

*The League of
Educational
Administrators,
Directors and
Superintendents
Act, 1991*

being

Chapter L-9.02 of the *Statutes of Saskatchewan, 1990-91*
(effective August 1, 1991) as amended by the *Statutes of
Saskatchewan, 1993, c.55.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER L-9.02

An Act respecting the League of Educational Administrators, Directors and Superintendents

SHORT TITLE AND INTERPRETATION

Short title

1 This Act may be cited as *The League of Educational Administrators, Directors and Superintendents Act, 1991*.

Interpretation

2 In this Act:

- (a) “**annual meeting**” means the meeting required to be held pursuant to subsection 16(1);
- (b) “**associate member**” means an associate member of the league who is in good standing;
- (c) “**board of education**” means a board of education as defined in *The Education Act*;
- (d) “**bylaws**” means the bylaws of the league;
- (d.1) “**conseil scolaire**” means a conseil scolaire as defined in *The Education Act*;
- (e) “**court**” means Her Majesty’s Court of Queen’s Bench for Saskatchewan;
- (f) “**executive**” means the executive board of the league mentioned in subsection 8(1);
- (g) “**executive director**” means the executive director appointed pursuant to subsection 14(1);
- (h) “**league**” means the Saskatchewan League of Educational Administrators, Directors and Superintendents continued pursuant to section 3;
- (i) “**member**” means a member of the league who is in good standing but does not include an associate member;
- (j) “**membership**” means the membership of a member but does not include associate membership;
- (k) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

LEAGUE

League continued

- 3(1) The Saskatchewan League of Educational Administrators, Directors and Superintendents is continued as a corporation.
- (2) The league consists of those persons who are members on the day before this Act comes into force and any other persons who become registered as members pursuant to this Act and the bylaws.
- (3) The executive, as it exists on the day before this Act comes into force, and officers of the league are continued in office until their successors are elected or appointed in accordance with this Act and the bylaws.
- (4) The bylaws of the league, as they exist on the day before this Act comes into force, are continued until they are rescinded, revoked, amended, varied or repealed pursuant to this Act.

1990-91, c.L-9.02, s.3.

Head office

- 4 The head office of the league is to be in the place in Saskatchewan that the league may from time to time determine by bylaw.

1990-91, c.L-9.02, s.4.

Powers of league

- 5 The league may:
- (a) acquire, hold, mortgage, lease, sell or dispose of any property; and
 - (b) promote, establish, administer and sponsor life, sickness, accident and general health insurance programs, or enter into agreements with another person or agency or an agency of the Government of Saskatchewan to provide those programs for its members or former members.

1990-91, c.L-9.02, s.5.

Objects of league

- 6 The objects of the league are:
- (a) to promote the cause of education in Saskatchewan and to co-operate with other educational agencies, including the Minister of Education, the Saskatchewan Teachers' Federation, The Saskatchewan School Trustees' Association, the University of Saskatchewan, the University of Regina and the Association of School Business Officials of Saskatchewan in all matters relating to education;
 - (b) to promote and safeguard the interests of its members and to secure conditions which will make it possible for its members to provide the best professional service;
 - (c) to raise the status of the profession of educational administration and to develop the highest standards of professionalism, skills and knowledge in all matters relating to the profession of educational administration;

- (d) to foster ethical behaviour and professional conduct of the membership and to discipline any member guilty of professional misconduct or professional incompetence in the performance of his or her duties;
- (e) to influence the direction of education and to make any representations that it considers requisite to promote a high quality of education;
- (f) to promote collegiality within the membership and to safeguard the welfare of its members; and
- (g) to afford advice, assistance and legal protection to members in their professional duties and relationships.

1990-91, c.L-9.02, s.6.

League funds

- 7(1) All fees, assessments, contributions, fines and penalties receivable or recoverable pursuant to this Act or the bylaws are the property of the league.
- (2) The league may invest its funds in investments in which trustees are authorized to invest pursuant to *The Trustee Act* and may sell or otherwise dispose of those investments and may reinvest the proceeds in similar investments.

1990-91, c.L-9.02, s.7.

EXECUTIVE

Executive board

- 8(1) The league is to be governed by an executive board.
- (2) The executive consists of:
 - (a) that number of members determined in the bylaws, which shall not be less than five, elected by the members in accordance with this Act and the bylaws; and
 - (b) the person appointed pursuant to section 9.
- (3) For the purposes of clause (2)(a), no member is eligible to be elected as a member of the executive unless that member resides in Saskatchewan.
- (4) Members of the executive elected pursuant to clause (2)(a) are entitled to remuneration and reimbursement for expenses in the amount determined in the bylaws.
- (5) Each member of the executive mentioned in clause (2)(a) holds office for the term determined in the bylaws.

1990-91, c.L-9.02, s.8.

Appointed member of executive

- 9(1) The Lieutenant Governor in Council may appoint a resident of Saskatchewan, who is not a member, as a member of the executive.

(2) Where the Lieutenant Governor in Council appoints a person as a member of the executive, the term of office of that person shall not exceed two years.

(3) Subject to subsection (4), a person appointed pursuant to this section holds office at the pleasure of the Lieutenant Governor in Council until the person's successor is appointed and is eligible for reappointment, but is not eligible to hold office for more than two consecutive terms.

