed to the panel under section 225.8(2);
- (q) “professional incompetence” means being unskilled or incompetent in carrying out teaching duties related to a teaching certificate or leadership duties related to a leadership or superintendent leadership certificate, as described in section 225.3;
- (r) “superintendent leadership certificate” means a superintendent leadership certificate as defined in the regulations made under section 224;
- (s) “Superintendent Leadership Quality Standard” means the Superintendent Leadership Quality Standard adopted by the

Minister under section 18(2)(b), as amended from time to time;

- (t) “teacher” means an individual who holds a teaching certificate or who once held but no longer holds a teaching certificate;
- (u) “teacher leader” means a teacher who holds a leadership certificate or superintendent leadership certificate, including a principal or superintendent, or who once held but no longer holds a leadership certificate or superintendent leadership certificate;
- (v) “Teaching Quality Standard” means the Teaching Quality Standard adopted by the Minister under section 18(2)(b), as amended from time to time;
- (w) “unprofessional conduct” means conduct described in section 225.4.

Application of Division

225.2 This Division applies to teachers and teacher leaders in respect of complaints relating to alleged professional incompetence and alleged unprofessional conduct.

Professional incompetence

225.3(1) Failure to meet the requirements of the Teaching Quality Standard constitutes professional incompetence in carrying out the teaching duties related to a teaching certificate.

(2) Failure to meet the requirements of the Leadership Quality Standard constitutes professional incompetence in carrying out the leadership duties related to a leadership certificate.

(3) Failure to meet the requirements of the Superintendent Leadership Quality Standard constitutes professional incompetence in carrying out the leadership duties related to a superintendent leadership certificate.

Unprofessional conduct

225.4 Conduct that

- (a) is detrimental to the best interests of students, the public, teachers or teacher leaders or the teaching profession,

- (b) does not comply with the code of professional conduct, or
- (c) is the basis for a conviction for an indictable offence

constitutes unprofessional conduct.

Code of professional conduct

225.5(1) The Lieutenant Governor in Council may by regulation establish a code of professional conduct for teachers and teacher leaders.

(2) A teacher or teacher leader shall comply with the code of professional conduct.

Alberta Teaching Profession Commissioner

Alberta Teaching Profession Commissioner

225.6(1) The Lieutenant Governor in Council shall appoint a Commissioner subject to the *Public Service Act* to carry out the duties and functions and exercise the powers set out in this Act and the regulations.

(2) The Commissioner may be appointed for a term of up to 5 years and may be reappointed.

(3) The Commissioner may delegate any power, duty or function conferred on the Commissioner under this Act or the regulations to any employee or class of employees in the Minister's department.

Annual report

225.7(1) In this section, "fiscal year" means the period beginning on April 1 of one year and ending on March 31 of the next year.

(2) As soon as possible after the end of each fiscal year, the Commissioner shall prepare and submit to the Minister, in a form satisfactory to the Minister, a report summarizing the Commissioner's activities during the previous fiscal year that contains the information required by the Minister.

(3) On receiving a report under subsection (2), the Minister shall lay a copy of the report before the Legislative Assembly if it is sitting, and if not, within 15 days after the commencement of the next sitting.

Panel and Committees

Professional conduct and competency general panel

225.8(1) The professional conduct and competency general panel is established.

(2) The Minister may appoint panel members in accordance with the regulations.

(3) The Minister may designate the chair and vice-chair of the panel from among the panel members.

Committees

225.9(1) Where the chair of the panel is directed to establish a hearing committee under this Division, the chair of the panel shall

- (a) establish the hearing committee,
- (b) appoint the committee members from among the panel members in accordance with the regulations, and
- (c) designate a chair of the hearing committee.

(2) Where the chair of the panel establishes a complainant appeal committee under section 225.95(3) or an appeal committee under section 225.9993(4)(a), the chair of the panel shall

- (a) appoint the committee members from among the panel members in accordance with the regulations, and
- (b) designate a chair of the complainant appeal committee or appeal committee.

(3) A chair of a hearing committee, complainant appeal committee or appeal committee may

- (a) deal with any preliminary or procedural matters incidental to a hearing, complainant appeal or appeal,
- (b) arrange for matters to be set down before the committee,
- (c) adjourn matters before the committee, and
- (d) perform the administrative functions necessary to enable the committee to carry out its duties.

Complaints and Investigations

Complaints

225.91(1) Any person may make a complaint in writing to the Registrar

- (a) alleging that a teacher is professionally incompetent in carrying out the teaching duties related to a teaching certificate,
- (b) alleging that a teacher leader is professionally incompetent in carrying out the leadership duties related to a leadership certificate or superintendent leadership certificate, or
- (c) about alleged unprofessional conduct of a teacher or teacher leader.

(2) If an administrator has reason to believe that a teacher or teacher leader has been or may have been convicted of an indictable offence at a time when the teacher or teacher leader held a teaching certificate, leadership certificate or superintendent leadership certificate or was eligible for the reissuance of any of those certificates, the administrator shall make a complaint under this section relating to that belief.

(3) In the absence of a complaint,

- (a) the Registrar may refer a matter relating to the alleged professional incompetence or alleged unprofessional conduct of a teacher or teacher leader to the Commissioner, or
- (b) the Commissioner may, of the Commissioner's own initiative, decide to make any preliminary inquiries with respect to a matter relating to the alleged professional incompetence or alleged unprofessional conduct of a teacher or teacher leader that the Commissioner considers appropriate.

(4) A matter described in subsection (3) is considered a complaint but the Registrar or Commissioner is not considered to be a complainant for the purposes of this Act.

(5) The Registrar shall, on receiving a complaint under subsection (1) or (2) or section 225.92,

- (a) refer the complaint to the Commissioner, or
- (b) dismiss the complaint if the complaint is in respect of an individual other than a teacher or teacher leader.

Termination of contract as complaint

225.92(1) If the employer of

- (a) a teacher who holds a teaching certificate, or
- (b) a teacher leader who holds a leadership certificate or superintendent leadership certificate

terminates the contract of employment of the teacher or teacher leader on grounds related to the professional incompetence or alleged unprofessional conduct of the teacher or teacher leader, the employer shall forward the notice of termination and the grounds for the termination to the Registrar.

(2) A notice of termination received under subsection (1) is deemed to be a complaint, but the employer is not considered to be a complainant for the purposes of this Act.

(3) The Commissioner shall not take any action under section 225.94 with respect to the complaint 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.

Limitations on complaints

225.93(1) A complaint alleging that a teacher is professionally incompetent in carrying out teaching duties may be made only in respect of alleged professional incompetence that occurred within the 2-year period before the complaint was made.

(2) A complaint alleging that a teacher leader is professionally incompetent in carrying out leadership duties related to a leadership certificate or superintendent leadership certificate may be made

only in respect of alleged professional incompetence that occurred within the 2-year period before the complaint was made.

(3) A complaint may be made about the alleged unprofessional conduct of a teacher or teacher leader at any time.

Commissioner's actions respecting complaint

225.94(1) Subject to section 225.92(3), where the Registrar refers a complaint under section 225.91(3)(a) or (5)(a) or the Commissioner decides to make preliminary inquiries with respect to a complaint under section 225.91(3)(b), the Commissioner shall, within 30 days after the complaint is referred or the decision is made,

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

(2) Subject to subsection (3), within 30 days after the day on which the Commissioner concludes preliminary inquiries made under subsection (1)(a), the Commissioner shall

- (a) decide to take no further action with respect to the complaint if the Commissioner is of the opinion that the complaint is frivolous, vexatious or without merit,
- (b) refer the complaint to a mediation process under section 225.992 if the complaint relates to alleged professional incompetence or alleged unprofessional conduct,
- (c) refer the complaint to a dispute resolution process under section 225.993 if
 - (i) the complaint relates to alleged unprofessional conduct, and
 - (ii) the Commissioner is of the opinion that the complaint does not warrant an investigation,

or

- (d) appoint an investigator under section 225.96 and refer the complaint to the investigator if the Commissioner is of the opinion that the complaint warrants an investigation.

(3) If the Commissioner decides to appoint an investigator under section 225.96 with respect to a complaint relating to the alleged professional incompetence of a teacher or teacher leader, and the Commissioner is aware that the employer of the teacher or teacher leader is investigating the matter, the Commissioner shall appoint an investigator within 30 days after being advised that the employer's investigation has been concluded.

(4) The Commissioner shall forthwith

- (a) serve on the complainant and the teacher or teacher leader

- (i) the Commissioner's decision under subsection (2), including the reasons for the decision, and
 - (ii) notice of the complainant's right to appeal the decision under section 225.95 if the decision is that no further action will be taken,

and

- (b) send the Commissioner's decision under subsection (2) and the reasons for the decision to

- (i) the administrator, and
 - (ii) to the Registrar, if the Commissioner makes a decision under subsection (2)(a).

Appeal by complainant

225.95(1) Where the Commissioner decides to take no further action with respect to a complaint under section 225.94(2)(a) or 225.97(3)(a) or (4)(a), the complainant may appeal the Commissioner's decision to a complainant appeal committee.

(2) A complainant appeal must be commenced by submitting a notice of complainant appeal to the chair of the panel in accordance with the regulations within 15 days after the day on which the

complainant is served with the Commissioner's decision under section 225.94(4) or 225.97(5).

(3) Subject to the regulations, on receiving a notice of complainant appeal, the chair of the panel shall

- (a) establish a complainant appeal committee, and
- (b) notify the Commissioner, the teacher or teacher leader and the administrator of the complainant appeal.

(4) The chair of the complainant appeal committee shall forthwith

- (a) set the date, time and location of the complainant appeal hearing, and
- (b) at least 15 days before the date set for the complainant appeal hearing,
 - (i) serve a notice on the complainant, the Commissioner and the teacher or teacher leader who is the subject of the complaint that contains the information prescribed by the regulations, and
 - (ii) send the notice referred to in subclause (i) to the Registrar.

(5) A complainant appeal hearing must be conducted in accordance with the regulations.

(6) Within 15 days after the complainant appeal hearing, the complainant appeal committee shall

- (a) confirm the Commissioner's decision,
- (b) direct the Commissioner to appoint an investigator under section 225.96 and refer the complaint to the investigator to conduct an investigation or continue an investigation,
- (c) direct the chair of the panel to establish a hearing committee under section 225.9 and refer the complaint to the hearing committee for a hearing under section 225.996, or
- (d) refer the complaint to a dispute resolution process under section 225.993 if the complaint relates to alleged unprofessional conduct.

- (7) The chair of the complainant appeal committee shall forthwith
- (a) serve the complainant appeal committee's decision, including the reasons for the decision, on
 - (i) the complainant, and
 - (ii) the teacher or teacher leader,and
 - (b) send the complainant appeal committee's decision, including the reasons for the decision, to
 - (i) the Commissioner,
 - (ii) the administrator, and
 - (iii) the Registrar, if the complainant appeal committee makes a decision under subsection (6)(a).

Investigations

225.96(1) Where the Commissioner is directed to appoint an investigator and refer a complaint to the investigator under section 225.95(6)(b) or where the Commissioner decides to appoint an investigator under section 225.94(2)(d), 225.992(7)(b) or 225.993(7)(b), the Commissioner shall appoint an investigator and refer the complaint to the investigator.

(2) Where a complaint is referred to an investigator under subsection (1), the investigator shall

- (a) commence an investigation within 30 days after the matter or complaint is referred, and
- (b) conduct the investigation in accordance with the regulations.

(3) An investigator appointed under this section has the powers set out in the regulations.

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

(5) On concluding an investigation, the investigator shall send to the Commissioner a written report and copies of all material related to the investigation.

(6) If the teacher or teacher leader 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 or teacher leader has, in fact, been convicted of an indictable offence and on doing so, shall include that fact in the report referred to in subsection (5).

Commissioner's actions after investigation

225.97(1) In this section and section 225.98, “prescribed offence” means an offence prescribed by the regulations.

(2) This section does not apply where an investigator’s report confirms that the teacher or teacher leader who is under investigation has been convicted of a prescribed offence that proceeded by indictment.

(3) On receiving an investigator’s report respecting a complaint of alleged professional incompetence, the Commissioner shall forthwith

- (a) decide to take no further action with respect to the complaint if the Commissioner is of the opinion that
 - (i) the matter is frivolous, vexatious or without merit, or
 - (ii) there is insufficient evidence to warrant a hearing before a hearing committee,
- (b) seek to enter into a consent resolution agreement with the teacher or teacher leader under section 225.994 if the Commissioner is of the opinion that the teacher or teacher leader is professionally incompetent in teaching or leadership duties, or
- (c) direct the chair of the panel to establish a hearing committee under section 225.9 and refer the complaint to the hearing committee for a hearing under section 225.996 if the Commissioner is of the opinion that the complaint warrants a hearing.

(4) On receiving an investigator's report respecting a complaint of alleged unprofessional conduct, the Commissioner shall forthwith

- (a) decide to take no further action with respect to the complaint if the Commissioner is of the opinion that
 - (i) the matter is frivolous, vexatious or without merit, or
 - (ii) there is insufficient evidence to warrant
 - (A) a dispute resolution process under section 225.993, or
 - (B) a hearing before a hearing committee,
- (b) direct the chair of the panel to appoint a panel member to conduct a dispute resolution process and refer the complaint to the panel member to conduct a dispute resolution process under section 225.993 if the Commissioner is of the opinion that the complaint does not warrant a hearing,
- (c) enter into a consent resolution agreement with the teacher or teacher leader under section 225.994 if the Commissioner is of the opinion that the conduct of the teacher or teacher leader constitutes unprofessional conduct,
- (d) direct the chair of the panel to establish a hearing committee under section 225.9 and refer the complaint to the hearing committee for a hearing under section 225.996 if
 - (i) the investigator's report confirms that the teacher or teacher leader has been convicted of an indictable offence other than a prescribed offence, or
 - (ii) the Commissioner is of the opinion that the complaint warrants a hearing,

or

- (e) initiate the process under section 225.98 if the investigator's report confirms that the teacher or teacher leader has been convicted of a prescribed offence that proceeded by indictment.

(5) The Commissioner shall

- (a) serve on the complainant, if any, and the teacher or teacher leader
 - (i) the Commissioner's decision under subsection (3) or (4), including the reasons for the decision, and
 - (ii) notice of the complainant's right to appeal the decision under section 225.95 if the decision is to take no further action,
 - and
 - (b) send the Commissioner's decision under subsection (3) or (4), including the reasons for the decision
 - (i) to the administrator, and
 - (ii) to the Registrar, if the Commissioner makes a decision under subsection (3)(a) or (4)(a).
- (6)** The Commissioner shall send to the teacher or teacher leader the investigator's report.

Expedited Process for Cancellation of Certificates

Where report confirms conviction for prescribed offence

225.98 Where an investigator's report confirms that a teacher or teacher leader has been convicted of a prescribed offence that proceeded by indictment, the Commissioner shall

- (a) send to the Minister
 - (i) the investigator's report, and
 - (ii) the Commissioner's recommendation as to whether
 - (A) the Minister should cancel one or more certificates issued to the teacher or teacher leader without referring the matter to a hearing committee, or
 - (B) the complaint should be referred to a hearing committee,

- (b) serve on the teacher or teacher leader
 - (i) the investigator's report, and
 - (ii) a notice of the recommendation being made to the Minister under clause (a)(ii), which must include a statement that all certificates to which the recommendation relates are automatically suspended by operation of section 225.99,
- and
- (c) send to the Minister and the Registrar the notice referred to in clause (b)(ii).

Automatic suspension

225.99(1) Where the Commissioner makes a recommendation under section 225.98(a)(ii), all certificates held by the teacher or teacher leader are automatically suspended on the teacher or teacher leader being served with a notice under section 225.98(b)(ii).

(2) An automatic suspension of a certificate under subsection (1) remains in place until

- (a) the Minister directs otherwise after a hearing, if the Minister directs that a hearing committee be established and the complaint be referred to the hearing committee under section 225.991(1)(b), or
- (b) the Minister cancels the certificate under section 225.991(1)(a).

(3) Subsections (1) and (2) apply notwithstanding any other provision of this Act, the regulations, the issuance of any certificate or the length or terms of any suspension imposed under this Act.

Powers of Minister where report confirms conviction

225.991(1) On receiving the investigator's report and the Commissioner's recommendation under section 225.98(a) and the notice under section 225.98(c), the Minister shall

- (a) cancel one or more certificates issued to the teacher or teacher leader without referring the matter to a hearing committee, or

- (b) direct the chair of the panel to establish a hearing committee under section 225.9 and refer the complaint to the hearing committee for a hearing under section 225.996.

(2) Before making a decision under subsection (1), the Minister shall serve on the teacher or teacher leader and send to the Registrar a notice of the Minister's intent to make the decision.

(3) A notice under subsection (2) must

- (a) provide the teacher or teacher leader with a period of 15 days to provide a written response setting out any reasons why the teacher or teacher leader objects to the intended decision,
- (b) state the date by which the written response must be made, the form and manner in which it may be made and the address to which it may be sent, and
- (c) include a statement that all certificates to which the intended decision relates are automatically suspended by operation of section 225.99.

(4) The Minister shall consider the response of the teacher or teacher leader, if any, before making a decision under subsection (1).

(5) After making a decision under subsection (1), the Minister shall

- (a) serve on the teacher or teacher leader the Minister's decision, which must include
 - (i) the date of the decision,
 - (ii) the reasons for the decision, and
 - (iii) if the decision is to cancel one or more certificates, an identification of all the certificates being cancelled and the date on which each cancellation takes effect,
- and
- (b) send to the Registrar the Minister's decision and any notices served under this section.

Mediation, Dispute Resolution and Consent Resolution Agreements

Mediation process

225.992(1) Where the Commissioner refers a complaint to a mediation process under section 225.94(2)(b), the Commissioner shall direct the chair of the panel to appoint a panel member in accordance with the regulations to conduct a mediation process.

(2) A mediation process must be conducted in accordance with this section and the regulations.

(3) A mediation process must be conducted informally and in private.

(4) A mediation process and all statements disclosed during a mediation process are without prejudice and confidential and may not be disclosed to any person other than the Commissioner or used in any other proceedings without the consent of the parties.

(5) On concluding a mediation process, the panel member shall send a written report to the Commissioner that includes the panel member's opinion as to whether the complaint should be considered resolved or if an investigation or hearing should be conducted.

(6) The Commissioner shall send the report under subsection (5) to the teacher or teacher leader and the complainant for comment before making a decision.

(7) On reviewing the report under subsection (5) and any comments received under subsection (6), the Commissioner shall

- (a)** decide to take no further action with respect to the complaint if the Commissioner is of the opinion that the complaint is resolved, or
- (b)** appoint an investigator under section 225.96 and refer the complaint to the investigator for an investigation.

(8) The Commissioner shall

- (a)** serve on the complainant and the teacher or teacher leader the Commissioner's decision under subsection (7), including the reasons for the decision, and

- (b) send the Commissioner's decision under subsection (7), including the reasons for the decision
 - (i) to the administrator, and
 - (ii) to the Registrar, if the Commissioner makes a decision under subsection (7)(a).

(9) A decision of the Commissioner under subsection (7) is final.

