



## **Bermuda Educators Council**

### **Procedural Outline for Commencing Investigations Against Registered Members for Professional Conduct and Disciplinary Complaints**

#### **Overview**

The role and function of the BEC Investigative Committee (IC) and the BEC Professional Conduct Committee (PCC) are enshrined in the Bermuda Educators Council Act 2002 at Schedule 1 and Schedule 2.

When there is a possible breach of professional conduct, or discipline offence by a teacher and/or principal, the IC must:

- See if there is a case to answer;
- Make sure all concerned parties to the complaint are treated fairly;
- Gather evidence from all concerned parties;
- Enable the IC to refer the complaint to the PCC if the case has merit.

At any stage of the Hearing, the IC must ascertain whether:

- The formal investigative process needs to continue;
- That the complaint can be resolved informally (dismiss the case) instead.

#### **PROCEDURAL GUIDELINES FOR THE INVESTIGATIVE COMMITTEE (IC)**

##### **A. Ensuring a Fair Investigation Process**

To protect the BEC, the teacher and/or principal involved in a professional conduct or disciplinary complaint, the IC must ensure the Panel follows a fair investigation procedure. The investigation is an important part of the process.

## **B. Starting the Formal Investigation Process**

The BEC will select names from the BEC membership who are not involved in the complaint to conduct a fair investigation. The 3-person tribunal will consist of 2 council members and one lay member.

## **C. An Investigation Plan**

The tribunal determines based on the evidence before them how they will proceed with the investigation. This includes but is not limited to:

- What needs to be investigated
- Who is carrying out the investigation
- A list of potential witnesses and any sources of evidence
- The IC maintaining the importance of confidentiality

## **D. A Clear Plan Assists in the Investigation by:**

- Making sure the process is complete and fair
- Starting the investigation as quick and easy as possible
- Avoiding negative effect and public fall out on the school, teachers, principals, pupils, parents and the community

## **E. Informing the Complainant Teacher or Principal**

The IC must inform the teacher and/or principal of a professional conduct complaint, or the disciplinary complaint against them as soon as the IC decides to open a formal investigation.

## **F. Disciplinary Hearing Referrals**

If the school board or Department of Education has not suspended the teacher and/or the principal under a disciplinary investigation, the IC must be informed of the arrangement, if suspension is not warranted.

## **G. Being cognizant of the teacher's and/or principal's wellbeing and mental health**

The complainant teacher and/or principal may experience stress; therefore it is important that the process is as stress-free as possible.

## **H. Time period for investigating a referred complaint by the IC.**

The investigation must be completed as quickly as practicable. The investigation must be thorough and fair.

## **I. Conducting the Investigation Hearing**

The IC can obtain information from the teacher and/or principal, and other parties directly involved such as: witnesses, pupils, teachers, the principal, staff, parents and any third party who was directly aware of the matter. The IC has the power to decide if the Hearing is public or in camera.

## **J. If There's the Right to be Accompanied**

If the teacher and/or the principal has the right to be accompanied as defined in the collective bargaining agreement, the teacher and/or principal must choose their companion from one of the following:

- A union official or lawyer acting as an advocate; or
- A work colleague who can act only as a companion

## **K. Sharing Information and Confidentiality**

The teacher and/or principal under a professional conduct complaint, or disciplinary investigation must be given a copy of any written evidence, including Witness Statements.

## **L. The IC Recommendations**

At the completion of the Investigation Hearing, the IC must submit its findings and recommendations to the BEC, and must recommend one of the following:

- The submitted complaint has merit an a formal Professional Conduct Hearing or Disciplinary Hearing must be convened with the accused registered member
- That the complaint has no merit and the case can be dismissed against the accused registered member, the teacher and/or principal.

**END**