(4) A person appointed pursuant to this section ceases to hold office if the person ceases to be a resident of Saskatchewan.

(5) A member of the executive appointed pursuant to this section may exercise rights and serve as a member of committees to the same extent as other members of the executive, but is ineligible to be an officer of the executive.

(6) The minister shall pay remuneration and reimbursement for expenses of the person appointed pursuant to this section at the rate determined by the Lieutenant Governor in Council.

1990-91, c.L-9.02, s.9.

Resignation

10(1) An elected member of the executive may resign by giving written notice of his or her resignation to the executive.

(2) A member of the executive appointed pursuant to section 9 may resign by giving written notice of his or her resignation to the minister.

(3) The resignation of a member of the executive pursuant to subsection (1) or (2) is effective:

- (a) on the date stated in the written notice; or
- (b) if no date is stated in the written notice, on the date the written notice is received by the executive or the minister, as the case may be.

1990-91, c.L-9.02, s.10.

Officers

11 The officers of the league are to be those that are:

- (a) designated in the bylaws; and
- (b) appointed or elected in accordance with the bylaws.

1990-91, c.L-9.02, s.11.

Voting to elect members of executive

12 Each member who:

- (a) has paid any required fees or assessments; and
- (b) has paid any fines or penalties;

imposed pursuant to this Act or the bylaws is entitled to vote to elect members of the executive in accordance with this Act and the bylaws.

1990-91, c.L-9.02, s.12.

Powers of executive

- 13** Subject to the other provisions of this Act and the bylaws, the executive may:
- (a) exercise all the powers of the league and may administer, direct and supervise the league's business, property and affairs;
 - (b) fill any vacancy on the executive for the remainder of a term, other than that of a member of the executive appointed pursuant to section 9;
 - (c) incur any expense that it considers necessary in the conduct of the affairs of the league and pay reasonable expenses of the members of the executive and committees in the discharge of their duties as members of the executive or committee;
 - (d) do any other things that it considers necessary to carry on the affairs and business of the league.

1990-91, c.L-9.02, s.13.

Employees

- 14(1)** The executive shall appoint an executive director.
- (2) The executive may appoint:
- (a) a secretary;
 - (b) a treasurer;
 - (c) a secretary and a treasurer; or
 - (d) a secretary-treasurer.
- (3) The executive may engage any employees that the executive considers necessary to carry out the duties and functions of the league.
- (4) Subject to this Act and the bylaws, the executive shall determine the duties, responsibilities and remuneration of employees of the league.

1990-91, c.L-9.02, s.14.

Committees

- 15(1)** The executive may establish any committees that are provided for by the bylaws or that it considers necessary.
- (2) The executive shall appoint members to any committees that are provided for by this Act or the bylaws or that it has established pursuant to subsection (1).
- (3) Committee members are eligible to be paid any remuneration that may be prescribed in the bylaws.
- (4) The executive may delegate to a committee that is:
- (a) provided for by this Act or the bylaws; or
 - (b) established pursuant to subsection (1);

any of its powers or duties, other than the power to make bylaws, on those terms or conditions that the executive may determine.

(5) Subject to this Act and the bylaws, a committee may establish its own procedures.

1990-91, c.L-9.02, s.15.

Annual and special meetings

16(1) An annual meeting of the league is to be held at the time and place that is determined by the executive in accordance with the bylaws.

(2) A special meeting of the league is to be held:

(a) on resolution of the executive; or

(b) on the demand, in writing, of the number of members specified in the bylaws;

for the transaction of the business that is specified in the resolution or demand.

(3) The executive director shall give notice of an annual or special meeting to each member by ordinary mail sent at least 14 days before the meeting.

(4) The procedure at an annual or special meeting is to be determined by the bylaws.

1990-91, c.L-9.02, s.16.

BYLAWS

Procedure

17(1) The executive may, with the approval of not less than three quarters of the members of the executive, pass bylaws for any purpose set out in section 18.

(2) A bylaw made by the executive pursuant to subsection (1) has force and effect only until the next annual or special meeting of the league and, unless confirmed or varied by the members in accordance with subsection (3), ceases to have any force or effect.

(3) With the approval of a two-thirds majority of those members who vote at an annual or special meeting, the league may:

(a) make bylaws for any purpose set out in section 18; and

(b) confirm, vary or revoke any bylaw made by the executive pursuant to subsection (1).

(4) The variation or revocation of a bylaw pursuant to subsection (3) does not affect the operation or application of the bylaw prior to its revocation or variation, and everything done, omitted to be done or authorized pursuant to the bylaw is valid and effectual against all persons notwithstanding the revocation or variation.

(5) The executive director shall forward copies of proposed bylaws to all members by ordinary mail sent at least 14 days before the date of the annual or special meeting at which they are to be presented.

(6) The executive director shall notify each member, by ordinary mail, of each bylaw:

- (a) passed pursuant to subsection (1) or (3); or
- (b) confirmed, varied or revoked pursuant to subsection (3);

within 150 days of its passage, confirmation, variation or revocation, as the case may be.

(7) Failure to comply with subsection (6) does not invalidate a bylaw.