Dispute resolution process

225.993(1) Where a complaint is referred to a dispute resolution process under section 225.94(2)(c), 225.95(6)(d) or 225.97(4)(b), the Commissioner or complainant appeal committee that referred the complaint shall direct the chair of the panel to appoint a panel member in accordance with the regulations to conduct a dispute resolution process.

(2) A dispute resolution process must be conducted in accordance with this section and the regulations.

(3) A dispute resolution process must be conducted informally and in private.

(4) A dispute resolution process and all statements disclosed during a dispute resolution process are without prejudice and confidential and may not be disclosed to any person other than the Commissioner or used in any other proceedings without the consent of the parties.

(5) On concluding a dispute resolution process, the panel member shall send a written report to the Commissioner that includes the panel member's opinion as to whether the complaint should be considered resolved or if an investigation or hearing should be conducted.

(6) The Commissioner shall send the report under subsection (5) to the teacher or teacher leader and the complainant for comment before making a decision.

(7) On reviewing the report under subsection (5) and any comments received under subsection (6), the Commissioner shall

- (a) decide to take no further action with respect to the complaint if the Commissioner is of the opinion that the

complaint has been effectively resolved through the dispute resolution process,

- (b) appoint an investigator under section 225.96 and refer the complaint to the investigator for an investigation if the Commissioner is of the opinion that an investigation is warranted, or
- (c) direct the chair of the panel to establish a hearing committee under section 225.9 and refer the complaint to the hearing committee for a hearing under section 225.996 if the Commissioner is of the opinion that a hearing is warranted.

(8) The Commissioner shall

- (a) serve on the complainant and the teacher or teacher leader the Commissioner's decision under subsection (7), including the reasons for the decision, and
- (b) send the Commissioner's decision under subsection (7), including the reasons for the decision,
 - (i) to the administrator, and
 - (ii) to the Registrar, if the Commissioner makes a decision under subsection (7)(a).

(9) A decision of the Commissioner under subsection (7) is final.

Consent resolution agreement

225.994(1) A consent resolution agreement must

- (a) be in writing,
- (b) be entered into between
 - (i) the teacher or teacher leader who is the subject of the complaint,
 - (ii) the Commissioner, and
 - (iii) the Registrar,
- (c) set out one or more admissions by the teacher or teacher leader of professional incompetence or unprofessional

conduct in relation to one or more matters raised in the complaint,

- (d) set out one or more of the following penalties agreed on by the parties:
 - (i) a letter of reprimand;
 - (ii) an order to undertake professional development;
 - (iii) a recommendation to the Minister to suspend or cancel one or more of the certificates of the teacher or teacher leader, with or without conditions;
 - (iv) any other penalty prescribed by the regulations,and
- (e) contain any other information prescribed by the regulations.

(2) Where a consent resolution agreement contains a recommendation under subsection (1)(d)(iii), the Commissioner shall send the consent resolution agreement to the Minister.

(3) On receiving a recommendation under subsection (1)(d)(iii), the Minister may do one or more of the following, whether or not it is the recommendation set out in the consent resolution agreement:

- (a) dismiss the complaint;
- (b) issue a letter of reprimand to the teacher or teacher leader;
- (c) suspend one or more certificates of the teacher or teacher leader, with or without conditions;
- (d) cancel one or more certificates of the teacher or teacher leader, with or without conditions;
- (e) order that the teacher or teacher leader be ineligible for one or more certificates for a definite or indefinite period, with or without conditions.

(4) Where the Minister dismisses a complaint under subsection (3)(a), the consent resolution agreement is void.

(5) Subject to subsections (3) and (4), after a consent resolution agreement is entered into under this section, no further action may be taken under this Division with respect to the matters contained in the consent resolution agreement unless the teacher or teacher leader fails to comply with the consent resolution agreement.

(6) In a proceeding, other than a criminal proceeding, unless agreed to by the Commissioner, Registrar and teacher or teacher leader, an individual shall not disclose or be compelled to disclose a document or other record created specifically for the purposes of entering into a consent resolution agreement.

(7) If the Commissioner, the Registrar and the teacher or teacher leader fail to enter into a consent resolution agreement, the Commissioner shall direct the chair of the panel to establish a hearing committee under section 225.9 and refer the complaint to the hearing committee for a hearing under section 225.996.

(8) A hearing committee to which a complaint is referred under subsection (7) shall not consider any admissions made, any information provided or any documents or other records created or provided during the parties' attempt to enter into the consent resolution agreement, other than the investigator's report.

Hearings

Notice of hearing

225.995(1) On the establishment of a hearing committee to hear a complaint, the chair of the hearing committee shall forthwith set the date, time and location of the hearing.

(2) At least 15 days before the date set for the hearing, the chair of the hearing committee shall serve on the Commissioner and the teacher or teacher leader who is the subject of the hearing a notice stating

- (a) the date, time and location of the hearing, and
- (b) reasonable particulars of the complaint to be heard.

Proceedings at hearing

225.996(1) The Commissioner and the teacher or teacher leader who is the subject of the hearing may appear and be represented by

counsel or any other individual at a hearing before the hearing committee.

(2) A hearing before a 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 complaint, or
- (b) the interests of any individual other than the teacher or teacher leader who is the subject of the hearing may be detrimentally affected if the hearing is not held in private, in the opinion of the hearing committee.

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

(4) Evidence may be given before a 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 witnesses

225.997(1) Subject to subsection (3), the chair of a hearing committee, at the request of the Commissioner, teacher or teacher leader, may issue a notice requiring the teacher or teacher leader 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 hearing committee, or
- (b) to produce any records or documents to the hearing committee.

(2) At least 15 days before the date of the hearing, the chair of the hearing committee shall serve a notice issued under subsection (1) on the individual who is the subject of the notice.

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

(4) A witness may be examined under oath on anything relevant to the hearing before a 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

225.998 If a person fails to comply with a notice of a hearing committee under section 225.997 or conducts himself or herself in a manner that may be in contempt of the hearing committee or its proceedings, the hearing committee may apply to the Court of Queen's Bench for an order directing compliance with the hearing committee's notice, or restraining any conduct found by that Court to be in contempt of the hearing committee or its proceedings.

Proceedings in absence of teacher or teacher leader

225.999 The hearing committee may, on proof of service of the notice of hearing on the teacher or teacher leader who is the subject of the hearing,

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

Findings of hearing committee

225.9991(1) With respect to a complaint alleging that a teacher or teacher leader is professionally incompetent, the hearing committee

may find one or more of the following with respect to the teacher or teacher leader:

- (a) that the teacher
 - (i) is professionally incompetent in carrying out teaching duties related to a teaching certificate if, in the opinion of the hearing committee, the teacher does not meet the requirements of the Teaching Quality Standard, or
 - (ii) is not professionally incompetent in carrying out the teaching duties related to a teaching certificate if, in the opinion of the hearing committee, the teacher meets the requirements of the Teaching Quality Standard;
- (b) that the teacher leader
 - (i) is professionally incompetent in carrying out the leadership duties related to a leadership certificate if, in the opinion of the hearing committee, the teacher leader does not meet the requirements of the Leadership Quality Standard, or
 - (ii) is not professionally incompetent in carrying out the leadership duties related to a leadership certificate if, in the opinion of the hearing committee, the teacher meets the requirements of the Leadership Quality Standard;
- (c) that the teacher leader
 - (i) is professionally incompetent in carrying out the leadership duties related to a superintendent leadership certificate if, in the opinion of the hearing committee, the teacher leader does not meet the requirements of the Superintendent Leadership Quality Standard, or
 - (ii) is not professionally incompetent in carrying out the leadership duties related to a superintendent leadership certificate if, in the opinion of the hearing committee, the teacher meets the requirements of the Superintendent Leadership Quality Standard.

(2) With respect to a complaint that the alleged conduct of a teacher or teacher leader constitutes unprofessional conduct, the hearing committee

- (a) may find the conduct of the teacher or teacher leader to constitute unprofessional conduct if, in the opinion of the hearing committee, the conduct of the teacher or teacher leader
 - (i) is detrimental to the best interests of students, the public, teachers or teacher leaders or the teaching profession, or
 - (ii) does not comply with the code of professional conduct,
 - (b) shall find the conduct of the teacher or teacher leader to constitute unprofessional conduct if the conduct of the teacher or teacher leader is the basis for a conviction for an indictable offence, or
 - (c) if clauses (a) and (b) do not apply, may find that the conduct of the teacher or teacher leader does not constitute unprofessional conduct.
- (3)** If a hearing committee makes a finding under subsection (2)(b),
- (a) the hearing committee shall make a recommendation to the Minister under section 225.9992(2), and
 - (b) if the hearing committee does not make a recommendation to the Minister to suspend or cancel one or more certificates of the teacher or teacher leader, the reasons for the hearing committee's decision must set out why such a recommendation has not been made.

Recommendations and decision of hearing committee

225.9992(1) If the hearing committee makes a finding that the teacher or teacher leader who is the subject of the hearing is not professionally incompetent or that the conduct of the teacher or teacher leader does not constitute unprofessional conduct, the hearing committee may recommend to the Minister that the Minister dismiss the complaint.

(2) If the hearing committee makes a finding that the teacher or teacher leader who is the subject of the hearing is professionally incompetent or that the conduct of the teacher or teacher leader constitutes unprofessional conduct, the hearing committee may recommend to the Minister that the Minister

- (a) issue a letter of reprimand to the teacher or teacher leader,
- (b) suspend one or more certificates of the teacher or teacher leader, with or without conditions,
- (c) cancel one or more certificates of the teacher or teacher leader or cancel a certificate and issue a certificate of a different class, with or without conditions, or
- (d) order that the teacher or teacher leader be ineligible for one or more certificates for a definite or indefinite period, with or without conditions.

(3) Within 45 days after the conclusion of the hearing, the hearing committee shall make a written decision on the hearing that includes

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

(4) The chair of the hearing committee shall forthwith

- (a) serve the hearing committee's decision on the teacher or teacher leader,
- (b) send to the Commissioner the hearing committee's decision and the record of the hearing that consists of all evidence before the hearing committee, including all
 - (i) exhibits,
 - (ii) records and documents, and
 - (iii) testimony given before the hearing committee, whether recorded in electronic, mechanical or handwritten form,
 and
- (c) send to the Registrar and the Minister the hearing committee's decision, if no appeal is commenced within the period set out in section 225.9993(2).

Appeals

Appeals

225.9993(1) A finding or recommendation of a hearing committee may be appealed to an appeal committee by

- (a) the teacher or teacher leader who is the subject of the hearing before the hearing committee, or
- (b) the Commissioner.

(2) An appeal must be commenced by submitting a written notice of appeal to the chair of the panel within 15 days after the date on which

- (a) the hearing committee's decision is served on the teacher or teacher leader, in the case of an appeal by a teacher or teacher leader, or
- (b) the Commissioner receives the hearing committee's decision, in the case of an appeal by the Commissioner.

(3) A notice of appeal must

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

(4) On receiving a notice of appeal, the chair of the panel shall

- (a) establish an appeal committee, and
- (b) notify the following that the notice of appeal has been received:
 - (i) the teacher or teacher leader, in the case of an appeal by the Commissioner;
 - (ii) the Commissioner, in the case of an appeal by a teacher or teacher leader;
 - (iii) the administrator.

Notice of appeal hearing

225.9994(1) On the establishment of an appeal committee to hear an appeal, the chair of the appeal committee shall forthwith set the date, time and location of the hearing.

(2) At least 15 days before the date set for the appeal hearing, the chair of the appeal committee shall notify the teacher or teacher leader and the Commissioner of

- (a) the date, time and location of the appeal hearing, and
- (b) the rights of the teacher or teacher leader under section 225.9995(1).

Proceedings at appeal hearing

225.9995(1) At the appeal hearing, the teacher or teacher leader and the Commissioner may

- (a) appear and be represented by counsel or any other individual,
- (b) make written and oral representations, and
- (c) at the request of the appeal committee, provide clarification of any matter under consideration by the appeal committee.

(2) An appeal hearing must be open to the public unless, in the opinion of the appeal committee, the interests of any person other than the teacher or teacher leader who is the subject of the appeal hearing may be detrimentally affected if the hearing is not held in private.

(3) The appeal must be founded on the hearing committee's decision and the record of the proceedings before the hearing committee.

(4) Sections 225.996(3) and (4), 225.997 and 225.998 apply to proceedings before an appeal committee.

Decision of appeal committee

225.9996(1) Within 30 days after the conclusion of an appeal hearing, an appeal committee shall do one or more of the following:

- (a) quash, vary or confirm a finding or recommendation of the hearing committee or substitute a finding or recommendation of its own;
 - (b) refer the matter back to the hearing committee for further consideration, if the appeal committee is satisfied that new evidence is available;
 - (c) direct the chair of the panel to establish a new hearing committee under section 225.9 and refer the matter to the hearing committee for a new hearing under section 225.996.
- (2) The appeal committee shall make a written decision on the appeal that includes the reasons for the decision.
- (3) The chair of the appeal committee shall forthwith
- (a) serve the appeal committee's decision on the teacher or teacher leader,
 - (b) send to the Commissioner the appeal committee's decision and the record of the hearing that consists of all evidence before the appeal committee, including all
 - (i) exhibits,
 - (ii) records and documents, and
 - (iii) testimony given before the hearing committee, whether recorded in electronic, mechanical or handwritten form,
 and
 - (c) send the appeal committee's decision to the Minister and the Registrar.

Minister's Decision

Minister's decision with respect to committees

225.9997(1) On receiving the decision of a hearing committee under section 225.9992 or an appeal committee under section 225.9996, the Minister may examine the record or any part of the record of the proceedings before the hearing committee or appeal committee and hear any recording or examine any electronic,

mechanical or handwritten record of evidence given before the hearing committee or appeal committee.

(2) On receiving the decision of a hearing committee or appeal committee, the Minister may do one or more of the following, whether or not it is the recommendation of the hearing committee or appeal committee:

- (a) dismiss the complaint;
- (b) issue a letter of reprimand to the teacher or teacher leader;
- (c) suspend one or more certificates of the teacher or teacher leader, with or without conditions;
- (d) cancel one or more of the certificates of the teacher or teacher leader or cancel one or more of the certificates of the teacher or teacher leader and issue one or more certificates of a different class, with or without conditions;
- (e) order that the teacher or teacher leader be ineligible for one or more certificates for a definite or indefinite period, with or without conditions.

(3) A decision of the Minister made under subsection (2) must be in writing and include the reasons for the decision.

(4) The Minister shall

- (a) serve the Minister's decision on the teacher or teacher leader, and
- (b) send the Minister's decision to
 - (i) the Commissioner,
 - (ii) the complainant, if any,
 - (iii) the administrator, and
 - (iv) the Registrar.

(5) A decision of the Minister under subsection (2) 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.

Online Registry

Online registry

225.9998(1) In this section and sections 225.9999 to 225.99992,

- (a) “certificate” means a teaching certificate, a leadership certificate or a superintendent leadership certificate issued under this Act or a former Act;
- (b) “former Act” means
 - (i) the *School Act*, RSA 2000 cS-3, or any predecessor of that Act, or
 - (ii) the *Department of Education Act*, RSA 1980 cD-17, or any predecessor of that Act;
- (c) “former committee” means
 - (i) a hearing committee or its equivalent under the *Teaching Profession Act*, a former Act or the regulations made under this Act, or
 - (ii) an appeal committee or its equivalent under the *Teaching Profession Act*, a former Act or the regulations made under this Act;
- (d) “online registry” means a repository of information available to the public on a website maintained by the department administered by the Minister.

(2) The Registrar shall establish and maintain an online registry for the purpose of providing the public with the information required or authorized to be published under this section and sections 225.9999 and 225.99991.

(3) The online registry must enable any member of the public to access the information referred to in subsection (2) by searching the name of an individual who holds a certificate on or after the coming into force of this section or who held a certificate at a time referred to in section 225.9999 or 225.99991.

(4) Subject to section 225.99992, the Minister shall publish or cause to be published in the online registry all of the following information about each individual who holds a certificate on or after the coming into force of this section or who held a certificate on or after January 1, 1954:

- (a) the individual's current name and any previous name of that individual that is known to the Registrar;
- (b) each certificate that is held by the individual when the information is published in the online registry or that was held by the individual on or after January 1, 1954;
- (c) the date that each certificate referred to in clause (b) was issued and the current status of the certificate.

Publication in online registry — certificates

225.9999(1) The Minister shall publish or cause to be published in the online registry all of the following information about each individual in respect of whom information is required to be published under section 225.9998(4):

- (a) in the case of a certificate that is suspended when the information is published in the online registry or that was suspended on or after January 1, 1990, other than where the certificate
 - (i) is automatically suspended by section 225.99, or
 - (ii) was automatically suspended by
 - (A) section 27.2 of the *Teaching Profession Act*, or
 - (B) a regulation made under section 201 or 224 that automatically suspends certificates where an individual is convicted of a prescribed offence that proceeds by indictment,
 - (I) the date the suspension became effective,
 - (II) if the suspension has ended, the date on which it ended,

- (III) if the suspension is set to end on a future date, the future date on which it is set to end and whether it is subject to being ended earlier, and
 - (IV) whether the length of the suspension is subject to being extended;
- (b) in the case of a certificate that is cancelled when the information is published in the online registry, the date of the cancellation, unless the cancellation occurred before January 1, 1990;
- (c) in the case of a certificate that
 - (i) is cancelled by the Minister under section 225.991(1)(b), or
 - (ii) that was cancelled by the Minister under
 - (A) section 27.3(1)(b) of the *Teaching Profession Act*, or
 - (B) a regulation made under section 201 or 224 that authorizes cancellation where an individual is convicted of a prescribed offence that proceeds by indictment,

an indication of that fact;
- (d) in the case of a certificate that is suspended or cancelled when the information is published in the online registry or that was suspended on or after January 1, 1990, an indication as to whether the suspension or cancellation was imposed after a hearing relating to alleged professional incompetence or alleged unprofessional conduct, or both, and whether there was a finding of professional incompetence or unprofessional conduct;
- (e) subject to section 225.99992, in the case of a certificate that was suspended or cancelled on or after January 1, 1990 after a hearing relating to alleged professional incompetence or alleged unprofessional conduct, or both, an indication as to whether there was a finding of professional incompetence or unprofessional conduct;

- (f) subject to section 225.99992, in the case of a certificate that is expired when the information is published in the online registry, any finding of professional incompetence or unprofessional conduct, or both, that was made on or after January 1, 1990 if the certificate was expired when the finding was made;
- (g) subject to section 225.99992, in the case of a certificate that is suspended or cancelled on or after January 1, 2023, an indication as to whether the suspension or cancellation resulted from a consent resolution agreement;
- (h) subject to section 225.99992, in the case of
 - (i) a certificate referred to in clause (c), the Minister's decision to cancel the certificate, and
 - (ii) a certificate referred to in clause (e) or (f),
 - (A) any decision of, or recommendation made to the Minister by, a hearing committee, appeal committee or former committee after a hearing relating to alleged professional incompetence or alleged unprofessional conduct, and
 - (B) the Minister's decision, if any, to suspend or cancel the certificate.

