

# COMMISSIONER'S REGULATION

**Authority:** *Teachers Act*, S.B.C. 2011, c. 19, sections 40 and 81 (1) (k)

B.C. Reg. 3/2012 ..... Deposited January 6, 2012

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## Definitions

**1** In this regulation:

"**Act**" means the *Teachers Act*;

"**appellant**" means an appellant as defined in section 68 of the Act;

"**complaint**" means a complaint as defined in section 39 of the Act;

"**disciplinary and professional conduct inquiry**" means a disciplinary and professional conduct inquiry under Part 6 of the Act into a report, a complaint or an investigation initiated by the commissioner under section 47 (1) (b) of the Act;

"**report**" means a report as defined in section 39 of the Act;

"**rules**" means the commissioner's rules of practice and procedure made under section 40 of the Act.

## Rules for disciplinary and professional conduct inquiries and certification appeals

**2** For the purposes of section 40 of the Act, the commissioner may make rules in respect of each of the following:

- (a) disciplinary and professional conduct inquiries;
- (b) certification appeals.

## Commissioner's powers to make rules

**3** (1) The commissioner may make rules as follows:

- (a) establishing the forms the commissioner considers advisable;
- (b) respecting notifications;
- (c) respecting setting times for any matter within the jurisdiction of the commissioner;
- (d) respecting the receipt and disclosure of evidence, including respecting the following:
  - (i) the receipt of evidence under oath or in any other manner;
  - (ii) the exclusion, attendance and examination of witnesses;
  - (iii) the receipt of evidence from witnesses under 19 years of age;
- (e) respecting the holding of pre-hearing conferences;
- (f) respecting setting the time and place for an oral hearing and conducting an oral hearing by telephone or other communication medium;

## COMMISSIONER'S REGULATION

- (g) respecting the process for a hearing conducted by way of an oral hearing and by way of written submissions;
- (h) respecting the adjournment of hearings;
- (i) respecting the recording of hearings;
- (j) respecting access to and restriction of access to the commissioner's records or documents or a panel's records or documents;
- (k) respecting the extension or abridgement of time limits provided for in the rules;
- (l) respecting non-compliance with the rules.

(2) The commissioner may make rules in respect of disciplinary and professional conduct inquiries, in addition to any rules the commissioner may make under subsection (1), as follows:

- (a) respecting the form and manner of acknowledging receipt of a complaint or report;
- (b) respecting requiring the following persons to provide an address of record for delivery and to produce records and documents:
  - (i) a certificate holder who is the subject of a report, a complaint or an investigation initiated by the commissioner under section 47 (1) (b) of the Act;
  - (ii) a person who holds a letter of permission who is the subject of a report, a complaint or an investigation initiated by the commissioner under section 47 (1) (b) of the Act;
  - (iii) a person who sent a complaint to the commissioner;
  - (iv) a principal who sent a report to the commissioner under section 7 [*report of dismissal, suspension and discipline regarding authorized persons*] of the *Independent School Act* and the independent school authority that employs the authorized person with respect to whom the principal sent the report;
  - (v) an independent school authority that sent a report to the commissioner under section 7.2 [*report of dismissal, suspension and discipline regarding principals*] of the *Independent School Act*;
  - (vi) a superintendent of schools who sent a report to the commissioner under section 16 [*report of dismissal, suspension and discipline regarding authorized persons*] of the *School Act* and the board of education that employs the authorized person with respect to whom the superintendent of schools sent the report;
  - (vii) a board of education that sent a report to the commissioner under section 16.1 [*report of dismissal, suspension and discipline regarding superintendents*] of the *School Act*;
- (c) respecting interviews conducted under section 49 (c) [*additional investigation powers*] of the Act;
- (d) respecting varying or rescinding a suspension under section 50 [*suspension of certificate or letter of permission before hearing*] of the Act;
- (e) respecting the process for preliminary reviews, investigations and consent resolution;
- (f) respecting making hearings open to the public by electronic means;

## COMMISSIONER'S REGULATION

- (g) respecting the joining of citations;
- (h) respecting amendments to a citation.

(3) The commissioner may make rules in respect of certification appeals, in addition to any rules the commissioner may make under subsection (1), as follows:

- (a) respecting setting the time when a certification appeal fee must be paid by an appellant;
- (b) requiring an appellant to provide an address of record for delivery;
- (c) respecting the production of records and documents by the appellant and the director of certification.

(4) The commissioner must make public the rules.

(5) The publication under subsection (4) may be made by posting a notice on a publicly accessible website maintained by or on behalf of the ministry.