(8) No bylaw made pursuant to subsection 18(2) comes into force until it is:

- (a) approved by the minister; and
- (b) published in the Gazette.

(9) As between members, the ruling of the executive on the construction and interpretation of the bylaws is final.

1990-91, c.L-9.02, s.17.

Purposes of bylaws

18(1) Subject to this Act, bylaws may be made pursuant to section 17 for the following purposes:

- (a) prescribing the seal of the league;
- (b) providing for the execution of documents by the league;
- (c) respecting banking and financial dealings of the league;
- (d) fixing the fiscal year of the league and providing for the audit of the accounts and transactions of the league;
- (e) respecting the management of the property of the league;
- (f) prescribing the number and the terms of office of members of the executive other than the member appointed pursuant to section 9;
- (g) prescribing the duties of members of the executive and officers of the league;
- (h) prescribing remuneration and reimbursement of expenses for elected members of the executive and members of committees;
- (i) governing procedures for the election of members of the executive;
- (j) prescribing the organization, powers and procedures of the executive and regulating the executive in the performance of its duties;
- (k) respecting the holding and procedures of meetings of the executive and annual or special meetings of the league;
- (l) prescribing the amounts of registration, annual and other fees payable to the league, the times of payment and the penalties for late payment;
- (m) providing for the receipt, management and investment of contributions, donations or bequests from members or other persons;

- (n) establishing and governing scholarships, bursaries and prizes;
 - (o) authorizing the league to enter into agreements or arrangements with any person, group, association, organization or body corporate having goals or objectives similar to those of the league;
 - (p) establishing any committees that the executive considers necessary and prescribing the manner of election or appointment of members to those committees.
- (2) Subject to this Act, bylaws may be made pursuant to section 17 for the following purposes:
- (a) prescribing the qualifications, standards and tests of competency for registering persons or any category of persons as members of the league;
 - (b) prescribing procedures governing the registration of persons or any category of persons as members of the league;
 - (c) providing for a code of professional ethics;
 - (d) setting standards of professional conduct, competency and proficiency of members;
 - (e) setting requirements for maintenance of membership;
 - (f) setting standards for continuing education and the participation of members in continuing education;
 - (g) prescribing procedures for:
 - (i) reviews pursuant to section 34; and
 - (ii) investigations and hearings by the professional relations committee and the discipline committee of complaints alleging that a member is guilty of professional misconduct or professional incompetence;
 - (h) governing the reinstatement of a member who has been expelled;
 - (i) establishing categories of membership in the league and prescribing the rights and privileges of each category;
 - (j) governing the approval of education programs for purposes of registration pursuant to this Act and prescribing terms and conditions for initial or continued approval of those programs;
 - (k) respecting the reporting and publication of decisions and reports of the executive and committees;
 - (l) prescribing the number of members required to demand a special meeting of the league;
 - (m) generally, for the better carrying out of this Act.

Deemed bylaws

19 Where the league adopts a code of ethics governing its members and subscription to or observance of that code is a condition of membership, the code of ethics shall, for the purposes of this Act, be deemed to be a bylaw of the league.

1990-91, c.L-9.02, s.19.

Filing of bylaws with Department of Justice

20(1) The league shall file with the Department of Justice two copies, certified by the executive director to be true copies, of any bylaw made for any purpose set out in subsection 18(1), within 30 days after the bylaw is made.

(2) Any bylaw filed with the Department of Justice pursuant to subsection (1) that amends or repeals an existing bylaw shall be accompanied by two copies, certified by the executive director to be true copies, of the bylaw being amended or repealed.

1990-91, c.L-9.02, s.20.

Failure to file bylaw

21 Failure to file any bylaw as required by section 20 renders the bylaw ineffective from the expiration of the time allowed for filing in section 20, and the bylaw is deemed to have been revoked.

1990-91, c.L-9.02, s.21.

Approval of bylaws by minister

22(1) The league shall file with the minister two copies, certified by the executive director to be true copies, of any bylaw made for a purpose set out in subsection 18(2).

(2) Any bylaw filed with the minister pursuant to subsection (1) that amends or repeals an existing bylaw shall be accompanied by two copies, certified by the executive director to be true copies, of the bylaw being amended or repealed.

(3) Where the minister does not advise the league in writing that the minister approves the bylaw within 90 days after receiving the copies mentioned in subsections (1) and (2), the bylaw is deemed to be approved by the minister.

(4) Where the minister approves a bylaw or where the approval of the minister is deemed pursuant to subsection (3), the minister shall file, with the Department of Justice, two copies, certified by the executive director to be true copies, of the bylaw.

(5) Any bylaw filed pursuant to subsection (4) that amends or repeals an existing bylaw shall be accompanied by two copies, certified by the executive director to be true copies, of the bylaw being amended or repealed.

1990-91, c.L-9.02, s.22.

Tabling of bylaws before the Legislative Assembly

23(1) The Minister of Justice shall, in accordance with *The Tabling of Documents Act*, lay before the Assembly one copy of all bylaws filed pursuant to section 20 or 22.

- (2) Where any bylaw laid before the Assembly is found by the Assembly to be:
- (a) beyond the powers delegated by the Legislature; or
 - (b) in any way prejudicial to the public interest;

the bylaw ceases to have any effect and is deemed to have been revoked.