(2) The Minister may publish or cause to be published in the online registry a summary of the matters that led to a finding of professional incompetence or unprofessional conduct in the case of a certificate referred to in subsection (1)(c), (e), (f) or (g).

Publication in online registry — professional incompetence and unprofessional conduct

225.99991(1) Subject to subsection (4) and section 225.99992, the Minister shall publish or cause to be published in the online registry all of the following information about each individual in respect of whom information is required to be published under section 225.9998(4):

- (a) an indication as to whether a finding of professional incompetence or unprofessional conduct has been made in respect of the individual on or after January 1, 2023 by a hearing committee, appeal committee or former committee;

- (b) the decision and recommendation made by the committee;
- (c) the Minister's decision with respect to the recommendation of the committee.

(2) Subject to subsection (4) and section 225.99992, the Minister may publish or cause to be published in the online registry a summary of the matters that led to the finding referred to in subsection (1)(a).

(3) Subject to subsection (4) and section 225.99992, the Minister shall publish or cause to be published in the online registry the following:

- (a) all consent resolution agreements entered into under section 225.994;
- (b) all decisions of a hearing committee, appeal committee or former committee issued on or after January 1, 2023 where the committee makes a finding of professional incompetence or unprofessional conduct.

(4) The information required to be published under this section may be published in the online registry only if

- (a) with respect to a finding, decision or recommendation of a hearing committee or a former committee referred to in section 225.9998(1)(c)(i),
 - (i) the period for filing an appeal of the decision of the hearing committee or former committee has elapsed and no appeal has been filed, and
 - (ii) the period for making an application for judicial review of the Minister's decision has elapsed, or
- (b) with respect to a finding, decision or recommendation of an appeal committee or former committee referred to in section 225.9998(1)(c)(ii), the period for making an application for judicial review of the committee's decision has elapsed.

Restrictions on publication in online registry

225.99992(1) The following information published in the online registry must not include personal information about any individual other than the individual whose certificate was suspended or

cancelled, who was the subject of the finding of professional incompetence or unprofessional conduct or who made an admission of professional incompetence or unprofessional conduct:

- (a) a summary referred to in section 225.9999(2) or 225.99991(2);
- (b) a decision or recommendation referred to in section 225.9999(h)(i) or (ii) or 225.99991(1)(b) or (c);
- (c) a consent resolution agreement referred to in section 225.99991(3)(a).

(2) Sections 225.9999 and 225.99991 do not apply where publishing the information would be contrary to any other enactment of Alberta or Canada or an order of a court of competent jurisdiction.

(3) The Minister may

- (a) decide not to publish information referred to in section 225.9998(4) if the Minister is satisfied that publishing the information could cause injury or hardship to any individual, or
- (b) decide not to publish any information referred to in section 225.9999, 225.99991 or 225.99992 if the Minister is satisfied that publishing the information could cause injury or hardship to any individual, other than the individual whose certificate was suspended or cancelled or who was the subject of the finding of unprofessional conduct or professional incompetence.

Duty to Report

Duty to report to Registrar

225.99993(1) In this section,

- (a) “administrator” means
 - (i) in the case of a school operated by a board, Francophone regional authority or operator of a charter school,

- (A) the superintendent appointed under this Act for the board, Francophone regional authority or charter school, or
 - (B) in respect of a matter that relates to the superintendent,
 - (I) the chair of the board or Francophone regional authority, or
 - (II) the operator of the charter school,
 - (ii) in the case of an early childhood services program provided by a person other than a board or a private school,
 - (A) if the person providing the early childhood services program is an individual, that individual, or
 - (B) if the person providing the early childhood services program is not an individual, the chair of the board of the society under the *Societies Act*, the non-profit company under Part 9 of the *Companies Act* or the non-profit corporation incorporated by or under an Act of the Legislature that is providing the early childhood services program,
- or
- (iii) in the case of a private school,
 - (A) if the person responsible for the operation of the private school is an individual, that individual, or
 - (B) if the person responsible for the operation of the private school is not an individual, the chair of the board of the society under the *Societies Act*, the non-profit company under Part 9 of the *Companies Act* or the non-profit corporation incorporated by or under an Act of the Legislature that is responsible for the operation of the private school;
 - (b) “employer” means a board, a person responsible for the operation of a private school, the operator of a charter school, a Francophone regional authority or a person other

than a board or a private school providing an early childhood services program.

(2) An administrator shall send a written report to the Registrar if

- (a) a teacher or teacher leader employed by an employer
 - (i) is placed on non-teaching duties or non-leadership duties by the employer,
 - (ii) is suspended from employment,
 - (iii) is terminated from employment,
 - (iv) resigns from employment,
 - (v) retires from employment, or
 - (vi) is subject to other consequences with respect to employment,

and

- (b) the action in clause (a) results from conduct that brings into question the suitability of the teacher or teacher leader to hold one or more certificates issued under this Act.

(3) Where a report is made under subsection (2) in respect of a teacher or teacher leader, the administrator shall make a complaint under section 225.91 about the teacher's or teacher leader's conduct.

(4) No action lies against any of the following in respect of any report made under subsection (2) in good faith when acting or purporting to act under this Act or the regulations:

- (a) an administrator;
- (b) a person appointed as an official trustee;
- (c) a person who acts on the instruction of, or under the supervision of, a person referred to in clause (a) or (b).

(5) No action for defamation may be founded on a report made under subsection (2) in good faith.

(6) If a complaint under subsection (3) is dismissed or if a decision is made to take no further action with respect to the complaint, the Registrar shall remove the report made under subsection (2) from the teacher's or teacher leader's file.

Duty to report to police

225.99994(1) A person referred to in subsection (2) who reasonably believes that a teacher or teacher leader has engaged in conduct that involves

- (a) physical harm to a student,
- (b) sexual abuse or sexual exploitation of a student, or
- (c) any other matter that may, in the opinion of the person, threaten the safety of a student

shall report that conduct to a police service.

(2) The following persons are required to report under subsection (1):

- (a) the Registrar;
- (b) the Commissioner;
- (c) a superintendent;
- (d) the chair of a board;
- (e) in the case of a person other than a board or a private school providing an early childhood services program,
 - (i) if the person providing the early childhood services program is an individual, that individual, or
 - (ii) if the person providing the early childhood services program is not an individual, the chair of the board of the society under the *Societies Act*, the non-profit company under Part 9 of the *Companies Act* or the non-profit corporation incorporated by or under an Act of the Legislature that is providing the early childhood services program;
- (f) in the case of a private school,

- (i) if the person responsible for the operation of the private school is an individual, that individual, or
 - (ii) if the person responsible for the operation of the private school is not an individual, the chair of the board of the society under the *Societies Act*, the non-profit company under Part 9 of the *Companies Act* or the non-profit corporation incorporated by or under an Act of the Legislature that is responsible for the operation of the private school;
 - (g) the executive secretary of the The Alberta Teachers' Association;
 - (h) the executive director of the College of Alberta School Superintendents.
- (3)** When a person referred to in subsection (2)(b) to (h) makes a report under that subsection, the person shall notify the Registrar of the following:
- (a) that a report has been made;
 - (b) the name of the teacher or teacher leader who is the subject of the report;
 - (c) the nature of the conduct in respect of which the report was made.
- (4)** If a person referred to in subsection (2)(b) to (h) asks the Registrar whether a report has been made with respect to the conduct of a teacher or teacher leader, the Registrar may disclose to the person the fact that a report has been made.
- (5)** A person referred to in subsection (2)(b) to (h) is not required to make a report under that subsection with respect to the conduct of a teacher or teacher leader if the Registrar has disclosed in writing to the person under subsection (4) that a report has been made.
- (6)** Subsection (1) applies notwithstanding that the information on which the belief is founded is confidential and its disclosure is prohibited under any other Act.

(7) No action lies against a person reporting under this section unless the reporting is done maliciously or without reasonable grounds for the belief.

Regulations

225.99995 The Lieutenant Governor in Council may make regulations

- (a) establishing a code of professional conduct for teachers and teacher leaders;
- (b) respecting the powers of the chair of the panel;
- (c) respecting the powers of the chairs of hearing committees, complainant appeal committees and appeal committees;
- (d) respecting the size and composition of the panel and the appointment of panel members;
- (e) respecting the size and composition of hearing committees, complainant appeal committees and appeal committees and the appointment of members to those committees;
- (f) establishing the number of committee members that constitutes a quorum for hearing committees, complainant appeal committees and appeal committees;
- (g) respecting the service of panel members in more than one capacity;
- (h) respecting the form and manner in which complaints are required be made;
- (i) respecting the powers of the Registrar with respect to complaints, including the power to provide additional information to the Commissioner respecting complaints;
- (j) respecting notices of complainant appeals;
- (k) requiring the payment of fees for submitting notices of complainant appeals and setting the amount of the fee;
- (l) prescribing the information that must be contained in notices of complainant appeal hearings;

- (m) respecting processes and procedures relating to complainant appeal hearings, including the dismissal of complainant appeals and the representation of complainant appeal committees by counsel at complainant appeals;
- (n) respecting processes and procedures relating to investigations;
- (o) respecting the Commissioner's power to suspend investigations;
- (p) respecting the powers of investigators, including the power to investigate any related matter that arises in the course of an investigation;
- (q) prescribing offences under the *Criminal Code* (Canada) for the purposes of sections 225.97 and 225.98;
- (r) respecting processes and procedures relating to mediation processes and dispute resolution processes, including who the parties are and the powers and responsibilities of panel members in conducting such processes;
- (s) prescribing penalties for the purposes of section 225.994(1)(d)(iv);
- (t) prescribing the information that consent resolution agreements are required to contain;
- (u) respecting processes and procedures relating to hearings, including the representation of hearing committees by counsel at hearings;
- (v) respecting processes and procedures relating to appeal hearings, including the dismissal of appeals and the representation of appeal committees by counsel at appeal hearings;
- (w) respecting costs that may be awarded in respect of hearings, complainant appeal hearings or appeal hearings;
- (x) respecting transcripts of hearings, complainant appeal hearings or appeal hearings, including the costs of transcripts;

- (y) respecting the service, sending or provision of reports, notices, decisions and other documents under this Division;
- (z) defining, for the purposes of this Division, any term used but not defined in this Division;
- (aa) respecting any other matter that the Lieutenant Governor in Council considers necessary or appropriate to carry out the intent of this Division.

Deficiency regulations

225.99996(1) The Lieutenant Governor in Council may make regulations

- (a) respecting matters coming under this Act that the Lieutenant Governor in Council considers
 - (i) are not provided for or are insufficiently provided for in this Act, or
 - (ii) are necessary or advisable in connection with the implementation of this Act;
- (b) remedying any confusion, difficulty or impossibility in applying any provision of this Act.

(2) A regulation made under subsection (1) is repealed 2 years after the regulation comes into force or on the date specified in the regulation, whichever is earlier.

(3) The repeal of a regulation under subsection (2) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

(4) A regulation made under subsection (1) that is in force on or after the repeal of this section remains in force until it is repealed in accordance with subsection (2).

(5) A regulation may not be made under subsection (1) extending the 2-year period set out in subsection (2).

(6) This section is repealed 2 years after this section comes into force, but the repeal does not affect anything done, incurred or acquired under the authority of a regulation made under subsection (1) before the repeal of this section.

Transitional regulations

225.99997(1) The Lieutenant Governor in Council may make regulations

- (a) respecting the transition to this Act of any matters relating to disciplinary proceedings under the *Teaching Profession Act* or the regulations made under sections 201 and 224 of this Act;
- (b) remedying any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from the *Teaching Profession Act* or the regulations made under sections 201 and 224 of this Act;
- (c) respecting the interpretation of any transitional provisions in this Act.

(2) A regulation made under subsection (1) may be made

- (a) respecting the powers and duties to be exercised or performed respecting any complaint, investigation, hearing, complainant appeal, appeal or other process or proceeding that
 - (i) has commenced but not concluded before the coming into force of this Division or any portion of this Division, or
 - (ii) commences on or after the coming into force of this Division or any portion of this Division and that is a consequence of a matter that arose or commenced before the coming into force of this Division or any portion of this Division;
- (b) respecting the transitional application of any amendment made to this Act by the *Education Statutes (Students First) Amendment Act, 2021*, including the interpretation of any provision amended;
- (c) remedying any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act of anything under this Act as it read before being amended by the *Education (Reforming Teacher Profession Discipline) Amendment Act, 2022*, including the interpretation or application of any transitional provision in this Act.

(3) A regulation made under subsection (1) may be made retroactive to the extent set out in the regulation.

(4) A regulation made under subsection (1) is repealed 2 years after the regulation comes into force or on the date specified in the regulation, whichever is earlier.

(5) The repeal of a regulation under subsection (4) does not affect anything done, incurred or acquired under the authority of the regulation before the repeal of the regulation.

(6) A regulation made under subsection (1) that is in force on or after the repeal of this section remains in force until it is repealed in accordance with subsection (4).

(7) A regulation may not be made under subsection (1) extending the 2-year period set out in subsection (4).

(8) This section is repealed 2 years after this section comes into force, but the repeal does not affect anything done, incurred or acquired under the authority of a regulation made under subsection (1) before the repeal of this section.

13 The following is added after the heading preceding section 226:

Judicial review

225.99998(1) An application for judicial review of

- (a) a complainant appeal committee's decision under section 225.95(6),
- (b) the Commissioner's decision with respect to a mediation process under section 225.992(7),
- (c) the Commissioner's decision with respect to a dispute resolution process under section 225.993(7),
- (d) a hearing committee's decision under section 225.9992(3), or
- (e) an appeal committee's decision under section 225.9996(1)

13 Judicial review.

must be commenced within 15 days after the day the decision is made.

(2) An application for judicial review of the Minister's decision under section 225.991(1), 225.994(3) or 225.9997(2) must be commenced within 60 days after the day the decision is made.

(3) An application for judicial review of

- (a) a decision made under a regulation under section 201 or 224 to issue, refuse to issue, suspend or cancel a certificate of qualification as a teacher, a leadership certificate or a superintendent leadership certificate, or
- (b) an order of the Minister made under a regulation under section 201 or 224 that an individual be ineligible for one or more certificates

must be commenced within 60 days from the day the decision or order is made.

(4) On an application for judicial review under this section, the standard of review is reasonableness.

14 Section 252 is repealed and the following is substituted:

Protection from liability for others

252(1) No action lies against the following persons for anything done by that person in good faith and in purporting to act under this Act or the regulations:

- (a) a member of a Complex Education Needs Tribunal;
- (b) a person who conducts a review under section 44 on behalf of the Minister;
- (c) a member of the Attendance Board;
- (d) a member of the Board of Reference;
- (e) a person appointed as an official trustee;
- (f) the Commissioner;

14 Section 252 presently reads:

252(1) No action lies against a member of the Attendance Board, a member of the Board of Reference, a member of a Complex Education Needs Tribunal, a person appointed as an official trustee or a person who conducts a review under section 44 on behalf of the Minister for anything done by that person in good faith and in purporting to act under this Act or the regulations.

(2) No action for defamation may be founded on a communication if the communication is published to or by an attendance officer, the Attendance Board, the Board of Reference, a member of a Complex Education Needs Tribunal, a person appointed as an official trustee or a person who conducts a review under section 44 on behalf of the Minister in good faith in the course of any proceedings under this Act.

- (g) the Registrar;
- (h) a member of a panel or committee established under Part 7;
- (i) a person conducting an investigation under Part 7;
- (j) any person acting under the instruction of a person referred to in clauses (f) to (i).

(2) No action for defamation shall be founded on a communication if the communication is published to or by any of the following persons or bodies in good faith in the course of any proceedings under this Act:

- (a) a member of a Complex Education Needs Tribunal;
- (b) a person who conducts a review under section 44 on behalf of the Minister;
- (c) an attendance officer;
- (d) the Attendance Board;
- (e) the Board of Reference;
- (f) a person appointed as an official trustee;
- (g) the Commissioner;
- (h) the Registrar;
- (i) a panel or committee established under Part 7;
- (j) a member of a panel or committee established under Part 7;
- (k) a person conducting an investigation under Part 7;
- (l) any person or body acting under the instruction of a person or body referred to in clauses (g) to (k).

Amends SA 2021 cC-18.8

15(1) The *College of Alberta School Superintendents Act* is amended by this section.

(2) Section 1(1)(a), (c), (g), (h), (i), (l), (m), (n), (u), (w), (aa) and (cc) and (2) are repealed.

15(1) Amends chapter C-18.8 of the Statutes of Alberta, 2021.

(2) Section 1(1) presently reads in part:

1(1) In this Act,

(a) “administrator” means

(i) in respect of a matter relating to a superintendent,

(A) the chair of the school board or Francophone regional authority, as the case may be, if the superintendent is employed by a school board or Francophone regional authority, or

(B) the operator of a charter school, if the superintendent is employed by the operator of a charter school,

and

(ii) in respect of a matter relating to a regulated member, other than a superintendent, employed by a school board, Francophone regional authority or operator of a charter school, the superintendent appointed under the Education Act for the school board, Francophone regional authority or operator of the charter school, as the case may be;

(c) “certificate” means a certificate as defined in the Certification of Teachers and Teacher Leaders Regulation (AR 84/2019);

(g) “complainant review committee” means a complainant review committee established under section 27(2);

(h) “complaint” means

(i) a complaint made under section 34(1),

(ii) a notice of termination that the executive director treats as a complaint under section 35(2), or

(iii) a matter that, under section 39(3), constitutes a complaint;

(i) “conduct” includes an act or omission;

(3) Sections 5(b)(iii) and (iv) and 12 are repealed.

- (l) *“hearing committee” means a hearing committee established under section 26;*
 - (m) *“hearing review committee” means a hearing review committee established under section 28(2);*
 - (n) *“investigator” means a person appointed to conduct an investigation under this Act;*
 - (u) *“Registrar” means the Registrar as defined in the Certification of Teachers and Teacher Leaders Regulation (AR 84/2019);*
 - (w) *“resolution process” means a resolution process conducted under section 41;*
 - (aa) *“superintendent leadership certificate” means a superintendent leadership certificate as defined in the Certification of Teachers and Teacher Leaders Regulation (AR 84/2019);*
 - (cc) *“teacher” means a teacher as defined in the Certification of Teachers and Teacher Leaders Regulation (AR 84/2019);*
- (2) *This Act applies notwithstanding that a regulated or non-regulated member no longer holds a certificate.*

(3) Sections 5(b)(iii) and (iv) and 12 presently read:

5 The objects of the College are

- (b) *to improve the teaching profession and leadership of the education system by*
- (iii) *assessing and disciplining regulated members with respect to being unskilled or incompetent in carrying out leadership duties, and*
- (iv) *assessing and disciplining regulated members with respect to unprofessional conduct,*

12 The board of directors may delegate any of its powers or duties under Part 2 to the officer or officers designated for that purpose in the bylaws.

(4) Section 17(3) is repealed and the following is substituted:

(3) The Registrar appointed under the *Education Act* shall notify the executive director if

- (a) the teaching certificate, leadership certificate or superintendent leadership certificate of an individual employed in a position referred to in subsection (1)(a) is cancelled or suspended under Division 3.1 of Part 7 of the *Education Act*, or
- (b) the teaching certificate or leadership certificate of an individual employed in a position referred to in subsection (1)(b) or (c) is cancelled or suspended under Division 3.1 of Part 7 of the *Education Act*.

