

PROFESSIONALISM AND ETHICS

A member's obligations

Regulation made under the *Teaching Profession Act* – Ontario Teachers' Federation

Section 18 (1) (b) of the Regulation made under the *Teaching Profession Act* states that a member shall, "on making an adverse report on another member furnish him (her) with a written statement of the report at the earliest possible time and not later than three days after making the report."

Does this include principals and vice-principals?

Principals and vice-principals are not members of the Ontario Teachers' Federation and therefore do not meet the criteria of Section 18 (1) (b). However, members are encouraged to inform principals and vice-principals if they make an adverse report. It is considered the professional thing to do. Principals and vice-principals are members of the Ontario College of Teachers and as such could make a complaint of professional misconduct concerning another member of the College if they believe that a member has not acted ethically.

What is meant by an "Adverse Report?"

An adverse report is a negative report made about a member to an individual in a supervisory position who has authority to impose discipline or work sanctions against the member, or to make

recommendations for discipline or work sanctions. The report may be verbal or in writing, and will contain criticisms of the member's performance and/or conduct.

An adverse report is NOT idle gossip or nasty, pejorative comments made amongst colleagues.

What if a colleague makes negative comments to another teacher?

Comments made to other colleagues do not constitute an "adverse report" under Section 18 (1) (b) of the Regulation made under the *Teaching Profession Act* but may be seen as inappropriate and unprofessional.

Members are encouraged to refrain from this type of behaviour and strive to cooperate and maintain professional relationships at all times. If a concern arises, members should always attempt to resolve the issue directly with the individual(s) involved.

Does Section 18 (1)(b) apply to teachers in their role as parents?

Yes, if members, who have parental concerns about their child's teacher, make an adverse report about the teacher to the principal, the parent/teacher would have to inform the

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teacher in writing within 72 hours as required in Section 18 (1) (b) of the Regulation made under the *Teaching Profession Act*. If members have concerns they should go to the teacher to discuss whatever concern exists. This is what members would expect any parent to do first, rather than going to the principal. It may be that the concerns can be cleared up at this point. If not, the option of going to the principal still exists, but the substance of the conversation must be provided in writing within three days, assuming that this conversation is critical of the teacher. It would also be appropriate for members to inform a colleague if they intend to discuss matters further with the principal. It is also possible to include the teacher in the meeting with the principal.

Are there any exceptions to the 18 (1) (b) obligation?

Yes. The *Student Protection Act* 2002 added a new subsection (2) to s.12 of the *Teaching Profession Act* ... *a member who makes an adverse report about another member respecting suspected sexual abuse of a student by that other member need NOT provide him or her*

with a copy of the report or with any information about the report.

This makes it clear that the obligation to notify another teacher in writing of an adverse report does **not** apply to allegations of sexual abuse of students.

What to do

If you have reason to believe that a colleague has made an adverse report about you and has not informed you of this within 72 hours consider:

1. speaking to the teacher about your concerns; and
2. speaking to staff in Professional Relations for advice.

Professionalism is at the core of our being as teachers. Professionals support each other and approach problems with the attitude that they can work together to solve their concerns. Maintaining professionalism should be foremost in the way you conduct yourself in the workplace.

If you have any questions or concerns about your ethical obligations, contact staff in Professional Relations at 416-962-3836 or 888-838-3836.