1990-91, c.L-9.02, s.23.

Record of revocation

24(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw has ceased to have effect, the Clerk of the Assembly shall:

- (a) immediately forward two copies of those Votes and Proceedings to the Deputy Minister of Justice; and
 - (b) at the time of forwarding the copies mentioned in clause (a), advise the Deputy Minister of Justice that the copies are forwarded pursuant to this subsection.
- (2) On receipt of the copies mentioned in subsection (1), the Deputy Minister of Justice shall:
- (a) file one of the copies with a copy of the bylaw to which it relates; and
 - (b) forward one of the copies to the league and at the same time advise the league that the copy is forwarded pursuant to this subsection.

1990-91, c.L-9.02, s.24.

MEMBERSHIP

Required membership

25(1) No person shall be appointed or employed by or continue employment with a board of education or a conseil scolaire as:

- (a) a director of education or an assistant director of education;
- (b) a superintendent of education or an assistant superintendent of education;

unless that person is a member of or has applied for membership in the league and maintains membership in the league.

(2) No person shall be employed by, or continue employment with, the Government of Saskatchewan as a Regional Director of Education assigned to a region of the Department of Education unless that person is a member of or has applied for membership in the league and maintains membership in the league.

(3) No person who:

- (a) has a Professional Teaching Certificate;
- (b) has been appointed by a board of education or a conseil scolaire to a supervisory or administrative position pursuant to section 106 of *The Education Act*; and

(c) has been designated by the Educational Relations Board pursuant to section 261 of *The Education Act* as not being a teacher;

shall continue to be employed in the position mentioned in clause (b) by that board of education or conseil scolaire unless that person is a member of or has applied for membership in the league and maintains membership in the league.

1990-91, c.L-9.02, s.25; 1993, c.55, s.178.

Required termination of employment for non-members

26 No employer shall appoint, employ or continue to employ a person where:

- (a) that person is required by this Act to be a member of or to have applied for membership in the league and to maintain membership in the league; and
- (b) that person:
 - (i) fails to become a member;
 - (ii) fails to maintain membership; or
 - (iii) has his or her membership suspended or cancelled.

1990-91, c.L-9.02, s.26.

Automatic termination of membership

27 Membership in the league automatically terminates when a member ceases to be employed in a position mentioned in section 25.

1990-91, c.L-9.02, s.27.

Eligibility for membership

28(1) Any person who, on the coming into force of this Act, is not a member of the league but who holds a position described in section 25 is eligible for membership in the league on payment of the required fee.

(2) The following persons are eligible for associate membership in the league on payment of the fee and other assessments that may be prescribed in the bylaws for associate members:

- (a) individuals employed in supervisory or consultative positions by the Department of Education, a board of education, or a conseil scolaire who are not otherwise eligible for membership;
- (b) members of the faculty of education at the University of Saskatchewan or the University of Regina;
- (c) professional staff of the Saskatchewan Teachers' Federation or The Saskatchewan School Trustees' Association;
- (d) former members of the league and its predecessors;
- (e) Superintendents of Education employed by the Government of Canada who are assigned to positions within Saskatchewan; and
- (f) any individual who is approved by the executive.

- (3) An associate member has:
- (a) the right to participate in all league activities;
 - (b) the right to receive league publications; and
 - (c) all rights and privileges prescribed in the bylaws;
- but does not have the right to vote or hold office.
- (4) A person who:
- (a) is a member of or is eligible for membership in the league on the day on which this Act comes into force; and
 - (b) ceases to be employed in a position mentioned in section 25;
- subject to subsection (5), retains eligibility for membership in the league.
- (5) A person mentioned in subsection (4) retains eligibility for membership in the league where the person:
- (a) is not absent from membership for a period of greater than three years;
 - (b) continues to possess the qualifications of good character required for membership; and
 - (c) pays the fees and assessments prescribed in the bylaws.
- (6) The league may, at an annual or special meeting, grant an honorary or life membership to any individual whom it considers worthy.

1990-91, c.L-9.02, s.28; 1993, c.55, s.178.

Cancellation or suspension of membership

- 29(1)** Where the membership of an individual is cancelled or a member is expelled from the league pursuant to this Act, all of the rights and privileges of that individual as a member of the league cease.
- (2) Where a member is suspended from the league pursuant to this Act, all of the rights and privileges of that individual as a member of the league are removed for the period of the suspension.

1990-91, c.L-9.02, s.29.

Membership fees

- 30(1)** The league shall prescribe in its bylaws the annual fee for membership.
- (2) The treasurer of each school division and the treasurer of each conseil scolaire, or the employer, including Her Majesty the Queen in right of Saskatchewan, of any individual who is required by this Act to pay membership fees, on request from the league, may deduct from the salary payable to that individual each month and shall transmit to the league, on behalf of that individual, any assessments that the bylaws may require with respect to:
- (a) fees and other dues incidental to the league; and
 - (b) premiums for any life, sickness, accident or general health insurance plan set up and authorized pursuant to the bylaws of the league.