(4) An individual employed in a position referred to in subsection (1)(a) ceases to be a regulated member if the teaching certificate, leadership certificate or superintendent leadership certificate of the individual is cancelled or suspended under Division 3.1 of Part 7 of the *Education Act*.

(5) An individual employed in a position referred to in subsection (1)(b) or (c) ceases to be a regulated member if the teaching certificate or leadership certificate of the individual is cancelled or suspended under Division 3.1 of Part 7 of the *Education Act*.

(6) The College shall notify the school board, Francophone regional authority or operator of a charter school that employs an individual referred to in subsection (4) or (5) that the individual has ceased to be a regulated member.

(5) The following is added after section 17:

Notice to employer

17.1 When a regulated member's membership in the College is suspended or cancelled, the executive director shall forthwith notify the regulated member's employer and the Registrar under the *Education Act* of the suspension or cancellation.

(6) Part 2 is repealed.

(4) Section 17(3) presently reads:

(3) An individual employed in a position referred to in subsection (1) ceases to be a regulated member if the individual's membership is cancelled or suspended as a result of a proceeding under Part 2 or under bylaws made under section 77(1)(s) or temporarily suspended under section 66, and the College shall notify the school board, Francophone regional authority or operator of a charter school that employs the individual that the individual has ceased to be a regulated member.

(5) Notice to employer.

(6) Part 2 presently reads:

Part 2
Professional Conduct and Competence

21 In this Part,

- (a) “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;*
- (b) “professional conduct requirements” means the professional conduct requirements established by the Minister under section 22;*
- (c) “unprofessional conduct” means conduct described in section 23.*

22 The Minister may establish professional conduct requirements for regulated members.

23 Conduct

- (a) that is detrimental to the best interests of students, the public, teachers, teacher leaders or the teaching profession,*
- (b) that does not meet the professional conduct requirements, or*
- (c) that is the basis for a conviction for an indictable offence*

constitutes unprofessional conduct.

24(1) Failure to meet the requirements of the Leadership Quality Standard constitutes being unskilled or incompetent in carrying out the leadership duties related to a leadership certificate.

(2) Failure to meet the requirements of the Superintendent Leadership Quality Standard constitutes being unskilled or incompetent in carrying out the leadership duties related to a superintendent leadership certificate.

25(1) The practice review general panel is established.

(2) The board of directors shall

- (a) appoint the non-public panel members in accordance with subsection (3), and*

- (b) *designate the chair and one or more vice-chairs from among the panel members.*

(3) The practice review general panel

- (a) *must consist of at least 15 panel members,*
- (b) *must have a majority of panel members who are teacher leaders with regulated or non-regulated membership,*
- (c) *must include at least 3 public panel members appointed by the Minister who do not hold and have not held a teaching certificate, leadership certificate or superintendent leadership certificate, and*
- (d) *may include one or more panel members who are teachers or teacher leaders to whom the Teaching Profession Act and the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019) apply.*

26 On receiving a direction from the executive director, complainant review committee or hearing review committee under section 39(1)(c) or (2), 40(9)(d), 42(1)(c) or 58(1)(c), the chair of the practice review general panel shall

- (a) *establish a hearing committee to hear the complaint or matter,*
- (b) *appoint the members of the hearing committee from among the members of the practice review general panel in accordance with section 29, and*
- (c) *designate a member of the hearing committee as the chair.*

27(1) On receiving a request for review made under section 40(1), the chair of the practice review general panel shall determine whether the request for review was delivered in the time provided for by section 40(2)(b) and, if not, may dismiss the request for review.

(2) If the chair of the practice review general panel does not dismiss a request for review under subsection (1), the chair shall

- (a) *establish a complainant review committee to hear the review,*

- (b) *appoint the members of the complainant review committee from among the members of the practice review general panel in accordance with section 29, and*
- (c) *designate a member of the complainant review committee as the chair.*

28(1) On receiving a request for review made under section 55(1), the chair of the practice review general panel shall determine whether the request for review was delivered in the time provided for by section 55(2) and, if not, may dismiss the request for review.

(2) If the chair of the practice review general panel does not dismiss a request for review under subsection (1), the chair shall

- (a) *establish a hearing review committee to hear the review,*
- (b) *appoint the members of the hearing review committee from among the members of the practice review general panel in accordance with section 29, and*
- (c) *designate a member of the hearing review committee as the chair.*

29 A hearing committee, complainant review committee and hearing review committee

- (a) *must consist of at least 3 committee members,*
- (b) *must have a majority of committee members who are teacher leaders with regulated or non-regulated membership,*
- (c) *must include at least one public committee member who does not hold and has not held a teaching certificate, leadership certificate or superintendent leadership certificate, and*
- (d) *may include one or more committee members who are teachers or teacher leaders to whom the Teaching Profession Act and the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019) apply.*

30 The chair of a hearing committee, complainant review committee or hearing review committee may

- (a) *deal with any preliminary or procedural matters incidental to a hearing or review, as the case may be,*

- (b) *arrange for matters to be set down before the committee,*
- (c) *adjourn matters before the committee, and*
- (d) *perform the administrative functions necessary to enable the committee to carry out its duties.*

31(1) A public member of the practice review general panel continues to hold office after the expiry of the public member's term of office until the public member is reappointed or the public member's successor is appointed.

(2) The Minister may, after consulting with the board of directors, revoke the appointment of a public member of the practice review general panel.

(3) The Minister may make orders respecting the payment to a public member of the practice review general panel who is appointed to a hearing committee, complainant review committee or hearing review committee of

- (a) travelling and living expenses incurred by that public member for the public member's attendance at any meeting of the committee while away from the public member's usual place of residence, and*
- (b) fees.*

(4) The powers, duties and operation of a hearing committee, complainant review committee or hearing review committee are not affected by

- (a) the fact that no member of the public is appointed as a committee member,*
- (b) the revocation of the appointment of a public committee member, or*
- (c) the resignation from the committee of a public committee member.*

(5) Subject to the bylaws prescribing a quorum, the failure of a public member appointed to a hearing committee, complainant review committee or hearing review committee to attend a meeting of the committee does not affect or restrict the committee in exercising any power or performing any duties under this Act or the bylaws at that meeting.

32(1) The chair of the practice review general panel may serve in only one of the following capacities with respect to a complaint or matter if the functions of the chair with respect to the complaint or matter are exercised by a vice-chair of the practice review general panel:

- (a) conducting a resolution process;*
- (b) providing assistance under section 41(2) to a person appointed to conduct a resolution process;*
- (c) serving as a member of a hearing committee, complainant review committee or hearing review committee.*

(2) A member of the practice review general panel may serve in only one of the following capacities with respect to a complaint or matter relating to a regulated member:

- (a) conducting a resolution process;*
- (b) providing assistance under section 41(2) to an individual appointed to conduct a resolution process;*
- (c) serving as a member of a hearing committee;*
- (d) serving as a member of a complainant review committee;*
- (e) serving as a member of a hearing review committee.*

33 A member of the practice review general panel who is appointed to a hearing committee, complainant review committee or hearing review committee, and whose term of office expires before the committee concludes the hearing or review of a matter, as the case may be, shall continue to act as a member of the committee until that matter is concluded, notwithstanding that in the meantime another person has been appointed to fill that member's position on the committee.

34(1) Any individual may make a complaint in writing to the executive director

- (a) that a regulated member is unskilled or incompetent in carrying out leadership duties related to a leadership certificate or superintendent leadership certificate, or*
- (b) respecting the alleged unprofessional conduct of a regulated member.*

(2) An administrator who has reason to believe that a regulated member has been or may have been convicted of an indictable offence shall

(a) make a complaint to the executive director relating to that belief, and

(b) advise the Registrar of that belief.

(3) Subject to subsection (4), a complaint under subsection (1)(a) must be made no later than 2 years after the date on which the last incident of lack of skill or incompetence forming the basis of the complaint occurred.

(4) If, after a person's membership in the College lapses or has been suspended or cancelled,

(a) a complaint under subsection (1)(a) is made about the former regulated member and

(i) the complaint relates to the former regulated member's skill or competence before the lapse, suspension or cancellation, and

(ii) the complaint is made no later than 2 years after the date of the lapse, suspension or cancellation,

or

(b) a complaint under subsection (1)(b) is made about the former regulated member and

(i) the complaint relates to conduct occurring before the lapse, suspension or cancellation, and

(ii) the complaint is made no later than 5 years after the date of the lapse, suspension or cancellation,

the complaint may be dealt with under this Act as if the lapse, suspension or cancellation had not occurred.

(5) If a complaint is made relating to

(a) a regulated member who was subject to the Teaching Profession Act at the time the behaviour forming the basis of the complaint occurred, the executive director shall refer the complaint to the executive secretary of The Alberta Teachers'

Association to be dealt with in accordance with the Teaching Profession Act,

- (b) a regulated member who was subject to the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019) at the time the behaviour forming the basis of the complaint occurred, the executive director shall refer the complaint to the Registrar to be dealt with in accordance with the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019),*
- (c) a teacher or teacher leader who is currently subject to the Teaching Profession Act and who was subject to the Teaching Profession Act at the time the behaviour forming the basis of the complaint occurred, the executive director shall refer the complaint to the executive secretary of The Alberta Teachers' Association to be dealt with in accordance with the Teaching Profession Act, or*
- (d) a teacher or teacher leader who is currently subject to the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019) and who was subject to that regulation at the time the behaviour forming the basis of the complaint occurred, the executive director shall refer the complaint to the Registrar to be dealt with in accordance with the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019).*

35(1) If the employer of a regulated member terminates the contract of employment of the regulated member on the grounds referred to in section 34(1)(a) or (b), the employer shall send a copy of the notice of termination and the grounds for termination to the executive director.

(2) The executive director may treat a notice of termination received under subsection (1) as a complaint but the employer is not considered to be a complainant for the purposes of this Act.

36(1) The executive director shall

- (a) within 14 days after receiving a complaint, notify the Registrar in writing of the nature of the complaint, and*
- (b) within 30 days after receiving a complaint,*

- (i) *serve on the regulated member who is the subject of the complaint a notice setting out the nature of the complaint,*
- (ii) *notify the administrator in writing of the nature of the complaint, and*
- (iii) *make any preliminary inquiries relating to the complaint that the executive director considers appropriate.*

(2) Subject to subsection (3), within 30 days after making any preliminary inquiries under subsection (1)(b)(iii), the executive director shall,

- (a) *if the executive director is of the opinion that the complaint is frivolous, vexatious or without merit, decide not to take any further action with respect to a complaint,*
- (b) *in the case of a complaint that a member is unskilled or incompetent in carrying out leadership duties related to a leadership certificate or superintendent leadership certificate, direct that the complainant address the complaint with the regulated member or administrator,*
- (c) *in the case of a complaint respecting the alleged unprofessional conduct of a regulated member where the executive director determines that the complaint does not warrant an investigation,*
 - (i) *direct the chair of the practice review general panel to appoint a member of the practice review general panel to conduct a resolution process with respect to the complaint, and*
 - (ii) *refer the complaint to the member appointed under subclause (i),*

or

- (d) *appoint an investigator and refer the complaint to the investigator.*

(3) If the executive director decides to appoint an investigator with respect to a complaint referred to in section 34(1)(a) and the executive director is aware that the regulated member's employer is investigating the matter that forms the basis of the complaint, the executive director shall appoint an investigator within 30 days after being advised that the employer's investigation has been concluded.

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

(5) After making a decision under subsection (2), the executive director shall serve on the regulated member and the complainant, if any, a notice setting out

(a) the decision of the executive director under this section,

(b) the reasons for the decision, and

(c) the complainant's right to a review of the decision under section 40 if the executive director's decision is that no further action be taken.

(6) The executive director shall send the notice

(a) to the administrator, and

(b) to the Registrar, if the executive director makes a decision under subsection (2)(a).

37(1) Subject to subsection (6), the executive director may, in the absence of a complaint, make any preliminary inquiries that the executive director considers appropriate and appoint an investigator and refer to the investigator any matter relating to

(a) a regulated member being unskilled or incompetent in carrying out leadership duties related to a leadership certificate or superintendent leadership certificate, or

(b) the alleged unprofessional conduct of a regulated member.

(2) If the executive director decides to appoint an investigator with respect to a matter referred to in subsection (1)(a) and the executive director is aware that the regulated member's employer is investigating the matter, the executive director shall not appoint an investigator until after being advised that the employer's investigation has been concluded.

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

(4) If the executive director appoints an investigator under subsection (1), the executive director shall

- (a) serve on the regulated member a notice setting out the nature of the matter being investigated, and*
- (b) notify the administrator and Registrar in writing of the nature of the matter being investigated.*

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

(6) Subject to subsection (7), the executive director shall not take an action under subsection (1)

- (a) with respect to a matter referred to in subsection (1)(a), more than 2 years after the date of the last incident of lack of skill or incompetence to which the matter relates occurred, and*
- (b) with respect to a matter referred to in subsection (1)(b), more than 5 years after the date on which the conduct to which the matter relates occurred.*

(7) If, after a person's membership in the College lapses or has been suspended or cancelled,

- (a) the executive director takes an action under subsection (1) with respect to a matter referred to in subsection (1)(a) with respect to the former regulated member and*
 - (i) the matter relates to the former regulated member's skill or competence before the lapse, suspension or cancellation, and*
 - (ii) the action is taken no later than 2 years after the date of the lapse, suspension or cancellation,*

or

- (b) the executive director takes an action under subsection (1) with respect to a matter referred to in subsection (1)(b) with respect to the former regulated member and*
 - (i) the matter relates to conduct occurring before the lapse, suspension or cancellation, and*

- (ii) *the action is taken no later than 5 years after the date of the lapse, suspension or cancellation,*

the complaint may be dealt with under this Act as if the lapse, suspension or cancellation had not occurred.

38(1) Within 30 days after a complaint or matter has been referred by the executive director to an investigator, the investigator shall commence an investigation of the complaint or matter.

(2) The investigator may

- (a) request that any individual, including the regulated member who is the subject of the investigation, the employer or former employer of the regulated member who is the subject of the investigation and any employee of the employer or former employer, answer any questions and produce to the investigator any records or documents relevant to the investigation, and*
- (b) copy and keep copies of any records or documents produced under clause (a).*

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

(4) The investigator may investigate any other matter relating to the complaint or matter being investigated that arises in the course of the investigation.

(5) The investigator must send to the executive director forthwith on concluding the investigation a written report that includes copies of all materials relating to the investigation.

(6) If the regulated member who is the subject of the investigation is alleged to have been convicted of an indictable offence, the investigator must attempt to confirm whether the regulated member has in fact been convicted of an indictable offence and upon doing so must forthwith prepare a written report to that effect.

39(1) Subject to subsection (2), on reviewing a report received from an investigator under section 38(5) with respect to a complaint or matter, the executive director shall forthwith

- (a) decide not to take any further action with respect to the complaint or matter, if the executive director is of the opinion that*

- (i) *the complaint is frivolous, vexatious or without merit, or*
- (ii) *there is insufficient evidence to warrant conducting a resolution process or a hearing before a hearing committee,*
- (b) *in the case of a complaint or matter respecting the alleged unprofessional conduct of a regulated member where the executive director determines that the complaint or matter does not warrant a hearing,*
 - (i) *direct the chair of the practice review general panel to appoint a member of the practice review general panel to conduct a resolution process with respect to the complaint or matter, and*
 - (ii) *refer the complaint or matter to the member appointed under subclause (i),*

or

- (c) *direct the chair of the practice review general panel to establish a hearing committee to hear the complaint or matter and refer the complaint or matter to the hearing committee for a hearing.*
- (2) *If it has been confirmed under section 38(6) that the regulated member who is the subject of an investigation has been convicted of an indictable offence, the executive director must direct the chair of the practice review general panel to establish a hearing committee to hear the complaint or matter and refer the complaint or matter to the hearing committee for a hearing.*
- (3) *A referral under subsection (1)(b) or (c) of a matter that the executive director dealt with under section 37 constitutes a complaint, but the executive director is not considered to be a complainant for the purposes of this Act.*
- (4) *The executive director shall serve on the complainant, if any, and on the regulated member who is the subject of the investigation, a notice setting out*
- (a) *the decision of the executive director under this section,*
 - (b) *the reasons for the decision, and*

- (c) *the complainant's right to request a review of the decision under section 40 if the decision is not to take any further action.*
- (5) *The executive director shall send the notice*
- (a) *to the administrator, and*
 - (b) *the Registrar, if the executive director makes a decision under subsection (1)(a).*
- (6) *The executive director shall send to the regulated member who is the subject of the investigation a copy of the report prepared by the investigator under section 38(5).*
- 40(1) *A complainant may request a review of a decision of the executive director under section 36(2)(a) or 39(1)(a) not to take any further action with respect to a complaint.*
- (2) *A request for review under subsection (1) must*
- (a) *be in the form of a notice in writing that includes the reasons the complainant believes the complaint should be referred to*
 - (i) *a member of the practice review general panel under subsection (9)(c), or*
 - (ii) *a hearing committee under subsection (9)(d),*
 - (b) *be delivered to the chair of the practice review general panel within 15 days after the date on which the complainant was served with the notice under section 36(5) or 39(4), and*
 - (c) *be accompanied by a fee in the amount established by the board of directors.*
- (3) *On receiving a request for review, the chair of the practice review general panel shall notify the following persons of the request for review:*
- (a) *the executive director;*
 - (b) *the regulated member who is the subject of the complaint;*
 - (c) *the administrator;*
 - (d) *the Registrar.*

(4) On the establishment of a complainant review committee under section 27 to hear the review, the chair of the complainant review committee must forthwith set the date, time and location of the review hearing.

(5) At least 15 days before the date set for the review hearing, the chair of the complainant review committee shall notify the complainant, executive director and regulated member who is the subject of the complaint of

- (a) the date, time and location of the review hearing, and*
- (b) their rights under subsection (6).*

(6) At a review hearing, the complainant, executive director and regulated member who is the subject of the complaint may

- (a) appear and be represented by counsel or any other individual,*
- (b) make written and oral representations, and*
- (c) provide clarification of any matter at the request of the complainant review committee.*

(7) If information is available to the complainant review committee that was not available to the investigator or executive director, the complainant review committee may, in making its decision, consider the relevance of that information.

(8) A review hearing before the complainant review committee must be held in private.

