

DATE APPROVED/AMENDED: April 4, 2016 by unanimous decision YTA Executive

Administration of the Code of Ethics Policy

1) Ethics Committee

- a) The AGM shall elect and the Association shall maintain a committee of twelve active members of the Association, from a slate of candidates, not to include members of the Executive, to be known as the Ethics Committee. Members shall be elected for three year terms and shall serve from July 1 in the year they were elected until June 30 in the year in which their term expires or until the completion of a current case.
- b) In the circumstance that a vacancy occurs, Central Council shall appoint an interim member, from a slate of candidates submitted by the Ethics Committee.
- c) The term of the interim member(s) shall be until the next AGM, or until the completion of a Hearing not concluded by the date of the AGM.
- d) At the beginning of each school year, the Executive shall make a motion appointing all members of the Ethics Committee as potential investigating Officers with the Committee given discretion to appoint the individual officer for each case.

2) Duties

The duties of this committee are:

- a) To appoint annually a Chair from its membership prior to the last teaching day in June;
- b) To hold regularly scheduled meetings, a minimum of three each year to review procedures and guidelines;
- c) As required appoint from its membership a Screening Panel of three members;
- d) Subject to the Teaching Profession Act and any Policy made by the Executive, to regulate the convening, notice, place, management and adjournment of meetings and of its hearings, the appointment of a vice-chairperson, the mode of deciding questions, the transaction and management of business and procedure relating to the conduct of its hearings;
- e) When necessary nominate, three members from their membership, and submit the names to the YTA Executive for appointment to a Disciplinary Committee ;
- f) The Screening Panel and the Disciplinary Committee shall ensure that procedural fairness and the principles of natural justice are applied in all proceedings for which they are responsible.
- g) To appoint when necessary from their membership an investigating officer(s);
- h) To prepare a slate of candidates for Central Council when a vacancy occurs on the Ethics Committee;
- i) To maintain confidential records of all proceedings.

3) Conflict of Interest

- a) In the event of a conflict of interest by members of the Ethics Committee which would prevent a case from being heard, the Ethics Committee shall request that the Executive appoint additional members to hear and advise on the decision of the case before the Ethics Committee.

- b) The Executive may on the recommendation of the Discipline Committee temporarily appoint additional members to the Discipline Committee to deal with a specific case in the event that currently appointed members of the Discipline Committee cannot fulfill their duties.

4) Initial Protocol

- a) A complainant should exercise their right to file a complaint in a timely manner. Complaints shall be directed to the designated office personnel (Reviewers).
- b) At any stage of the administration of the Code of Ethics, the Ethics Committee may elect to postpone the processing of a complaint should the defendant, in that complaint, be contending with legal action or employment discipline.
- c) Receipt of Information or Complaint
 - i) Information and/or complaints regarding conduct of members shall be received by an Employment Relations Advisor (Reviewer).
- d) Reduction to Writing

In consultation with the Reviewer, a complainant shall be required to:

 - i) submit the complaint and/or information in writing, and;
 - ii) notify the defendant of the concern in writing.

The Reviewer will request a written response from the defendant.
- e) Upon receipt of all documentation, the matter shall be referred in writing, by the Reviewer, to the Ethics Committee Chair, with a copy of the names of the parties involved sent to the Executive.
- f) The Ethics Committee Chair shall convene a meeting of the Ethics Committee to appoint a 3 member Screening Panel and an investigator(s).

5) Screening Panel

- a) Voluntary Resolution

Depending on the nature of the complaint, the Screening Panel may recommend informal processes to resolve a complaint. With the agreement of the parties, resolution may be sought through:

 - i) Both parties meeting to discuss and resolve the issue(s).
 - ii) Exchange letters to clarify and resolve the issue(s).
 - iii) Professional Relations Committee
 - iv) Voluntary agreement to be bound by a mediator's recommendations.
- b) Formal Resolution

The Screening Panel shall:

 - i) Cause to be served on the person whose conduct is the basis for the complaint and upon the complainant, a notice setting forth the date, place, time and subject matter of the Panel meeting. This notice shall be registered. In setting the time, place and date of such meeting, regard shall be taken to the convenience of the Panel and all parties concerned.

- ii) Require reports from the Reviewer(s).
 - iii) Require the names of witnesses, if any, from both parties.
 - iv) Require written statements from witnesses.
 - v) Maintain a record of its proceedings.
- c) The Screening Panel may:
- i) Prescribe mediation and request the Ethics Committee appoint a mediation team;
 - ii) Order a report by an investigator(s) whose findings shall be reported to the Screening Panel for possible further action;
 - iii) Refer the matter back to the Chairperson of the Ethics Committee with a recommendation that the YTA Executive appoints a Disciplinary Committee to conduct a full hearing on the complaint, or;
 - iv) Dismiss the complaint and provide written reasons for such dismissal.
- d) When a hearing is ordered and the allegations are of a serious nature and/or the circumstances extraordinary, the Screening Panel may appoint an individual (not a member of the Ethics Committee) to carry the Association's interests before the Disciplinary Committee.