(3) The treasurer of the school division or the conseil scolaire, or the employer, as the case may be, shall forward to the league the total amount mentioned in subsection (2):

- (a) monthly; or
- (b) at any other period;

according to the request from the league.

1990-91, c.L-9.02, s.30; 1993, c.55, s.178.

REGISTER OF MEMBERS

Register of members

31(1) The executive director in accordance with this Act and the bylaws, shall keep or cause to be kept a register in which shall be entered the name and address of every member and associate member.

(2) The register mentioned in subsection (1) is to be kept:

- (a) at the head office of the league; and
- (b) open for inspection by all persons, without fee, during normal office hours of the league.

(3) A certificate purporting to be signed by the executive director stating that a named person was or was not a member or an associate member on a specified day or during a specified period according to the register is admissible in evidence as prima facie proof of the facts stated in it without proof of the executive director's appointment or signature.

1990-91, c.L-9.02, s.31.

Filing of list of members

32 On or before February 1 in each year, the league shall file with the Minister of Justice and the minister a list, to be called the annual register, certified by the executive director to be a true list, showing:

- (a) the names of all members of the league in good standing as at December 31 in the preceding year;
- (b) the addresses of the members mentioned in clause (a) as shown by the records of the league; and
- (c) the respective dates of admission to membership in the league of the members mentioned in clause (a).

1990-91, c.L-9.02, s.32.

Registration of members

33(1) The executive may register as a member a person who applies to the executive for registration as a member in accordance with subsection (2).

- (2) A person may apply to the executive for registration as a member by:
- (a) paying the prescribed fees and complying with the bylaws with respect to registration; and
 - (b) producing, in a form prescribed by the executive:
 - (i) a copy of the person's teaching certificate;
 - (ii) evidence satisfactory to the executive that the person meets the qualifications for registration prescribed in the bylaws;
 - (iii) evidence satisfactory to the executive that the person is or is to be employed in a position for which membership in the league is required pursuant to the Act;
 - (iv) evidence satisfactory to the executive of good character; and
 - (v) any other information the executive may require.
- (3) The executive may register as an associate member a person who applies for registration as an associate member in accordance with the bylaws.
- (4) Where the executive refuses to register a person who has applied for registration as a member in accordance with subsection (2) or as an associate member pursuant to subsection (3), the executive shall immediately notify the applicant in writing of:
- (a) the decision; and
 - (b) the reasons for the decision.

1990-91, c.L-9.02, s.33.

Delegation and review

- 34(1)** The executive may delegate to the executive director the power to register persons as:
- (a) members; or
 - (b) associate members;
- and, when that power has been delegated, the exercise of that power by the executive director is deemed to be an exercise by the executive.
- (2) The executive may impose any terms and conditions that it considers appropriate on a delegation pursuant to subsection (1).
- (3) Where:
- (a) pursuant to subsection (1), the executive has delegated to the executive director the power to register persons as members; and
 - (b) a person is aggrieved by a decision of the executive director made in accordance with that delegated power;
- the person may ask the executive to review the decision of the executive director.

- (4) On a review pursuant to subsection (3), the executive shall hear the review and may:
- (a) direct the executive director to exercise the power to register persons as members in a manner that the executive considers appropriate; or
 - (b) confirm the executive director's decision.
- (5) On a review pursuant to subsection (3), the person aggrieved by the decision of the executive director has the right to appear in person before the executive in support of the application for registration as a member.
- (6) The executive shall cause the applicant to be informed in writing of its decision pursuant to subsection (4).

1990-91, c.L-9.02, s.34.

DISCIPLINE

Discipline committee established

35(1) The discipline committee is established consisting of at least the following five persons:

- (a) the member of the executive appointed pursuant to section 9;
 - (b) one person, who is not a member, appointed by The Saskatchewan School Trustees' Association; and
 - (c) at least three persons appointed by the executive from among the members of the league.
- (2) Notwithstanding subsection (1), in the event a member of the discipline committee must be excused from further participation in a discipline proceeding, the members of the discipline committee remaining shall:
- (a) constitute the discipline committee;
 - (b) continue the proceeding until its conclusion; and
 - (c) prepare a report of its findings.
- (3) Notwithstanding subsection (1), where:
- (a) a member of the discipline committee is absent or unable to act as a member of the discipline committee; or
 - (b) a member of the discipline committee has not been appointed pursuant to this section;

the other members of the discipline committee shall constitute the discipline committee and the ability of the discipline committee to act is not impaired.

(4) Subject to the other provisions of this Act and to the bylaws, the discipline committee may make rules for the purpose of regulating its business and proceedings.

1990-91, c.L-9.02, s.35.

Professional relations committee

36(1) Subject to subsection (2), the professional relations committee is established consisting of at least three members to be appointed by the executive.

(2) No member of the discipline committee may be a member of the professional relations committee.

1990-91, c.L-9.02, s.36.

Professional misconduct

37 Professional misconduct is a question of fact but any matter, conduct or thing, whether or not disgraceful or dishonourable, that:

- (a) is harmful to the best interests of the public or the members;
- (b) tends to harm the standing of the profession of educational administration;
- (c) is a breach of this Act or the bylaws; or
- (d) is a failure to comply with an order of the professional relations committee, the discipline committee or the executive;

is professional misconduct within the meaning of this Act.