(9) Not later than 15 days after hearing a review, the complainant review committee must make one of the following decisions and provide reasons for the decision:

- (a) confirm the decision of the executive director;*
- (b) direct the executive director 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 regulated member, direct the chair of the practice review general panel to appoint a member of the practice review general panel to conduct a resolution process with respect to the complaint and refer the complaint to that member of the practice review general panel;*
 - (d) *direct the chair of the practice review general panel to establish a hearing committee to hear the complaint and refer the complaint to the hearing committee for a hearing.*
- (10) *The chair of the complainant review committee shall forthwith serve a notice of the complainant review committee's decision and the reasons for the decision on the complainant and the regulated member who is the subject of the complaint.*
- (11) *The chair of the complainant review committee shall send the notice and reasons for the decision*
- (a) *to the Registrar, if the complainant review committee makes a decision under subsection (9)(a), and*
 - (b) *to the executive director and administrator, if the complainant review committee makes a decision under subsection (9)(a) to (d).*
- 41(1) *If a complaint or matter is referred to a member of the practice review general panel under section 36(2)(c), 39(1)(b) or 40(9)(c) to conduct a resolution process, the member of the practice review general panel shall*
- (a) *review the facts,*
 - (b) *identify any concerns of students, the public, teachers, teacher leaders or members of the College generally with respect to the complaint or matter,*
 - (c) *assist in the resolution of the complaint or matter being referred, and*
 - (d) *provide advice to the regulated member who is the subject of the complaint or matter being referred, if appropriate.*
- (2) *The member of the practice review general panel who is appointed to conduct a resolution process with respect to a complaint or matter may be assisted by any other member of the practice review general panel in conducting the resolution process.*

(3) A resolution process conducted with respect to a complaint or matter

(a) must be conducted informally and in private, and

(b) is without prejudice and confidential.

(4) Any statement disclosed during a resolution process is without prejudice and confidential and must not be disclosed to any person other than the executive director or used in any other proceedings without the consent of the parties.

(5) The member of the practice review general panel who conducts the resolution process shall provide a written report to the executive director that includes the opinion of the member of the practice review general panel as to whether the matter should be considered resolved or an investigation or hearing should be conducted.

(6) The executive director shall, before making a decision under section 42, send a copy of the written report referred to in subsection (5) to the regulated member who is the subject of the complaint or the matter with respect to which the resolution process is being conducted.

42(1) On reviewing a report referred to in section 41(5), the executive director may

(a) decide not to take any further action with respect to the complaint or matter, if the executive director is of the opinion that the complaint or matter has been effectively resolved through the resolution process,

(b) appoint an investigator and refer the complaint or matter to the investigator, or

(c) direct the chair of the practice review general panel to establish a hearing committee to hear the complaint or matter and refer the complaint or matter to the hearing committee for a hearing.

(2) A decision of the executive director under subsection (1) is final.

(3) The executive director shall send notice of the executive director's decision under subsection (1)(a) and the reasons for the decision to the Registrar.

43(1) On the establishment of a hearing committee under section 26 to hear a complaint or matter, the chair of the hearing committee shall forthwith set the date, time and location of the hearing.

(2) At least 15 days before the date set for the hearing, the chair of the hearing committee shall serve on the executive director and the regulated member who is the subject of the hearing a notice stating

- (a) the date, time and location of the hearing, and*
- (b) reasonable particulars of the complaint or matter to be heard.*

44(1) The executive director and the regulated member who is the subject of the hearing may appear and be represented by counsel or any other individual at a hearing before the hearing committee.

(2) A hearing before a 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 complaint or matter, or*
- (b) the interests of any individual other than the regulated member who is the subject of the hearing may be detrimentally affected if the hearing is not held in private, in the opinion of the hearing committee.*

(3) The hearing committee may grant adjournments of the proceedings or reserve the determination of the complaint or matter before it for a future meeting of the hearing committee.

(4) Evidence may be given before a 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.

45(1) Subject to subsection (3), the chair of the hearing committee may, at the request of the executive director or regulated member who is the subject of the hearing, issue a notice requiring the regulated member or any other individual who, in the opinion of the chair, may have knowledge of the complaint or matter to

- (a) appear as a witness before the hearing committee, or*
- (b) produce any records or documents to the hearing committee.*

(2) At least 15 days before the date of the hearing, the chair of the hearing committee shall serve a notice issued under subsection (1) on the individual who is the subject of the notice.

(3) If the regulated member who is the subject of the hearing has been convicted of an indictable offence, no person shall require the attendance as a witness at a hearing before the hearing committee of any person who attended as a witness at the court that convicted the regulated member of the indictable offence.

(4) A witness may be examined under oath on anything relevant to the hearing before a 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 to

(i) a civil proceeding at the instance of the Crown or of any other person, or

(ii) 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.

46 For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court of Queen's Bench of Alberta may, on an application by the College without notice, order the evidence of the witness to be obtained in the manner provided under the Alberta Rules of Court (AR 124/2010) for the taking of evidence of a person outside Alberta.

47 The chair of a hearing committee may direct the executive director to initiate proceedings for civil contempt of court before the Court of Queen's Bench against an individual

(a) who fails to comply with

(i) a notice to appear as a witness before the hearing committee, or

- (ii) *a notice to produce records or documents to the hearing committee,*

or

- (b) *who refuses to be sworn or to affirm or to answer any question the individual is directed to answer by the hearing committee.*

48 A hearing committee may, on proof of service of the notice of hearing under section 43(2) on the regulated member who is the subject of the hearing,

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

49 If any other matter concerning the competency or conduct of the regulated member who is the subject of an investigation or hearing arises in the course of an investigation or hearing, the hearing committee may

- (a) *hear the other matter, in which case the hearing committee shall declare its intention to hear the other matter and must permit the regulated member a reasonable opportunity to prepare an answer to the other matter, or*
- (b) *adjourn the hearing to allow the College to assess the other matter and make recommendations with respect to that matter to the hearing committee.*

50 A hearing committee may find one or more of the following with respect to a regulated member who is the subject of a hearing:

- (a) *that a regulated member who holds a leadership certificate is*
 - (i) *unskilled or incompetent in carrying out the leadership duties related to a leadership certificate if, in the opinion of the hearing committee, the regulated member does not meet the requirements of the Leadership Quality Standard,*
or
 - (ii) *not unskilled or incompetent in carrying out the leadership duties related to a leadership certificate;*

- (b) *that a regulated member who holds a superintendent leadership certificate is*
 - (i) *unskilled or incompetent in carrying out the leadership duties related to a superintendent leadership certificate if, in the opinion of the hearing committee, the regulated member does not meet the requirements of the Superintendent Leadership Quality Standard, or*
 - (ii) *not unskilled or incompetent in carrying out the leadership duties related to a superintendent leadership certificate.*

51(1) A hearing committee

- (a) *may find the conduct of the regulated member who is the subject of the hearing to constitute unprofessional conduct if, in the opinion of the hearing committee, the regulated member's conduct*
 - (i) *is detrimental to the best interests of students, the public, teachers, teacher leaders or members of the College generally, or*
 - (ii) *does not meet the professional conduct requirements,*
- (b) *must find the conduct of the regulated member who is the subject of the hearing to constitute unprofessional conduct if the regulated member's conduct is the basis for a conviction for an indictable offence, or*
- (c) *may find that the conduct of the regulated member who is the subject of the hearing does not constitute unprofessional conduct, if clauses (a) and (b) do not apply.*

(2) Where the regulated member who is the subject of a hearing has been convicted of an indictable offence, the hearing committee must determine the question of penalty and has no authority

- (a) *to find that the conduct of the regulated member on which the conviction is based does not constitute unprofessional conduct, or*
- (b) *to investigate the conduct of the regulated member on which the conviction is based except for the purpose of deciding the penalty.*

52(1) If a hearing committee finds that a regulated member is unskilled or incompetent in carrying out leadership duties under section 50 or that the conduct of a regulated member constitutes unprofessional conduct under section 51, the hearing committee may do any one or more of the following:

- (a) cancel the regulated member's membership in the College;*
- (b) suspend the regulated member's membership in the College for any period it considers proper;*
- (c) make any further or other order it considers appropriate.*

(2) If a hearing committee is satisfied that a regulated member has contravened an order made under subsection (1)(c) it may, without the necessity of a further hearing, cancel or suspend the regulated member's membership in the College, subject to any terms it considers appropriate.

(3) If a regulated member's membership is cancelled under subsection (1)(a) or (2), the hearing committee

- (a) shall recommend that the Minister cancel one or more certificates issued to the regulated member under the Education Act, and*
- (b) may recommend that the Minister suspend one or more certificates issued to the regulated member under the Education Act.*

(4) If a regulated member's membership in the College is suspended under subsection (1)(b) or (2), the hearing committee shall recommend that the Minister suspend one or more certificates issued to the regulated member under the Education Act.

(5) If the decision of a hearing committee

- (a) relates to a regulated member who has been convicted of an indictable offence, and*
- (b) does not contain a recommendation that the Minister cancel or suspend the certificate or certificates issued to the regulated member under the Education Act,*

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

53 A hearing committee shall, within 60 days after the conclusion of a hearing, make a written decision on the matter, in which it shall

- (a) describe each finding made by the hearing committee under section 50 or 51,*
- (b) state the reasons for each finding made by the hearing committee, and*
- (c) state any order made by the hearing committee.*

54(1) A hearing committee shall send to the executive director

- (a) the decision of the hearing committee, and*
- (b) the record of the hearing, consisting of all evidence presented before the hearing committee, including*
 - (i) all exhibits,*
 - (ii) all documents, and*
 - (iii) all testimony given before it, whether recorded electronically, mechanically or in handwritten form.*

(2) The executive director shall, on receiving the decision of a hearing committee and the record of the hearing,

- (a) serve a copy of the decision on the regulated member who is the subject of the hearing,*
- (b) send a copy of the decision to the Registrar, and*
- (c) send a notice of the decision to the complainant, administrator and board of directors.*

(3) The regulated member, the person representing the regulated member and the board of directors may examine the record or any part of the record of the proceedings before a hearing committee and hear any recording or examine any mechanical or handwritten record of evidence given before the hearing committee.

(4) If the regulated member who is the subject of the hearing requests a transcript of all or part of the hearing, the regulated member must pay the cost of the preparation of the transcript.

(5) The decision of a hearing committee must be available to the public on request and free of charge.

55(1) The executive director or a regulated member who is the subject of a decision of a hearing committee may request a review by the hearing review committee of a finding, order or recommendation of a hearing committee contained in that decision.

(2) A request for review must be submitted in writing to the chair of the practice review general panel not more than

(a) 30 days after the date on which the executive director receives the decision of the hearing committee, in the case of a request for review made by the executive director, or

(b) 30 days after the date on which the decision of the hearing committee is served on the regulated member, in the case of a request for review made by a regulated member.

(3) A request for review must

(a) describe the finding, order or recommendation for which a review is being requested, and

(b) state the reasons for which a review is being requested.

(4) On receiving a request for review, the chair of the practice review general panel shall notify the following individuals that a request for review has been received:

(a) the regulated member who is the subject of the decision under review, in the case of a request for review made by the executive director;

(b) the executive director, in the case of a request for review made by a regulated member;

(c) the administrator;

(d) the Registrar.

(5) On the establishment of a hearing review committee to hear a review, the chair of the hearing review committee shall forthwith set the date, time and location of the review hearing.

(6) At least 15 days before the date of the review hearing, the chair of the hearing review committee shall notify the executive director

and the regulated member who is the subject of the decision under review of

- (a) the date, time and location of the review hearing, and*
- (b) their rights under section 56(1).*

56(1) At the review hearing before a hearing review committee, the executive director and the regulated member who is the subject of the decision under review may

- (a) appear and be represented by counsel or any other individual,*
- (b) make written and oral representations, and*
- (c) provide clarification of any matter under consideration by the hearing review committee at the request of the hearing review committee.*

(2) The review before the hearing review committee must be founded on the decision of the hearing committee and the record of the hearing before the hearing committee.

(3) Sections 44(3) and (4), 45, 47 and 48 apply to a review hearing before the hearing review committee.

57 A review hearing before a hearing review committee must be open to the public unless the interests of any individual other than the regulated member who is the subject of the review may be detrimentally affected if the hearing is not held in private, in the opinion of the hearing review committee.

58(1) The hearing review committee shall, after the conclusion of all proceedings before it,

- (a) make any finding or order that in its opinion ought to have been made by the hearing committee,*
- (b) quash, vary or confirm a finding or order of the hearing committee or substitute or make a finding or order of its own, or*
- (c) refer the matter back to the hearing committee for further consideration in accordance with any direction that the hearing review committee may make.*

(2) Section 52(5) applies to a decision of the hearing review committee.

59(1) The hearing review committee shall, within 60 days after the conclusion of the proceedings before it, make a written decision on the matter and forward the decision to the executive director.

(2) The executive director shall, on receiving the decision of the hearing review committee,

- (a) serve a copy of the decision on the regulated member who is the subject of the decision under review,*
- (b) send a copy of the decision to the Registrar, and*
- (c) send a notice of the decision to the administrator and board of directors.*

(3) The decision of the hearing review committee must be available to the public on request and free of charge.

60(1) A hearing committee or hearing review committee may, in addition to making recommendations under section 52 or a decision under section 58, order that the regulated member who is the subject of the investigation, hearing or a decision under review pay to the College within the time and in accordance with the conditions set by the order

- (a) all or part of the costs of the investigation, hearing or review determined in accordance with the bylaws,*
- (b) a fine not exceeding \$10 000 for each finding of unprofessional conduct, or*
- (c) costs under clause (a) and a fine under clause (b).*

(2) Where a regulated member's membership in the College has been suspended, a hearing committee may, in addition to an order made under subsection (1), order that the regulated member's membership remain suspended until the fine or costs, or both, have been paid.

(3) A fine or costs ordered to be paid by a regulated member under this Act are a debt due to the College and may be recovered by the College by civil action for debt.

61 The executive director shall send to the Minister each decision of the hearing review committee or, if there has been no review, each decision of the hearing committee where

- (a) the decision includes a recommendation that the Minister cancel or suspend one or more certificates issued to a regulated member who is the subject of a complaint, matter or review, or*
- (b) the decision relates to a regulated member who is the subject of a complaint, matter or review and who has been convicted of an indictable offence.*

62(1) On receiving the decision of a hearing committee or hearing review committee under section 61, the College shall, on the Minister's request,

- (a) provide to the Minister the record of hearing or any part of the record of hearing before the hearing committee or hearing review committee, and*
- (b) allow the Minister to hear any recording or examine any electronic, mechanical or handwritten record of evidence given before the hearing committee or hearing review committee.*

(2) On receiving the decision of a hearing committee or hearing review committee under section 61, the Minister may do one or more of the following, whether or not it is the recommendation of the hearing committee or hearing review committee:

- (a) suspend one or more certificates of the regulated member, with or without conditions;*
- (b) cancel one or more of the certificates of the regulated member, or cancel one or more of the certificates and issue one or more certificates of a different class, with or without conditions;*
- (c) order that the regulated member be ineligible for one or more certificates for a definite period of time, with or without conditions.*

(3) A decision made under subsection (2) must be in writing and must include the reasons for the decision.

(4) The Minister must

*(a) serve a copy of the written decision on the regulated member,
and*

(b) send a copy of the written decision to the Registrar.

(5) A decision to take an action under subsection (2) is final.

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

(a) implement a decision made under subsection (2), and

(b) make public a decision made under subsection (2).

63(1) A decision made by a hearing review committee is final and binding on the parties in respect of whom the decision is made.

(2) An application for judicial review of a decision must be commenced within 15 days from the day the decision is made.

(3) On an application for judicial review, the standard of review is reasonableness.

64(1) If a regulated member's membership in the College has been cancelled or suspended under section 52 or 58, notice of the cancellation or suspension must be published in the form and manner prescribed in the bylaws.

(2) No notice shall be published under subsection (1) in respect of a cancellation or suspension under section 52 until

*(a) a review has been heard and a decision made on the review,
or*

(b) the time for commencing a review has expired, if no review is commenced.

65 The Registrar may request and examine any information relating to

*(a) a notification of a complaint made under section 36(1)(a),
from the executive director,*

(b) a notification of the appointment of an investigator under section 37(4)(b), from the executive director,

(7) The following is added after the heading preceding section 70:

- (c) *a notice and reasons for decision sent under section 40(11)(a), from the chair of a complainant review committee,*
- (d) *a decision referred to in section 54(2)(b), from the executive director, and*
- (e) *a decision referred to in section 59(2)(b), from the executive director.*

66(1) Notwithstanding anything in this Act, the executive director may suspend an individual's membership in the College pending the executive director's decision under section 36 or the decision of a hearing committee.

(2) When a regulated member's membership in the College is suspended under this section, the executive director shall forthwith notify the administrator, Registrar and regulated member in writing of the suspension.

(3) A regulated member whose membership in the College is suspended under subsection (1) may, by filing an application with the Court of Queen's Bench and serving a copy on the executive director, apply for an order staying the decision of the executive director to suspend the regulated member's membership until a decision of the executive director under section 36 or a decision of the hearing committee has been made.

67 When a regulated member's membership in the College is suspended or cancelled under section 52, 58 or 66, the executive director shall forthwith notify the regulated member's employer of the suspension or cancellation.

68 If the regulated member's membership in the College has been cancelled, the membership shall not be reinstated except by order of the board of directors or by a court of competent jurisdiction.

69 No employer or other person shall knowingly require a regulated member to perform a service or undertake any work that would result in the contravention by the regulated member of an order or direction of a hearing committee or hearing review committee.

- (7) Employer to recognize sanctions.

Employer to recognize sanctions

69.1 No employer or other person shall knowingly require a regulated member to perform a service or undertake any work that would result in the contravention by the regulated member of an order or direction of a hearing committee or appeal committee under the *Education Act*.

(8) Section 72 is repealed.

(8) Section 72 presently reads:

72(1) In this section,

- (a) “electronic” means electronic as defined in the Electronic Transactions Act;*
- (b) “electronic agent” means electronic agent as defined in the Electronic Transactions Act;*
- (c) “recorded mail” means a form of document delivery by mail or courier in which receipt of the document must be acknowledged in writing.*

(2) When this Act requires that a document or notice be served on an individual, the document or notice is sufficiently served

- (a) if it is served personally on the individual or sent to the individual by recorded mail,*
 - (i) in the case of a member, at the address last shown for the member on the records of the College, and*
 - (ii) in the case of any other individual, at the individual’s last known address,*

or

- (b) if it is sent to the individual at an address the individual has provided as an address to which information or data may be transmitted by electronic means and*
 - (i) the electronic means used results in the receipt of a document in a form that is usable for subsequent reference, and*
 - (ii) the sender obtains or receives a confirmation that the transmission to the address of the person to be served was successfully completed.*

(9) Section 74 is amended

(a) in subsection (1)

- (i) by repealing clauses (b), (c) and (d);**
- (ii) in clause (g) by striking out “(a) to (f)” and substituting “(a), (e) or (f)”;**

(b) in subsection (2)

- (i) by adding “or” at the end of clause (a);**
- (ii) in clause (b) by striking out “or of a committee established by or under this Act or the bylaws”;**
- (iii) by repealing clauses (c), (d) and (e).**

(10) Section 77(1) is amended

- (a) by repealing clause (g);**
- (b) in clause (l) by striking out “other than the committees referred to in sections 26 to 28,”;**

(3) Service is effected under subsection (2)(b) when the sending electronic agent obtains or receives confirmation of the successfully completed transmission.