6) Formal Complaint

- a) The Executive before referring the matter to Disciplinary Committee may demand from any person or group lodging a written charge of unprofessional or unethical conduct, the sum of \$500.00, as a deposit to offset the necessary costs and expenses. In a case where the complaint is found to be frivolous or vexatious, the deposit may be so applied; otherwise the deposit shall be returned to the person or group making the complaint.
- b) In the event that the YTA Executive appoints a Disciplinary Committee, the three-member Disciplinary Committee shall conduct a full hearing of evidence related to the allegation(s).
- c) Where practicable within 30 instructional days of the receipt of the formal complaint and documentation from the Screening Panel, the Disciplinary Committee shall have established a date for the formal hearing/meeting of the Disciplinary Committee.
- d) At least fourteen days before the hearing, a notice shall be served upon the person whose conduct is the subject of the inquiry. The notice shall embody a copy of the allegation(s) made against him/her, or a statement of the subject matter of the inquiry, and shall also specify the time and place of the hearing. The notice shall be sent by registered letter.
- e) The meeting of the Disciplinary Committee shall be held at the time and place determined by the Disciplinary Committee, taking into consideration the convenience of all parties.
- f) Following the hearing, the Disciplinary Committee shall deliberate, in private, and render a verdict including written reasons for the verdict which shall be reported to the Parties.
- g) The Disciplinary Committee will report to the YTA Executive the verdict, written reasons for its verdict and their recommendations on a penalty and publication, if any, including the manner and substance of such publication.
- h) The Disciplinary Committee shall maintain a record of its proceeding.

- i) The minutes of the proceedings, the evidence adduced, and all exhibits produced or copies thereof, shall be submitted to the Executive and kept in a confidential file with the Reviewer.
- j) The Executive shall ensure that the decisions of the Disciplinary Committee are followed to the extent and spirit of the Disciplinary Committee's authorities.

7) Attendance Of Witnesses

For the purpose of procuring the attendance of any person as a witness before the Disciplinary Committee, the Disciplinary Committee, or any member thereof, may cause to be served on such person, a notice requiring him/her attend before the Disciplinary Committee, and to produce such documents as he/she would be compelled to produce at the trial of an action at law. Such notice shall be served in the same way, shall have the same effect as a notice requiring the attendance of a witness at the hearing of a trial at law, and the penalties in the case of disobedience to any such notices shall be as provided by the Teaching Profession Act.

8) Legal Counsel

The Ethics Committee may, at the expense of the Association, employ legal counsel who shall assist in the presentation of evidence and shall advise the Disciplinary Committee upon questions of procedure and law, but who shall not be present during the Disciplinary Committee's determination of the guilt or innocence of the accused.

9) Reports To The Executive

After holding an inquiry, the Disciplinary Committee shall report to the Executive its verdict, reasons for its verdict, recommended penalty, and recommended publication if any. The report will be signed by members taking part in the inquiry and concurring with the report. Such a report, if signed by the majority of the members taking part in the inquiry, shall be deemed to be the report of the Disciplinary Committee.

10) Penalties

- a) The Executive shall consider the decision of the Discipline Committee, the recommendation made by the Discipline Committee on the penalty to be given, and any representation made on behalf of the member, and may thereupon:
 - i) Expel the member from the Teachers' Association;
 - ii) Suspend the member from the Teachers' Association for any period of time it considers proper;
 - iii) Recommend to the Minister that the Minister suspend or cancel the teaching certificate of the member;
 - iv) Require the member to pay a penalty;
 - v) Require the member to pay a sum of money calculated by the Disciplinary Committee as the costs of the hearing; or,
 - vi) Discipline the member in any other reasonable way the YTA considers proper.
- b) The publication, if any, of the decision, will take into consideration the interests of the party whose position was confirmed by the Hearing.

11) Appeal Process

- a) A person who is found guilty of unprofessional or unethical conduct may appeal, within 14 days from the date of the person's receipt of the decision, to the Minister who shall appoint a Teaching Profession Appeal Board to hear and make a determination of the appeal.
- b) The grounds for appeal will generally, but not exclusively, include:
 - i) That the appellant was denied a fair hearing process by the Disciplinary Committee;
 - ii) That the appellant has new evidence which was not, and could not, reasonably have been available to the appellant at the hearing before the Disciplinary Committee;
 - iii) That the Disciplinary Committee erred in its interpretation of a provision of the Code of Ethics;
 - iv) That the Disciplinary Committee erred in the application, of a provision of the Code of Ethics or the Administration of the Code of Ethics Policy, to the facts as determined by the Disciplinary Committee;
 - v) That the penalty imposed by the YTA Executive was not reasonably commensurate with the gravity of the breach found by the Disciplinary Committee.

12) Other

- a) Records of ethics investigations shall not be open to the general membership or public.
- b) The Executive shall follow the YTA discipline procedure outlined in the Teaching Profession Act before publicly alleging unethical conduct by a member or members