1990-91, c.L-9.02, s.37.

Professional incompetence

38 Professional incompetence is a question of fact, but the display by a member of:

- (a) a lack of knowledge, skill or judgment; or
- (b) a disregard for the welfare of:
 - (i) members of the public served by the member's employer;
 - (ii) the member's employer; or
 - (iii) a teacher, pupil or other person under the member's supervision;

of a nature or to an extent that demonstrates that the member is unfit to continue to perform the member's professional duties is professional incompetence within the meaning of this Act.

1990-91, c.L-9.02, s.38.

Review and investigation of complaints by professional relations committee

39(1) Where the professional relations committee:

- (a) is requested by the executive to consider a complaint; or
- (b) receives a written complaint;

alleging that a member is guilty of professional misconduct or professional incompetence, the professional relations committee shall:

- (c) review the complaint; and
- (d) investigate the complaint by taking any steps the professional relations committee considers necessary, including summoning before it the member whose conduct is the subject of the complaint.

- (2) On completion of its investigation pursuant to subsection (1), the professional relations committee shall make a written report to the discipline committee recommending:
- (a) that the discipline committee hear and determine the formal complaint set out in the written report; or
 - (b) that no further action be taken with respect to the matter under investigation.
- (3) The formal complaint set out in a written report made pursuant to subsection (2) may relate to any matter disclosed in the complaint received or the investigation conducted pursuant to subsection (1).
- (4) A copy of a written report made pursuant to clause (2)(b) shall be provided to:
- (a) the executive;
 - (b) the person, if any, who made the written complaint mentioned in subsection (1); and
 - (c) the member whose conduct is the subject of the complaint mentioned in subsection (1).
- (5) A written report signed by a majority of the members of the professional relations committee is a decision of that committee.

1990-91, c.L-9.02, s.39.

Notice of discipline committee hearing

- 40(1)** Where a written report of the professional relations committee mentioned in subsection 39(2) recommends that the discipline committee hear and determine a formal complaint, a notice of the hearing shall be served by the executive director on the member whose conduct is the subject of the hearing not less than 14 days before the date specified for the hearing.
- (2) The person, if any, who made the complaint mentioned in subsection 39(1) which leads to a hearing:
- (a) shall be advised orally or in writing by the executive director of the day, time and place of the hearing; and
 - (b) is entitled to attend the hearing.
- (3) The notice mentioned in subsection (1) is to:
- (a) contain or be accompanied by a copy of the formal complaint set out in the written report of the professional relations committee; and
 - (b) specify the day, time and place of the hearing.
- (4) Notwithstanding clause (2)(b), the discipline committee may exclude the person who made the complaint from any part of the hearing where the committee is of the opinion that evidence brought in the presence of that person will unduly violate the privacy of a person other than the member whose conduct is the subject of the hearing.

1990-91, c.L-9.02, s.40.

Discipline committee hearing of formal complaint

41 The discipline committee shall hold a hearing to hear the formal complaint mentioned in clause 39(2)(a) and shall determine whether or not the member whose conduct is the subject of the complaint is guilty of professional misconduct or professional incompetence notwithstanding that the determination of a question of fact may be involved, and the discipline committee need not refer any such matter to a court for adjudication.

1990-91, c.L-9.02, s.41.

Right to counsel

42 The discipline committee may employ, at the expense of the league, any legal or other assistance that it considers necessary, and the member whose conduct is the subject of the hearing, at his or her own expense, may be represented by counsel.

1990-91, c.L-9.02, s.42.

Discipline committee hearing

43(1) The professional relations committee shall prosecute or direct the prosecution of the complaint, but its members shall not participate in any other manner in the hearing of the complaint except as witnesses when required.

(2) The discipline committee may accept any evidence that it considers appropriate and is not bound by rules of law concerning evidence.

(3) The testimony of witnesses is to be under oath or affirmation administered by the chairperson or acting chairperson of the discipline committee.

(4) Each party to the hearing by the discipline committee has the full right:

- (a) to examine, cross-examine and re-examine all witnesses; and
- (b) to present evidence in defence and reply.

(5) On the application of the member whose conduct is the subject of a hearing, a member of the professional relations committee or a member of the discipline committee, the local registrar of the court at any judicial centre, on payment of the appropriate fees, shall issue writs of subpoena *ad testificandum* or writs of subpoena *duces tecum* and, where that writ is disobeyed, the proceedings and penalties are those applicable in civil cases in the court.

1990-91, c.L-9.02, s.43.

Failure of member to attend discipline committee hearing

44 Where the member whose conduct is the subject of a discipline committee hearing fails to attend the hearing, the discipline committee, on proof of service of the notice mentioned in section 40, may proceed with the hearing in the absence of the member.

1990-91, c.L-9.02, s.44.

Amendment of charge

45 If, during the course of a hearing, the evidence shows that the member whose conduct is the subject of the hearing may be guilty of a charge different from or in addition to any charge specified in the formal complaint, the discipline committee shall:

- (a) notify the member of that fact; and
- (b) if the discipline committee proposes to amend, add to or substitute the charge in the formal complaint and unless the member otherwise consents, adjourn the hearing for any period that the discipline committee considers sufficient to give the member an opportunity to prepare a defence to the amended formal complaint.