(9) Section 74 presently reads in part:

74(1) No action lies against any of the following persons or bodies for anything done by that person or body in good faith and in purporting to act under this Act or the bylaws:

- (b) an investigator;*
- (c) a person conducting a resolution process under this Act;*
- (d) a member of a committee established by or under this Act or the bylaws;*
- (g) a person acting on the instructions of a person or body referred to in clauses (a) to (f).*

(2) No action for defamation may be founded on a communication that consists of or pertains to an act or omission of a member if the communication is published by

- (a) the College or an officer of the College,*
- (b) a member of the board of directors or of a committee established by or under this Act or the bylaws,*
- (c) an investigator,*
- (d) a person conducting a resolution process under this Act, or*
- (e) a person acting in good faith on the instructions of a person or body referred to in clauses (a) to (d) in the course of investigating the competency or conduct of a regulated member or in the course of any proceeding under this Act.*

(10) Section 77(1) presently reads in part:

77(1) The board of directors may make bylaws not inconsistent with this Act or any Act or regulation of Alberta

- (g) designating officers to whom the powers or duties of the board of directors under Part 2 may be delegated,*

- (c) by repealing clause (n);**
- (d) in clause (v) by striking out “and the committees referred to in sections 26 to 28,”;**
- (e) in clause (w) by striking out “and the practice review general panel”;**
- (f) by repealing clauses (x) to (aa).**

(11) Sections 83 to 85, 86(2), (3) and (6) and 87(4) are repealed.

- (l) *establishing committees other than the committees referred to in sections 26 to 28, and prescribing the powers and duties of those committees,*
- (n) *prescribing the number of committee members that constitutes a quorum at hearings with respect to the committees referred to in sections 26 to 28,*
- (v) *respecting fees and expenses payable to non-public members of the board of directors and the committees referred to in sections 26 to 28,*
- (w) *respecting non-public members of the board of directors and the practice review general panel,*
- (x) *respecting the appointment of members to the practice review general panel and designation of the chairs or vice-chairs of the practice review general panel, including setting terms of appointments or designations,*
- (y) *respecting the determination of costs of an investigation, hearing or review for the purposes of section 60,*
- (z) *respecting the publication of orders made by a hearing committee under section 64 with respect to cancellation or suspension,*
- (aa) *respecting the fees, expenses or allowances payable to witnesses appearing before committees in hearings or review hearings,*

(11) Sections 83 to 85, 86(2), (3) and (6) and 87(4) presently read:

83(1) If, before the coming into force of this Act, a complaint has been made in respect of a regulated member under the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019) and the complaint has not been disposed of before the coming into force of this Act, the complaint must be continued and dealt with under that regulation.

(2) If, before the coming into force of this Act, a complaint has been made in respect of a regulated member under the Teaching Profession Act and the complaint has not been disposed of before the coming into force of this Act, the complaint must be continued and dealt with under that Act.

(3) The executive director may act under section 37 respecting lack of skill, incompetence or unprofessional conduct that occurred before the coming into force of this Act in respect of an individual who is a regulated member on or after the coming into force of this Act.

84(1) If, before the coming into force of this Act, an investigation has commenced in respect of a regulated member under the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019) and the investigation has not concluded before the coming into force of this Act, the appointment of the investigator continues and the investigation must continue and conclude under that regulation.

(2) If, before the coming into force of this Act, an investigation has commenced in respect of a regulated member under the Teaching Profession Act and the investigation has not concluded before the coming into force of this Act, the appointment of the investigator continues and the investigation must continue and conclude under that Act.

85(1) If, before the coming into force of this Act, a regulated member is subject to a proceeding or a resolution process has commenced in respect of a regulated member under the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019) and the proceeding or resolution process has not concluded before the coming into force of this Act, the proceeding or resolution process must continue and conclude under that regulation.

(2) If, before the coming into force of this Act, a regulated member is subject to a proceeding or a dispute resolution process has commenced in respect of a regulated member under the Teaching Profession Act and the proceeding or dispute resolution process has not concluded before the coming into force of this Act, the proceeding or dispute resolution process must continue and conclude under that Act.

86(2) Section 201(1) is amended

(a) in clause (c) by adding “or the College of Alberta School Superintendents Act” after “Teaching Profession Act”;

(b) in clause (e) by adding “or the College of Alberta School Superintendents Act” after “Teaching Profession Act”.

(3) Section 218 is amended

(a) in subsection (1) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):

(a) “executive director” means the executive director as defined in the *College of Alberta School Superintendents Act*;

(b) by adding the following after subsection (4):

(4.1) If a report made under subsection (2) is in respect of an individual who is employed by the board and who is subject to the disciplinary provisions set out under the College of Alberta School Superintendents Act, the board must make a complaint about the individual’s conduct pursuant to section 34 of the College of Alberta School Superintendents Act.

(c) in subsection (5)

(i) in clause (a) by adding “or the *College of Alberta School Superintendents Act*” after “*Teaching Profession Act*”;

(ii) by repealing clause (c) and substituting the following:

(c) the operator of a charter school and who is not subject to the disciplinary provisions set out under the *College of Alberta School Superintendents Act*,

(d) in subsection (6) by striking out “the applicable regulation under section 224” and substituting “the disciplinary provisions set out under the *College of Alberta School Superintendents Act*”;

(e) in subsection (7) by adding the following after clause (d):

(d.1) the executive director;

(6) Section 224 is amended

(a) in subsection (1)

(i) by striking out “respecting superintendents of schools, including regulations”;

(ii) in clause (d) by striking out “a superintendent or other individual who holds a superintendent leadership

Amends SA 2021 c19

16(1) The *Education Statutes (Students First) Amendment Act, 2021* is amended by this section.

(2) Section 1 is amended

certificate” wherever it occurs and substituting “a superintendent leadership certificate holder”;

(b) by adding the following after subsection (2):

(3) In this section, “superintendent leadership certificate holder” means a teacher who holds a superintendent leadership certificate and to whom neither of the following apply:

(a) Part 2 of the College of Alberta School Superintendents Act;

(b) sections 16 to 60 of the Teaching Profession Act.

87(4) Section 24 is amended

(a) by repealing subsection (1) and substituting the following:

24(1) Subject to subsections (6) and (7), any person may make a complaint to the executive secretary and the complaint shall be dealt with in accordance with this Act and the bylaws.

(b) by adding the following after subsection (5):

(6) If a complaint is made to the executive secretary under subsection (1) relating to a member who was subject to the College of Alberta School Superintendents Act at the time the behaviour forming the basis of the complaint occurred, the executive secretary shall refer the complaint to the executive director of the College of Alberta School Superintendents to be dealt with in accordance with the College of Alberta School Superintendents Act.

(7) If a complaint is made to the executive secretary under subsection (1) relating to a member who was not an active member of the association or a regulated member of the College of Alberta School Superintendents at the time the behaviour forming the basis of the complaint occurred, the executive secretary shall refer the complaint to the Registrar to be dealt with in accordance with the regulations under the Education Act.

16(1) Amends chapter 19 of the Statutes of Alberta, 2021.

(2) Section 1(2) to (11) presently read:

- (a) in subsection (2)**
 - (i) by repealing clauses (a) and (b);**
 - (ii) in clause (c) by striking out “in clauses (aa), (cc), (dd) and (ee)” and substituting “in clause (dd)”;**
- (b) by repealing subsections (3) to (11).**

(2) *Section 1(1) is amended*

- (a) *in clauses (c) and (o) by striking out “Certification of Teachers and Teacher Leaders Regulation (AR 84/2019)” and substituting “regulations made under the Education Act with respect to the certification of teachers and teacher leaders”;*
- (b) *by repealing clause (u) and substituting the following:*
 - (u) *“Registrar” means the Registrar appointed under the regulations made under the Education Act;*
- (c) *in clauses (aa), (cc), (dd) and (ee) by striking out “Certification of Teachers and Teacher Leaders Regulation (AR 84/2019)” and substituting “regulations made under the Education Act with respect to the certification of teachers and teacher leaders”.*

(3) *Section 25(3)(d) is amended by striking out “Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019)” and substituting “regulations made under the Education Act with respect to the conduct and competence of teachers and teacher leaders”.*

(4) *Section 26 is repealed and the following is substituted:*

26 On receiving a direction from the executive director under section 39(1)(c) or (2) or 42(1)(c), the complainant review committee under section 40(9)(d) or the hearing review committee under section 58(1)(c) or a referral from the Minister under section 39.3(1)(a), the chair of the practice review general panel shall

- (a) *establish a hearing committee to hear the complaint or matter,*
- (b) *appoint the members of the hearing committee from among the members of the practice review general panel in accordance with section 29, and*
- (c) *designate a member of the hearing committee as the chair.*

(5) *Section 29(d) is amended by striking out “Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019)” and substituting “regulations made under the Education Act with respect to the conduct and competence of teachers and teacher leaders”.*

(6) Section 34(5) is amended

(a) in clause (b)

- (i) by striking out “subject to the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019)” and substituting “subject to the regulations made under the Education Act with respect to the conduct and competence of teachers and teacher leaders”;
- (ii) by striking out “in accordance with the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019)” and substituting “in accordance with those regulations”;

(b) in clause (d)

- (i) by striking out “subject to the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019)” and substituting “subject to the regulations made under the Education Act with respect to the conduct and competence of teachers and teacher leaders”;
- (ii) by striking out “in accordance with the Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019)” and substituting “in accordance with those regulations”.

(7) Section 39 is amended by adding the following before subsection (1):

39(0.1) In this section and section 39.1, “prescribed offence” means an offence prescribed by regulation under section 201 or 224 of the Education Act.

(0.2) This section does not apply where an investigator’s report under section 38(6) confirms that the investigated person has been convicted of a prescribed offence referred to in section 39.1.

(8) The following is added after section 39:

39.1(1) Where an investigator’s report under section 38(6) confirms that the regulated member who is the subject of the investigation has been convicted of a prescribed offence that proceeded by indictment, the executive director shall

- (a) provide copies of the investigator’s report to the Minister and the Registrar,

- (b) provide the Minister with the executive director's recommendation as to whether*
 - (i) the matter should be referred to a hearing committee, or*
 - (ii) the Minister should cancel one or more certificates issued to the investigated person under the Education Act without referring the matter to a hearing committee,*
 - (c) serve the investigated person with a copy of the investigator's report and a notice of the recommendation being made to the Minister under clause (b)(i) or (ii), and*
 - (d) notify the Registrar of the executive director's recommendation under clause (b)(i) or (ii).*
- (2) A notice under subsection (1)(c) must include a statement that all certificates to which the recommendation relates are automatically suspended by operation of section 39.2.*
- (3) The executive director shall provide copies of the notice served under subsection (1)(c) to the Minister and the Registrar.*
- 39.2(1) Where the executive director makes a recommendation under section 39.1(1)(b)(i) or (ii), all certificates held by the investigated person are automatically suspended on the investigated person being served with a notice under section 39.1(1)(c).*
- (2) An automatic suspension of a certificate under subsection (1) remains in place until*
- (a) the Minister makes a decision under section 62, where the Minister refers the matter to a hearing under section 39.3(1)(a), or*
 - (b) the Minister cancels the certificate under section 39.3(1)(b).*
- (3) Subsections (1) and (2) apply notwithstanding any other provision of this Act, the regulations, the Education Act, any regulations under that Act, the issuance of any certificate under that Act or the length or terms of any suspension imposed under that Act.*

39.3(1) On receiving and considering a copy of an investigation report under section 39.1(1)(a), a recommendation from the executive director under section 39.1(1)(b)(i) or (ii) and a copy of the notice referred to in 39.1(1)(c), the Minister shall

- (a) refer the matter to a hearing, or*
- (b) cancel one or more certificates issued to the investigated person under the Education Act, without referring the matter to a hearing committee.*

(2) Before making a decision under subsection (1)(a) or (b), the Minister shall serve on the investigated person and provide to the Registrar a notice of the Minister's intent to make the decision.

(3) A notice under subsection (2) must

- (a) provide the investigated person with a period of 15 days to provide a written response setting out any reasons why the investigated person objects to the intended decision,*
- (b) state the date by which the written response must be made, the form and manner in which it may be made and the address to which it may be sent, and*
- (c) include a statement that all certificates to which the intended decision relates are automatically suspended by operation of section 39.2.*

(4) The Minister shall consider the investigated person's response, if any, before making a decision under subsection (1)(a) or (b).

(5) After making a decision under subsection (1)(a) or (b), the Minister shall serve on the investigated person a notice of the Minister's decision, and the notice must state

- (a) the date of the decision,*
- (b) the reasons for the decision, and*
- (c) if the decision is to cancel one or more certificates, an identification of all the certificates being cancelled and the date on which each cancellation takes effect.*

(3) Section 2(6) is amended in the new section 225.1

(a) in subsection (1)

(i) in clause (a) by striking out “certificate of qualification as a teacher” **and substituting** “teaching certificate”;

(ii) by adding the following after clause (b):

(6) The Minister must send the Registrar copies of any decision made under subsection (1)(a) or (b) and any notices served under this section.

(7) Any application for judicial review of a decision of the Minister under subsection (1)(a) or (b) must be commenced within 60 days from the date of the decision as stated in the notice served under subsection (5).

(8) The Minister may make regulations respecting applications for judicial review of decisions made under this section.

(9) Section 46 is amended by striking out “(AR 124/2010)” and substituting “made under the Judicature Act”.

(10) Section 63 is amended

(a) in subsection (1) by adding “by the Minister under section 62 or” after “made”;

(b) in subsection (2) by striking out “decision must” and substituting “decision made by a hearing review committee must”;

(c) by adding the following after subsection (2):

(2.1) An application for judicial review of a decision made by the Minister under section 62 must be commenced within 60 days from the day the decision is made.

(11) Sections 83(1), 84(1) and 85(1) are amended by striking out “Practice Review of Teachers and Teacher Leaders Regulation (AR 92/2019)” and substituting “regulations made under the Education Act with respect to the conduct and competence of teachers and teacher leaders”.

(3) Section 2(6) presently reads in part:

225.1(1) In this section,

(a) “certificate” means a certificate of qualification as a teacher, a leadership certificate or a superintendent leadership certificate issued under this Act or a former Act;

(b.1) “former committee” means

- (i) a hearing committee or its equivalent under the *Teaching Profession Act* or a former Act;
- (ii) an appeal committee or its equivalent under the *Teaching Profession Act* or a former Act;

(b) in subsection (5)

(i) **in clause (a) by striking out “**, section 39.2 of the *College of Alberta School Superintendents Act*”;

(ii) **by repealing clause (c) and substituting the following:**

(c) in the case of a certificate that was cancelled by the Minister under section 27.3(1)(b) of the *Teaching Profession Act* or a regulation made under section 201 or 224 that authorizes cancellation where an individual has been convicted of a prescribed offence that proceeded by indictment, an indication of that fact;

(iii) **in clause (d) by striking out “alleged unprofessional conduct or professional incompetence” and substituting “alleged unprofessional conduct or alleged professional incompetence”;**

(iv) in clause (e)

(A) by striking out “alleged unprofessional conduct or professional incompetence” and substituting “alleged unprofessional conduct or alleged professional incompetence”;

(B) by striking out “and a summary of the matters that led to the suspension or cancellation”;

(v) by repealing clause (f) and substituting the following:

(f) subject to subsections (7) and (8), in the case of a certificate that is expired when the information is published in the online registry, any finding of unprofessional conduct or professional

(5) The Minister shall publish or cause to be published in the online registry all of the following information about each person in respect of whom information is required to be published under subsection (4):

- (a) in the case of a certificate that is suspended when the information is published in the online registry or that was suspended on or after January 1, 1990, other than where the certificate is automatically suspended by section 27.2 of the Teaching Profession Act, section 39.2 of the College of Alberta School Superintendents Act or a regulation made under section 201 or 224,*
- (c) in the case of a certificate that was cancelled by the Minister under*
 - (i) section 27.3(1)(b) of the Teaching Profession Act,*
 - (ii) section 39.3(1)(b) of the College of Alberta School Superintendents Act, or*
 - (iii) a regulation made under section 201 or 224 that authorizes cancellation where an individual has been convicted of a prescribed offence that proceeded by indictment,*

an indication of that fact;
- (d) in the case of a certificate that is suspended or cancelled when the information is published in the online registry or that was suspended on or after January 1, 1990, an indication as to whether the suspension or cancellation was imposed after a hearing relating to alleged unprofessional conduct or professional incompetence, or both, and whether there was a finding of unprofessional conduct or professional incompetence;*
- (e) subject to subsections (7) and (8), in the case of a certificate that was suspended or cancelled on or after January 1, 1990 after a hearing relating to alleged unprofessional conduct or professional incompetence, or both, an indication as to whether there was a finding of unprofessional conduct or professional incompetence and a summary of the matters that led to the suspension or cancellation;*

incompetence, or both, that was made on or after January 1, 1990 if the certificate was expired when the finding was made;

(vi) by repealing clause (g) and substituting the following:

(g) subject to subsections (7) and (8), in the case of

(i) a certificate referred to in clause (c), the Minister's decision to cancel the certificate,

and

(ii) a certificate referred to in clause (e) or (f),

(A) any decision of, or recommendation made to the Minister by, a hearing committee, appeal committee or former committee after a hearing relating to alleged unprofessional conduct or alleged professional incompetence, and

(B) the Minister's decision, if any, to suspend or cancel the certificate.

(c) by adding the following after subsection (5):

(5.1) The Minister may publish or cause to be published in the online registry a summary of the matters that led to a finding of unprofessional conduct or professional incompetence in the case of a certificate referred to in subsection (5)(c), (e) or (f).

(d) in subsection (6) by striking out "subsection (5)(e) or (f) or a copy of" **and substituting** "subsection (5)(c), (e) or (f) or";

(e) in subsection (7) by striking out "and (5)" **and substituting** ", (5) and (5.1)";

(f) in subsection (8)(b) by striking out "a summary referred to in subsection (5)(e) or (f) or a copy of".

- (f) *subject to subsections (7) and (8), in the case of a certificate that is expired when the information is published in the online registry, any finding of unprofessional conduct or professional incompetence, or both, of the person who held the certificate and a summary of the matters that led to the finding;*
 - (g) *subject to subsections (7) and (8), in the case of a certificate referred to in clause (e) or (f),*
 - (i) *a copy of any decision of, or recommendation made to the Minister by, a hearing committee, a hearing review committee or an appeal committee after a hearing relating to alleged unprofessional conduct or professional incompetence, and*
 - (ii) *a copy of the Minister's decision, if any, to suspend or cancel the certificate.*
- (6) *A summary referred to in subsection (5)(e) or (f) or a copy of a decision or recommendation referred to in subsection (5)(g)(i) or (ii) must not include personal information about any person other than the person whose certificate was suspended or cancelled or who was the subject of the finding of unprofessional conduct or professional incompetence.*
- (7) *Subsections (4) and (5) do not apply where publishing the information would be contrary to any other enactment of Alberta or Canada or an order of a court of competent jurisdiction.*
- (8) *The Minister may*
- (b) *decide not to publish a summary referred to in subsection (5)(e) or (f) or a copy of a decision or recommendation referred to in subsection (5)(g)(i) or (ii) if the Minister is satisfied that publishing the information could cause injury or hardship to any person, other than the person whose certificate was suspended or cancelled or who was the subject of the finding of unprofessional conduct or professional incompetence.*

(4) Section 3 is amended

(a) in subsection (5)

- (i) in the new section 17(3)(d) by striking out** “the *College of Alberta School Superintendents Act* or”;
- (ii) in the new section 19(d) by striking out** “the *College of Alberta School Superintendents Act* or”;

(b) in subsection (12) in the new section 29 by repealing subsection (5) and substituting the following:

(5) The complainant appeal committee shall review the decision of the executive secretary under section 24(3.2) or the direction of the executive secretary under section 27(2)(c) and may

- (a) confirm the direction of the executive secretary,
- (b) direct the chair of the professional conduct and practice review general panel to establish a hearing committee and refer the complaint to the hearing committee, or
- (c) appoint an investigator and refer the complaint to the investigator, in the case of a decision under section 24(3.2).