1990-91, c.L-9.02, s.45.

Discipline committee report and decision

46(1) Within 30 days after the conclusion of a discipline committee hearing, the discipline committee shall prepare a report of its decision and provide the report to the executive.

(2) The decision of the majority of the members of the discipline committee present at a hearing set out in the report mentioned in subsection (1) is the decision of the committee.

1990-91, c.L-9.02, s.46.

Disciplinary powers of executive

47(1) Where the executive receives a report from the discipline committee that a member is guilty of professional misconduct or professional incompetence, the executive shall direct the executive director to:

- (a) set a day for a meeting of the executive to determine the penalty to be assessed against or requirement to be imposed on the member;
- (b) serve notice on the member concerned of the day, time and place of the meeting mentioned in clause (a) in accordance with the bylaws; and
- (c) advise the person, if any, who made the complaint mentioned in subsection 40(2), either orally or in writing of the day, time and place of the meeting mentioned in clause (a).

(2) Where the member with respect to whom a meeting is called pursuant to subsection (1) fails to attend the meeting, the executive, on proof of service of the notice mentioned in clause (1)(b), may proceed with the meeting in the absence of the member.

(3) At a meeting called pursuant to subsection (1), the executive may make an order:

- (a) that the member be expelled from the league and that the member's name be struck from the register;
- (b) that the member be suspended from the league for a specified period of time;

- (c) that the member be suspended pending the satisfaction and completion of any conditions as may be ordered by the executive;
 - (d) that the member may continue to practise only on conditions specified in the order which may include, but are not restricted to, a requirement that the member:
 - (i) not do specified types of work;
 - (ii) successfully complete specified classes or courses of instruction; or
 - (iii) obtain medical treatment and counselling;
 - (e) reprimanding the member;
 - (f) recommending to the minister that, after the time for an appeal has expired or after any appeal taken has been dismissed, the minister suspend or cancel the member's teaching certificate;
 - (g) addressing any other matter and ordering the member to do any other thing that the executive considers just; or
 - (h) including any combination of the disciplinary options or orders mentioned in clauses (a) to (g).
- (4) In addition to any order made pursuant to subsection (3), the executive may order:
- (a) that the member pay to the league, within a fixed period:
 - (i) a fine in a specified amount not exceeding \$5,000; and
 - (ii) the costs of the investigation and hearing into the member's conduct and related costs, including the expenses of the professional relations committee and the discipline committee and costs of legal services and witnesses; and
 - (b) where a member fails to make payment in accordance with an order pursuant to clause (a), that the member be suspended from the league.
- (5) The executive director shall send a copy of an order made pursuant to subsection (3) or (4) to:
- (a) the member whose conduct is the subject of the order;
 - (b) the person, if any, who made the complaint mentioned in subsection 40(2); and
 - (c) the member's employer.
- (6) Where a member is expelled or suspended from the league, the executive director shall strike the name of the member from the register or indicate the suspension on the register, as the case may be.

Duty to report**48** Where:

- (a) the professional relations committee in its investigation pursuant to section 39; or
- (b) the discipline committee at the conclusion of its hearing;

believes that the member whose conduct is the subject of the investigation or hearing may be guilty of a criminal offence, the committee may immediately discontinue its investigation or hearing, as the case may be, and shall make a report of its findings to the executive and the Deputy Minister of Justice.

1990-91, c.L-9.02, s.48.

Suspension**49** Where:

- (a) a criminal charge is laid against a member; and
- (b) the member has applied to the court for a stay of any disciplinary proceedings against the member;

a judge of the court, on the application of the executive, may direct that the member be suspended from membership in the league pending the disposition of the criminal charge.

1990-91, c.L-9.02, s.49.

Expulsion from league on conviction for indictable offence**50** Where:

- (a) a member has been convicted of an indictable offence pursuant to the *Criminal Code* (Canada), as amended from time to time;
- (b) a report of the professional relations committee is made to the executive respecting the conviction mentioned in clause (a);
- (c) the executive has given the member mentioned in clause (a) an opportunity to be heard; and
- (d) the executive finds that the conduct of the member giving rise to the conviction makes the member unfit to continue as a member;

the executive may:

- (e) by order, expel the member from the league;
- (f) make an order recommending to the minister that, after the time for an appeal has expired or after any appeal taken has been dismissed, the minister suspend or cancel the member's teaching certificate.

1990-91, c.L-9.02, s.50.

Appeal**51(1)** A member who:

- (a) has been found guilty of professional misconduct or professional incompetence by the discipline committee;

- (b) is subject to an order of the executive made pursuant to subsection 47(3) or (4); or
 - (c) has been expelled from the league pursuant to section 50;
- may appeal, to a judge of the court, the decision of the discipline committee or any order of the executive, within 30 days of the decision or order, whichever is later, by serving the executive director with a copy of the notice of appeal and filing it with a local registrar of the court in any judicial centre.
- (2) On receipt of a notice of appeal, the executive director shall file with the local registrar a true copy of:
- (a) the formal complaint and notice served pursuant to section 40 or the report of the professional relations committee mentioned in clause 50(b);
 - (b) the transcript of the evidence presented to the discipline committee or the executive;
 - (c) where the appeal is from a decision or order described in clause (1)(a) or (b), the report of the discipline committee mentioned in section 46; and
 - (d) any order of the executive made pursuant to subsection 47(3) or (4) or section 50.
- (3) The appellant or the appellant's solicitor or agent may obtain from the executive director a copy of the documents filed pursuant to subsection (2) on payment of the costs of producing them.