(c) in subsection (15) in the new section 49(5) by adding “within 15 days after establishing the appeal committee” after “to the Registrar”;

(d) in subsection (19)(a)(ii)(A) by striking out “to the hearing committee”;

(e) by repealing subsection (20)(b) and substituting the following:

(b) in subsection (2)

- (i) by striking out “Appeal Committee” and substituting “appeal committee”;**
- (ii) in clause (c) by adding “within 15 days after receiving the decision” after “the Registrar”;**

(4) Section 3 presently reads in part:

17(3) The professional conduct and practice review general panel

- (d) may include one or more panel members who are teachers or teacher leaders to whom the College of Alberta School Superintendents Act or the regulations made under the Education Act with respect to the conduct and competence of teachers and teacher leaders applies.*

19 A complainant appeal committee, hearing committee and appeal committee

- (d) may include one or more committee members who are teachers or teacher leaders to whom the College of Alberta School Superintendents Act or the regulations made under the Education Act with respect to the conduct and competence of teachers and teacher leaders applies.*

29(5) The complainant appeal committee shall review the direction of the executive secretary under section 27(2)(c) and may

- (a) confirm the direction of the executive secretary, or*
- (b) direct the chair of the professional conduct and practice review general panel to establish a hearing committee and refer the complaint to the hearing committee.*

49(5) On establishing an appeal committee under section 18(3), the chair of the professional conduct and practice review general panel shall send a copy of the request for appeal to the Registrar and to

- (a) the investigated person, if the request for appeal was made by the executive council, or*
- (b) the executive council, if the request for appeal was made by the investigated person.*

(19) Section 54 is amended

- (a) in subsection (1)*

(ii) in clause (c)

- (A) by striking out “refer the matter back” and substituting “direct the chair of the professional conduct and practice review general panel to establish a hearing*

- (c) **in subsections (3) and (4) by striking out “Appeal Committee” and substituting “appeal committee”;**
- (f) **in subsection (27) in the new section 67**
 - (i) **in subsection (4) by striking out “If” and substituting “Subject to subsection (8), if”;**
 - (ii) **in subsection (5) by striking out “If” and substituting “Subject to subsection (8), if”;**
 - (iii) **by adding the following after subsection (6):**
 - (7) For the purposes of subsections (4) and (5), the rights, powers, privileges and duties of
 - (a) the Complainant Appeal Committee under the former Act may be exercised and performed by a complainant appeal committee under this Act and any reference to the Complainant Appeal Committee in the former Act is deemed to be a reference to a complainant appeal committee in this Act,
 - (b) a hearing committee under the former Act may be exercised and performed by a hearing committee under this Act and any reference to a hearing committee in the former Act is deemed to be a reference to a hearing committee in this Act,
 - (c) the Professional Conduct Appeal Committee under the former Act may be exercised and performed by an appeal committee under this Act and any reference to the Professional Conduct Appeal Committee in the former Act is deemed to be a reference to an appeal committee in this Act,
 - (d) the Professional Practice Complainant Appeal Committee under the former bylaws may be exercised and performed by a complainant appeal committee under this Act and any reference to the Professional Practice Complainant Appeal Committee in the former bylaws is deemed to be a reference to a complainant appeal committee in this Act,

committee to hear the matter and refer the matter to the hearing committee”;

(20) Section 55 is amended

(b) in subsections (2) to (4) by striking out “Appeal Committee” and substituting “appeal committee”.

67(4) If a complaint made under the former Act or the former bylaws has not been disposed of on the coming into force of this section, the complaint must be continued and disposed of in accordance with the former Act or the former bylaws, as applicable.

(5) If an investigation commenced under the former Act or the former bylaws has not been concluded on the coming into force of this section,

(a) the appointment of the investigator continues under the former Act and the investigation must be continued under the former Act, or

(b) the investigation must be continued under the former bylaws.

- (e) a hearing committee of the Professional Practice Review Committee under the former bylaws may be exercised and performed by a hearing committee under this Act and any reference to a hearing committee of the Professional Practice Review Committee in the former bylaws is deemed to be a reference to a hearing committee in this Act, and
 - (f) the Professional Practice Appeal Committee under the former bylaws may be exercised and performed by an appeal committee under this Act and any reference to the Professional Practice Appeal Committee in the former bylaws is deemed to be a reference to an appeal committee in this Act.
- (8) Where a committee is established after the coming into force of this section to hear a matter referred to in subsection (4) or (5), the committee must be established under this Act.

Amends RSA 2000 cT-2

17(1) The *Teaching Profession Act* is amended by this section.

(2) Section 1(a), (a.1), (b.1), (b.2), (c), (e.1), (e.2), (e.3), (g.1), (g.2), (k) and (l) are repealed.

17(1) Amends chapter T-2 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads:

1 In this Act,

- (a) “association” means The Alberta Teachers’ Association;*
- (b) “bylaws” means the bylaws of the association;*
- (c) “Department” means the Department administered by the Minister;*
- (d) “executive council” means the Provincial Executive Council of the association;*
- (e) “executive secretary” means the chief executive officer of the association or a person designated by the chief executive officer;*
- (f) “member” means a member in good standing of the association;*

(3) Section 4(b) is amended

- (a) in subclause (vi) by striking out “, protecting and disciplining” and substituting “and protecting”;**
- (b) by repealing subclause (vii).**

(4) Section 7 is repealed and the following is substituted:

Voting rights

7(1) Active members and associate members have the right to vote and, subject to the bylaws, have the right to hold office in the association.

(2) Life, honorary and student members do not have the right to vote or to hold office in the association.

Notice to employer

7.1 When a person’s membership in the association is suspended or cancelled, the executive secretary shall forthwith notify the person’s employer and the Registrar under the *Education Act* of the suspension or cancellation.

- (g) *“Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;*
- (h) *“school board” means a board as defined in the Education Act;*
- (i) *“superintendent” means a superintendent appointed by a school board pursuant to the Education Act and the teacher, if any, who is appointed by the school board to be the superintendent’s chief deputy;*
- (j) *“teacher” means a person holding a permanent or temporary certificate of qualification as a teacher issued by the Minister under the Education Act.*

(3) Section 4(b) presently reads in part:

4 The objects of the association are

- (b) to improve the teaching profession*
- (vi) by advising, assisting, protecting and disciplining members in the discharge of their professional duties and relationships, and*
- (vii) by assessing the professional competence of its members by means of a professional practice review process provided for under the bylaws of the association;*

(4) Section 7 presently reads:

7(1) Active members have the right to vote and, subject to the bylaws, have the right to hold office in the association.

(2) Associate members have the right to vote and, subject to the bylaws, have the right to hold office in the association, but are not subject to the disciplinary provisions contained in this Act or the bylaws.

(3) Life, honorary and student members do not have the right to vote or to hold office in the association and are not subject to the disciplinary provisions contained in this Act or the bylaws.

(5) Section 8 is amended

(a) by repealing subsection (1)(f), (g) and (g.1) and substituting the following:

- (f) the suspension or cancellation of a person's membership in the association for non-payment of fees, dues or levies that are payable to the association;
- (g) the reinstatement of a person's membership in the association;

(b) by repealing subsections (2), (3), (4) and (5).

(5) Section 8 presently reads in part:

8(1) The association in general meeting may pass bylaws not inconsistent with this Act or any Act or regulation of Alberta concerning

- (f) a code of professional conduct;*
- (g) discipline proceedings, including the following:*
 - (i) the appointment of members or acting members of the Professional Conduct Committee, the Complainant Appeal Committee, the Professional Conduct Appeal Committee and a hearing committee established under section 18;*
 - (ii) setting a term of office for members of the Professional Conduct Committee, the Complainant Appeal Committee and the Professional Conduct Appeal Committee;*
 - (iii) the designation of a chair and vice-chair for a committee referred to in subclause (i);*
 - (iv) establishing the number of members that constitutes a quorum for a committee referred to in subclause (i);*
 - (v) setting fees and expenses payable to members of a committee referred to in subclause (i) for attending to the business of the association;*
 - (vi) respecting publication of an order made by a committee referred to in subclause (i);*
 - (vii) determining costs of an investigation, hearing or appeal for the purpose of section 43(1)(a) or 54(2);*
 - (viii) providing for the suspension or cancellation of a person's membership in the association for non-payment of fees, dues or levies that are payable to the association;*
 - (ix) providing for the reinstatement of a person's membership in the association;*
- (g.1) the competence of its members, including the assessment of the professional competence of its members by means of a professional practice review process;*

(2) Without restricting the generality of subsection (1)(g.1), a bylaw passed under subsection (1)(g.1) may

(a) provide for and govern

- (i) the establishment of a Professional Practice Review Hearing Committee and procedures with respect to hearings before it;*
- (ii) the establishment of a Professional Practice Review Appeal Committee and procedures with respect to appeals before it;*
- (iii) with respect to matters before a committee referred to in this clause,*
 - (A) the attendance before and the production of material to the committee;*
 - (B) the taking of evidence;*
 - (C) the assessing of costs and other payments to be made;*
 - (D) the orders or decisions that may be made concerning*
 - (I) matters relating to the hearing or the process;*
 - (II) a teacher's professional competence;*
 - (II.1) a member's professional competence in carrying out leadership duties related to a leadership certificate issued under the Education Act;*
 - (III) membership in the association;*
 - (E) the recommendations that may be made to the Minister respecting a teacher's certificate of qualification under the Education Act;*
 - (E.1) the recommendations that may be made to the Minister respecting one or more of the member's leadership certificates under the Education Act;*
 - (F) any other matter not referred to in this subclause that relates to a hearing or any other functions of the committee;*

(6) Sections 16 to 46 are repealed.

- (b) *adopt in whole or in part, or with any modification, any regulation made under the Education Act that deals with those matters referred to in subsection (1)(g.1) or clause (a);*
 - (c) *provide for the functions or duties, or both, to be performed by the association in matters concerning the competency of its members and the carrying out of a professional practice review process.*
- (3) *Notwithstanding subsection (1), the executive council may make bylaws under subsection (1)(g.1) on behalf of the association.*
- (4) *A bylaw made under subsection (1)(g.1) does not come into effect until it is approved by the Minister and remains in effect only during the time that the approval is in effect.*
- (5) *The approval of the Minister under subsection (4) is revocable, and the approval or revocation may*
- (a) *be general;*
 - (b) *be restricted, conditional or unconditional;*
 - (c) *be applicable only to a specific period of time;*
 - (d) *be applicable only to specific cases;*
 - (e) *be subject to terms or conditions;*
 - (f) *provide for transitional matters concerning the coming into effect of the bylaw or the revocation of the approval, including the disposition of any matter that was being dealt with at the time of the approval or revocation.*
- (6) Sections 16 to 46 presently read:
- 16 *In this section and sections 17 to 65,*
- (a) *“Appeal Committee” means the Professional Conduct Appeal Committee established under section 20;*
 - (b) *“complaint” means a complaint made in writing about the conduct or alleged conduct of a member or about a former member if section 24(4) applies, signed by the person making it;*

- (c) *“conduct” includes an act or omission;*
- (d) *“hearing committee” means a hearing committee established in accordance with section 18;*
- (e) *“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 proceeds by indictment;*
- (f) *“investigated person” means*
 - (i) *a member, or*
 - (ii) *if section 24(4) applies, a former member**with respect to whose conduct an investigation is conducted or a hearing is held under this Act;*
- (g) *“investigator” means the person appointed by the executive secretary to conduct a preliminary investigation under this Act;*
- (h) *“Registrar” means the Registrar appointed under the regulations made under the Education Act.*

17 There is hereby established the Professional Conduct Committee composed of

- (a) *not fewer than 17 members of the association who are appointed by the executive council in accordance with the bylaws, and*
- (b) *3 members of the public who are not members of the association and who are appointed by the Lieutenant Governor in Council after the Minister has consulted with the executive council.*

18(1) The executive secretary may establish any hearing committees the executive secretary considers necessary.

(2) If a hearing committee is to deal with a complaint relating to a member who is charged with an indictable offence, the hearing committee must be composed of

- (a) *not fewer than 2 and not more than 4 members of the Professional Conduct Committee appointed under section 17(a), and*
 - (b) *one member of the Professional Conduct Committee appointed under section 17(b).*
- (3) *A hearing committee that is to deal with any other type of complaint must be composed of not fewer than 3 and not more than 5 members of the Professional Conduct Committee appointed under section 17(a).*
- (4) *A hearing committee referred to in subsection (3) may include one member of the Professional Conduct Committee appointed under section 17(b) and in that event one fewer member is to be appointed under subsection (3) to that committee.*
- (5) *Each member of a hearing committee must be appointed by the executive secretary in accordance with the bylaws.*

19(1) There is hereby established the Complainant Appeal Committee composed of

- (a) *not fewer than 2 members of the association who are appointed by the executive council in accordance with the bylaws, and*
 - (b) *one member of the public who is not a member of the association and who is appointed by the Lieutenant Governor in Council after the Minister has consulted with the executive council.*
- (2) *A person who is appointed as a member of the Professional Conduct Committee is not eligible to be appointed as a member of the Complainant Appeal Committee.*

20(1) There is hereby established the Professional Conduct Appeal Committee composed of

- (a) *not fewer than 3 and not more than 5 persons, the majority of whom are members of the association, appointed by the executive council in accordance with the bylaws, and*
- (b) *one member of the public who is not a member of the association and who is appointed by the Lieutenant Governor in Council after the Minister has consulted with the executive council.*

(2) A person who is appointed as a member of the Professional Conduct Committee is not eligible to be appointed as a member of the Professional Conduct Appeal Committee.

21(1) A member of the public appointed to the Professional Conduct Committee, the Complainant Appeal Committee or the Professional Conduct Appeal Committee continues to hold office after the expiry of the member's term until the member is reappointed or a successor is appointed.

(2) The Minister may pay to a member of the public appointed to a committee referred to in subsection (1) travelling and living expenses incurred by that member for attendance at a meeting of the committee away from the member's usual place of residence and fees in an amount prescribed by the Minister.

(3) The Lieutenant Governor in Council may, after the Minister has consulted with the executive council, revoke the appointment of a member of the public.

(4) The powers, duties and operation of a committee referred to in subsection (1) are not affected by

- (a) the fact that no member of the public is appointed as a member of the committee,*
- (b) the revocation of the appointment of a member of the public, or*
- (c) the resignation from the committee of a member of the public.*

(5) Subject to the bylaws prescribing a quorum, the failure of a member of the public appointed to a committee referred to in subsection (1) to attend a meeting of the committee does not affect or restrict the committee in exercising any powers or performing any duties under this Act or the bylaws at that meeting.

22 A member of the Professional Conduct Committee, the Complainant Appeal Committee or the Professional Conduct Appeal Committee whose term of office expires before the committee concludes the hearing or review of a matter, as the case may be, shall continue to act as a member of the committee until that matter is concluded, notwithstanding that in the meantime another person has been appointed to fill that member's position on that committee.

23(1) Any conduct of a member that, in the opinion of a hearing committee,

- (a) is detrimental to the best interests of*
 - (i) students as defined in the Education Act,*
 - (ii) the public, or*
 - (iii) the teaching profession,*
- (b) contravenes sections 16 to 65 or a bylaw made under section 8(f) or (g), or*
- (c) harms or tends to harm the standing of teachers generally,*

whether or not that conduct is disgraceful or dishonourable, may be found by a hearing committee to constitute unprofessional conduct.

(2) If a member has been convicted of an indictable offence,

- (a) the conduct of the member on which the conviction is based is deemed to constitute unprofessional conduct, and*
- (b) the member shall forthwith inform the association of the conviction.*

(3) The association shall not use sections 16 to 65 to discipline a member for conduct that relates to

- (a) collective bargaining,*
- (b) the administration of a collective agreement, or*
- (c) any matter under the jurisdiction of the Labour Relations Board*

or that arises under sections 204 to 212 or section 220(1) of the Education Act.

24(1) Any person may make a complaint to the executive secretary and the complaint shall be dealt with in accordance with this Act and the bylaws.

(2) A superintendent who has reason to believe that a member has been or may have been convicted of an indictable offence shall

(a) *make a complaint to the executive secretary relating to that belief, and*

(b) *advise the Registrar of that belief.*

(3) *Notwithstanding anything contained in the bylaws, a member who believes that another member is guilty of conduct that contravenes sections 16 to 65 shall make a complaint forthwith to the executive secretary relating to that conduct.*

(3.1) *The executive secretary shall,*

(a) *within 14 days after receiving a complaint, notify the Registrar in writing of the nature of the complaint, and*

(b) *within 30 days after receiving a complaint,*

(i) *serve on the person who is the subject of the complaint a notice setting out the nature of the complaint, and*

(ii) *make any preliminary inquiries relating to the complaint that the executive secretary considers appropriate.*

(4) *If after a person's membership in the association lapses or has been suspended or cancelled*

(a) *a complaint is made about the former member, and*

(b) *the complaint relates to conduct occurring before the lapse, suspension or cancellation,*

the complaint may be dealt with under this Act as if the lapse, suspension or cancellation had not occurred, if the complaint is made to the executive secretary within 5 years after the date of the lapse, suspension or cancellation.

(5) *In subsection (2), "superintendent" does not include a teacher appointed by a school board as the chief deputy of the superintendent.*

25 *The executive secretary shall, not later than 30 days after receiving a complaint, refer the complaint to an investigator.*

26(1) *An investigator shall, within 30 days after receiving a complaint from the executive secretary, commence a preliminary investigation of the complaint.*

(2) An investigator may require the investigated person or any other member to produce any records in the investigated person's or member's possession or under the investigated person's or member's control and may require the attendance of the investigated person or any other member or an employer or employee of any of them at the investigation.

(3) The association may apply ex parte to the Court of Queen's Bench for an order

(a) directing any person referred to in subsection (2) to produce to an investigator any records in the person's possession or under the person's control if it is shown that the person failed to produce them when required by the investigator, or

(b) directing any person to produce to an investigator any records that are or may be relevant to a complaint being investigated.

(4) If a member does not co-operate with an investigator, the investigator may make a complaint to the executive secretary, and the failure or refusal to co-operate may be found by a hearing committee to constitute unprofessional conduct.

(5) An investigator may investigate any other matter relating to the conduct of the investigated person that arises in the course of a preliminary investigation, whether associated with the original complaint or investigation or not.

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

27(1) The investigator, on concluding a preliminary investigation and preparing a report, shall provide the report to the executive secretary.