1990-91, c.L-9.02, s.51.

Powers of judge

52 In hearing an appeal pursuant to section 51 the judge shall:

- (a) dismiss the appeal;
 - (b) vary a decision of the discipline committee or an order of the executive;
 - (c) substitute his or her own decision or order for a decision of the discipline committee or an order of the executive;
 - (d) quash a decision of the discipline committee or an order of the executive;
 - (e) direct a new hearing or further inquiries by the discipline committee or the executive; or
 - (f) quash the finding of guilt;
- and may make any order as to costs that the judge considers appropriate.

1990-91, c.L-9.02, s.52.

Appeal to Court of Appeal

53 With leave of the Court of Appeal, any party to an appeal pursuant to section 51 may appeal a decision of the court to the Court of Appeal on a question of law or jurisdiction.

1990-91, c.L-9.02, s.53.

Stay of decision or order

54(1) Subject to subsection (2), the commencement of an appeal:

- (a) pursuant to section 51; or
- (b) pursuant to section 53;

does not operate as a stay of the decision or order appealed from.

(2) On five days' notice to the executive director, the appellant may apply:

- (a) to the court, where the appeal is commenced pursuant to section 51; or
- (b) to the Court of Appeal, where the appeal is commenced pursuant to section 53;

for a stay of the decision or order pending the disposition of an appeal pursuant to section 51 or 53.

1990-91, c.L-9.02, s.54.

Reinstatement

55(1) A person who has been expelled as a member may apply to the executive for reinstatement.

(2) Subject to the bylaws, on receipt of an application pursuant to subsection (1), the executive shall:

- (a) review the application; and
- (b) investigate the application by taking any steps it considers necessary.

(3) On the completion of its investigation, the executive may:

- (a) by order, where it is satisfied that the person's conduct after expulsion as a member and any other facts warrant reinstatement, reinstate the person as a member on any terms and conditions that the executive considers appropriate; or
- (b) by order, refuse to reinstate the person.

(4) Where, on an application pursuant to subsection (1), the executive refuses to reinstate the person as a member, the applicant, within 30 days after the date of the order, may appeal the order of the executive to a judge of the court and the judge may allow or disallow the appeal.

(5) On an appeal pursuant to subsection (4), the judge shall consider:

- (a) the proceedings before the executive on the application for reinstatement;
- (b) the past record of the appellant as shown by the books and records of the league; and
- (c) the evidence taken before the executive and any committee which dealt with the expulsion and application for reinstatement and the report of that committee.

(6) A person whose application for reinstatement is refused or whose appeal of a refusal is dismissed may make another application for reinstatement, based on new information, at any time.

1990-91, c.L-9.02, s.55.

GENERAL

Notice to employer**56** Where:

- (a) an application for registration as a member has been refused and:
 - (i) the applicant does not request a review pursuant to subsection 34(3); or
 - (ii) the executive has confirmed the decision of the executive director;
- (b) an application for reinstatement as a member has been refused; or
- (c) a member has been found guilty of professional misconduct or professional incompetence by the discipline committee;

the executive director shall immediately notify the applicant's employer or prospective employer in writing.

1990-91, c.L-9.02, s.56.

Notice of termination of employment of member

57 Any employer who terminates for cause the employment of a member shall report the termination to the league where the employer reasonably believes the cause is professional incompetence or professional misconduct.

1990-91, c.L-9.02, s.57.

Immunity

58 No action lies or shall be instituted against:

- (a) members of the executive;
- (b) the discipline committee;
- (c) the professional relations committee;
- (d) any member of any committee; or
- (e) any officer, employee or agent;

of the league for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or the bylaws or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the bylaws or any duty imposed by this Act or the bylaws.

1990-91, c.L-9.02, s.58.

Compliance

59 Every member shall comply with this Act and the bylaws.

1990-91, c.L-9.02, s.59.

Service

60(1) Any notice or other document that is required to be served pursuant to this Act may, unless otherwise provided for in this Act, be served by:

- (a) personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director; or
- (b) registered mail addressed to the last business or residential address of the person to be served known to the executive director.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the notice or document or received it at a later date.

1990-91, c.L-9.02, s.60.

OFFENCE AND PENALTY

Offence

61(1) Any person who contravenes all or any portion of section 25 is guilty of an offence and is liable on summary conviction to a fine not exceeding:

- (a) \$2,000 for a first offence; or
- (b) \$4,000 for a second or subsequent offence.

(2) No prosecution pursuant to this section shall be commenced after the expiration of two years from the date of the alleged offence.

1990-91, c.L-9.02, s.61.

REPEAL AND COMING INTO FORCE

S.S. 1983-84, c.L-9.01 repealed

62 *The League of Educational Administrators, Directors and Superintendents Act* is repealed.

1990-91, c.L-9.02, s.62.