(2) On reviewing the report, the executive secretary

(a) may, except in a case where it has been confirmed that a member has been convicted of an indictable offence, refer the matter to a mediator or to another dispute resolution process provided for in the bylaws,

- (b) *may refer the matter to a hearing committee whether or not there has been a referral or a settlement reached under clause (a), or*
 - (c) *may direct that the matter will not be referred to a hearing committee if the executive secretary is of the opinion that*
 - (i) *the matter is frivolous, vexatious or without merit,*
 - (ii) *there is insufficient evidence of unprofessional conduct to warrant a referral to a hearing committee, or*
 - (iii) *there has been a settlement reached through mediation or another dispute resolution process provided for in the bylaws and there is no need to refer the matter to a hearing committee.*
 - (3) *In a case where it has been confirmed that a member has been convicted of an indictable offence, the executive secretary shall forthwith refer the matter to a hearing committee.*
 - (4) *The executive secretary shall*
 - (a) *serve on the investigated person a notice of the executive secretary's decision and the reasons for the decision, and*
 - (b) *notify the following of the executive secretary's decision:*
 - (i) *the complainant;*
 - (ii) *the Registrar, if the executive secretary makes a decision under subsection (2)(c).*
 - (5) *If the executive secretary makes a decision under subsection (2)(c)(iii), the notice to the Registrar must include the reasons for the decision.*
- 28(1) *The association may make bylaws*
- (a) *prescribing other dispute resolution processes for the purposes of section 27;*
 - (b) *prescribing the conditions, rules and procedures that apply to a dispute resolution process prescribed under clause (a).*
- (2) *A bylaw made under subsection (1) does not come into force unless*

- (a) *it is approved by the association in accordance with the bylaws made under section 8, and*
- (b) *it is approved by the Lieutenant Governor in Council.*

29(1) The complainant, within 30 days after receiving notice that the matter will not be referred to a hearing committee, may by notice in writing to the executive secretary request a review of that decision by the Complainant Appeal Committee.

(2) A request under subsection (1) must include

- (a) *reasons why the complainant believes the matter should be referred to a hearing committee, and*
- (b) *a fee in the amount established by the executive council.*

(3) On receiving notice under subsection (1), the executive secretary must notify the investigated person and the Complainant Appeal Committee that the executive secretary has received a request for a review.

(4) The Complainant Appeal Committee shall, on receiving notice under subsection (1), review the decision of the executive secretary and determine whether the matter should be referred to a hearing committee.

(5) The Complainant Appeal Committee shall notify the complainant and the investigated person

- (a) *of the date, time and location of the review, and*
- (b) *of their right to make representations to the Complainant Appeal Committee.*

(6) If new information is available to the Complainant Appeal Committee that was not available to the investigator who conducted the preliminary investigation, the Committee may in making its decision consider the relevance of the new information.

(7) The Complainant Appeal Committee shall notify the complainant, the investigated person and the executive secretary in writing of its decision.

30(1) Notwithstanding anything in this Act, the executive secretary may suspend a person's membership in the association pending the

conclusion of a preliminary investigation or the decision of a hearing committee.

(2) An investigated person whose membership in the association is suspended under subsection (1) may, by filing an application with the Court of Queen's Bench and serving a copy on the executive secretary, apply for an order staying the decision of the executive secretary until the conclusion of a preliminary investigation or the decision of a hearing committee.

(3) When a membership in the association is suspended under this section, the executive secretary shall notify the superintendent, the Registrar and the investigated person in writing of the suspension.

(4) In subsection (3), "superintendent" does not include a teacher appointed by a school board as the chief deputy of the superintendent.

31(1) A hearing committee shall, on referral to it of a matter in accordance with this Act, hold a hearing.

(2) A hearing under subsection (1) shall be commenced within 120 days after the date on which the matter is referred to the hearing committee or within any other period set by the executive council, unless subsection (4) applies.

(3) At least 15 days before the date set for a hearing, the executive secretary shall serve on the investigated person a notice stating

(a) the date, time and location of the hearing, and

(b) reasonable particulars of the matter to be heard.

(4) A hearing that relates to the conviction of a member of an indictable offence must be held forthwith and in that event the 15-day period required under subsection (3) does not apply.

32(1) The investigated person may be represented by counsel at a hearing before a hearing committee.

(2) A hearing committee and the association may each be represented by counsel at a hearing before a hearing committee.

33 A hearing before a 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 hearing committee, the interest of any person other than the investigated person may be detrimentally affected if the hearing is not held in private.*

34 If any other matter concerning the conduct of the investigated person arises in the course of an investigation or hearing, the hearing committee may

- (a) *hear the other matter, but in that event the hearing committee shall declare its intention to hear the other matter and shall permit the investigated person reasonable opportunity to prepare an answer to the other matter, or*
- (b) *adjourn the hearing to allow the association to assess the other matter and make recommendations concerning it to the hearing committee.*

35 Evidence may be given before a 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.

36(1) Subject to section 41(3), the investigated person and any other person who, in the opinion of the hearing committee, has knowledge of the matter being heard are compellable witnesses in any proceeding under this Act.

(2) A witness may be examined under oath on anything relevant to the hearing before a hearing committee and shall not be excused from answering any question on the ground that the answer might tend to

- (a) *incriminate the witness,*
- (b) *subject the witness to punishment under this Act, 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 Act,*

but if the answer so given tends to incriminate the witness, subject the witness to punishment or establish the witness's liability, it shall not be used or received against the witness in any civil proceedings, in a prosecution under section 66 or in any proceedings under any other Act, except in a prosecution for or proceedings in respect of perjury or the giving of contradictory evidence.

37 For the purpose of obtaining the testimony of a witness who is out of Alberta, a judge of the Court of Queen's Bench, on an ex parte application by the association, may order the obtaining of the evidence of the witness in the manner provided under the Alberta Rules of Court for the taking of the evidence of a person outside Alberta.

38(1) The attendance of witnesses before a hearing committee and the production of records may be enforced by a notice issued by the executive secretary requiring the witness to attend and stating the date, time and location at which the witness is to attend and the records, if any, that the witness is required to produce.

(2) On the written request of the investigated person or that person's counsel or agent, the executive secretary shall, without charge, issue and deliver to that person or that person's counsel or agent any notices that that person requires for the attendance of witnesses or the production of any record.

(3) A witness, other than the investigated person, who has been served with a notice to attend or a notice for the production of any record under subsection (1) or (2) is entitled to be paid the same fees, expenses and allowances as are payable to a witness in an action in the Court of Queen's Bench.

39(1) Proceedings for civil contempt of court may be brought against a witness

(a) who fails

(i) to attend before a 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 be sworn or to answer any question that the witness is directed by a hearing committee to answer.

(2) The chair of a hearing committee may make a complaint with respect to the failure or refusal of a member under subsection (1), and the failure or refusal may be found by a hearing committee to constitute unprofessional conduct.

40 A hearing committee, on proof of service in accordance with this Act of the notice of hearing on the investigated person, may

(a) proceed with the hearing in the absence of the investigated person, and

(b) act and decide on the matter being heard in the same way as if the investigated person were in attendance.

41(1) A hearing committee may find that the conduct of an investigated person constitutes or does not constitute unprofessional conduct.

(2) Where the investigated person has been convicted of an indictable offence, a hearing committee must determine the question of penalty and has no authority

(a) to find that the conduct of the member on which the conviction is based does not constitute unprofessional conduct, or

(b) to investigate the conduct of the member on which the conviction is based except for the purpose of deciding the penalty.

(3) No person shall require the attendance as a witness at a hearing before the hearing committee of any person who attended as a witness at the court that convicted the member of the indictable offence.

42(1) If a hearing committee finds that the conduct of an investigated person constitutes unprofessional conduct, the hearing committee may do any one or more of the following:

(a) cancel the investigated person's membership in the association;

(b) suspend the investigated person's membership in the association for any period it considers proper;

(c) *recommend that the Minister cancel or suspend one or more certificates issued to the investigated person under the Education Act;*

(d) *make any further or other order it considers appropriate.*

(2) *If a hearing committee is satisfied that an investigated person has contravened an order made under subsection (1)(d), it may, without the necessity of a further hearing, cancel or suspend the investigated person's membership in the association, subject to any terms it considers appropriate.*

(3) *If the decision of a hearing committee*

(a) *relates to an investigated person who has been convicted of an indictable offence, and*

(b) *does not contain a recommendation that the Minister cancel or suspend the teaching certificate of the investigated person,*

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

43(1) *A hearing committee may, in addition to dealing with the conduct of an investigated person in accordance with section 42, order that the investigated person pay*

(a) *all or part of the costs of the investigation, hearing or appeal determined in accordance with the bylaws,*

(b) *a fine not exceeding \$10 000 for each finding of unprofessional conduct, or*

(c) *costs under clause (a) and a fine under clause (b),*

to the association within the time and in accordance with the conditions set by the order.

(2) *Where the investigated person's membership in the association has been suspended, a hearing committee may, in addition to an order under subsection (1), order that the membership remain suspended until the fine or costs, or both, have been paid.*

44(1) *If the investigated person's membership in the association has been cancelled or suspended, notice of the cancellation or suspension shall be published in the form and manner prescribed in the bylaws.*

(7) Section 47(2)(d) is amended by adding “within 15 days after receiving the decision” after “the Registrar”.

(8) Sections 47 to 61 are repealed.

(2) No notice shall be published in accordance with subsection (1) until

- (a) an appeal has been heard and a decision made on the appeal, or*
- (b) if no appeal is commenced, the time for commencing an appeal has expired.*

45 A fine or costs ordered to be paid by an investigated person under this Act are a debt due to the association and may be recovered by the association by civil action for debt.

46 A hearing committee shall, within 60 days after the conclusion of a hearing, make a written decision on the matter, in which it shall

- (a) describe each finding of unprofessional conduct made by it,*
- (b) state the reasons for each finding made by it, and*
- (c) state any order made by it.*

(7) Section 47(2)(d) presently reads:

(2) The executive secretary shall, on receiving the decision of a hearing committee and the record of the hearing referred to in subsection (1),

- (d) forward a copy of the decision to the Registrar.*

(8) Sections 47 to 61 presently read:

47(1) A hearing committee shall forward to the executive secretary

- (a) the decision, and*
- (b) the record of the hearing, consisting of all evidence presented before it, including
 - (i) all exhibits,*
 - (ii) all documents, and*
 - (iii) all testimony given before it, whether recorded electronically, mechanically or in handwritten form.**

(2) The executive secretary shall, on receiving the decision of a hearing committee and the record of the hearing referred to in subsection (1),

- (a) serve a copy of the decision on the investigated person,*
- (b) forward a notice of the decision to the complainant,*
- (c) forward a notice of the decision to the executive council, and*
- (d) forward a copy of the decision to the Registrar.*

(3) The investigated person and the executive council may examine the record or any part of the record of the proceedings before a hearing committee and hear any recording or examine any mechanical or handwritten record of evidence given before the hearing committee.

(4) The decision of a hearing committee must be available to the public on request and free of charge.

48(1) The decision of a hearing committee remains in effect until the Appeal Committee makes a decision on an appeal.

(2) An investigated person may apply to the executive secretary for a stay of the order of a hearing committee, and if the executive secretary considers it appropriate the executive secretary may stay the implementation of the hearing committee's order pending the conclusion of an appeal to the Appeal Committee.

49(1) An investigated person or the executive council may by notice in writing to the executive secretary appeal a finding or order, or both, of a hearing committee to the Appeal Committee.

(2) A notice of appeal under subsection (1) must

- (a) describe the finding or order, or both, being appealed,*
- (b) state the reasons for the appeal, and*
- (c) include a deposit in the amount set by the executive secretary, not to exceed the costs of the appeal as anticipated by the executive secretary.*

(3) A notice of appeal under this section must be served on the executive secretary within 30 days after the date on which the decision of a hearing committee is

- (a) *served on the investigated person, if the investigated person appeals the decision, or*
- (b) *forwarded to the executive council, if the executive council appeals the decision.*

(4) On receiving a notice of appeal under this section, the executive secretary shall

- (a) *send a copy of it to the investigated person, if the executive council is the appellant,*
- (b) *send a copy of it to the executive council, if the investigated person is the appellant, and*
- (c) *give to each member of the Appeal Committee a copy of the notice of appeal and make the decision of the hearing committee and the record of the hearing available to each member of the Appeal Committee.*

50(1) The Appeal Committee shall begin hearing an appeal within 90 days after the service of the notice of appeal in accordance with section 49(3) or within a longer period that is agreed to by the appellant, unless subsection (3) applies.

(2) At least 15 days before the date set for the hearing of the appeal, the executive secretary shall serve on the investigated person and the executive council a notice stating the date, time and location of the hearing.

(3) A hearing that relates to the conviction of a member of an indictable offence must be held forthwith and in that event the 15-day period required under subsection (2) does not apply.

51 The investigated person, the executive council and the Appeal Committee may each be represented by counsel at a hearing before the Appeal Committee.

52 A hearing before the Appeal Committee must be open to the public unless, in the opinion of the Appeal Committee, the interests of any person other than the investigated person may be detrimentally affected if the hearing is not held in private.

53(1) The appeal to the Appeal Committee must be founded on the decision of the hearing committee and the record of the proceedings before the hearing committee.

(2) The Appeal Committee may

- (a) grant adjournments of the proceedings or reserve the determination of the matters before it for a future meeting of the Appeal Committee,*
- (b) on granting special leave for the purpose, receive further evidence, and*
- (c) draw inferences of fact and make a decision or finding that, in its opinion, ought to have been made by the hearing committee.*

(3) Sections 35 to 40 apply to proceedings before the Appeal Committee.

54(1) The Appeal Committee shall, after the conclusion of all proceedings before it,

- (a) make any finding or order that in its opinion ought to have been made by the hearing committee,*
- (b) quash, vary or confirm a finding or order of the hearing committee or substitute or make a finding or order of its own, or*
- (c) refer the matter back to the hearing committee for further consideration in accordance with any direction that the Appeal Committee may make.*

(2) The Appeal Committee may make an award as to the costs of an appeal determined in accordance with the bylaws subject to the following:

- (a) if an appeal by an investigated person is unsuccessful, the deposit made under section 49(2) is to be forfeited to the association;*
- (b) if an appeal by an investigated person is successful, the deposit made under section 49(2) is to be returned to the investigated person unless otherwise ordered by the Appeal Committee;*
- (c) if an appeal by an investigated person is partially successful, the Appeal Committee may make any order with respect to the forfeiture of the deposit made under section 49(2) that it considers appropriate;*

(d) if the deposit made under section 49(2) exceeds the amount of the awarded costs, the excess amount is to be returned to the investigated person.

(3) Section 42(3) applies to a decision of the Appeal Committee.

55(1) The Appeal Committee shall, within 60 days after the conclusion of the proceedings before it, make a written decision on the matter and shall forward the decision to the executive secretary.

(2) The executive secretary shall, on receiving the decision of the Appeal Committee,

(a) serve a copy of the decision on the investigated person,

(b) forward a copy of the decision to the executive council, and

(c) forward a copy of the decision to the Registrar.

(3) There is no appeal from the decision of the Appeal Committee.

(4) The decision of the Appeal Committee must be available to the public on request and free of charge.

56 The executive secretary shall in each case forward to the Minister the decision of the Appeal Committee or, if there has been no appeal to the Appeal Committee, the decision of a hearing committee where

(a) the decision includes a recommendation that the Minister cancel or suspend one or more certificates issued to the investigated person under the Education Act, or

(b) the decision relates to an investigated person who has been convicted of an indictable offence.

57(1) In this section,

(a) “committee” means

(i) a hearing committee as defined in section 16;

(ii) the Appeal Committee as defined in section 16;

(iii) a Professional Practice Review Hearing Committee referred to in section 8(2);

(iv) a Professional Practice Review Appeal Committee referred to in section 8(2);

(b) “decision” means the decision of a committee.

(2) A decision made by a committee is final and binding on the parties in respect of whom the decision is made and, subject to subsection (3), shall not be questioned, reviewed or restrained by any proceeding in the nature of an application for judicial review or otherwise in any court.

(3) On a question of jurisdiction only, a decision is reviewable on an application for judicial review of the decision.

(4) An application referred to in subsection (3) for judicial review of a decision must be commenced within 15 days from the day the decision is made.

57.1(1) The Registrar may request from the executive secretary and examine any information relating to

(a) a notification of a complaint under section 24,

(b) a notification of the referral of a complaint to an investigator under section 24 or 25,

(c) a notification of the executive secretary’s decision under section 27(2)(c),

(d) a decision of a hearing committee referred to in section 47, or

(e) a decision of an appeal committee referred to in section 55.

(2) The Registrar may request from the chair of the professional conduct and practice review general panel and examine any information relating to a request for complainant appeal made under section 29.

58 If the investigated person’s membership in the association has been cancelled, the membership shall not be reinstated except by order of the executive council or by a court of competent jurisdiction.

59 No employer or other person shall knowingly require the investigated person to perform a service or undertake any work that

(9) Section 63 is amended

(a) by repealing subsection (1)(a) and substituting the following:

- (a) the executive secretary, the executive council or the association or any person acting on the instructions of any of them, or

(b) by repealing subsection (2).

would result in the contravention by the investigated person of an order or direction of a hearing committee or the Appeal Committee.

60 When the investigated person's membership in the association is suspended or cancelled, the executive secretary shall forthwith notify the investigated person's employer of the suspension or cancellation.

61(1) The executive council may delegate any of its powers and duties under sections 16 to 65 to the table officers.

(2) In this section, "table officers" means the officers of the association as designated in the bylaws.

(9) Section 63 presently reads in part:

63(1) No action lies against

- (a) the executive secretary, an investigator, a mediator or other person conducting a dispute resolution process provided for in the bylaws or a member of a committee established by or under this Act or the bylaws, the executive council or the association or any person acting on the instructions of any of them, or*

for anything done by that person or body in good faith and in purporting to act under this Act or the bylaws.

(2) No action for defamation may be founded on a communication that consists of or pertains to an act or omission of a member if the communication is published to or by

- (a) the association or an officer of the association,*
- (b) a member of the executive council or of a committee established by or under this Act,*
- (c) an investigator, a mediator or another person conducting a dispute resolution process provided for in the bylaws, or*
- (d) a person acting on the instructions of any person or entity referred to in clauses (a) to (c),*

in good faith in the course of investigating the conduct or in the course of any proceeding under this Act or the bylaws relating to the conduct.

(10) Sections 64, 65 and 67 are repealed.

18 Sections 2(a) and (c), 3, 4, 7(b) and (c), 9, 11 to 15 and 17 come into force on Proclamation.

(10) Sections 64 and 65 presently read:

64 When this Act or the bylaws require that a document or notice be served on any person, the document or notice is sufficiently served

- (a) if it is served personally on that person or sent to that person by registered mail or courier at the address last shown for that person on the records of the association, or*
- (b) if personal service or service by mail is not reasonably possible, by publishing the document or notice at least twice, not more than a week apart, in a local newspaper circulated at or near the address last shown for that person on the records of the association.*

65 For the purpose of an investigation, hearing or review under this Act, an investigator and each member of the Professional Conduct Committee, a hearing committee, the Complainant Appeal Committee and the Appeal Committee are conferred with the powers of a commissioner for oaths under the Notaries and Commissioners Act.

18 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
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