

OCT Professional Misconduct Regulation

Section 1

The following acts are defined as professional misconduct for the purpose of subsection 30 (2) of the Act:

1. Providing false information or documents to the College or any other person with respect to the member's professional qualifications.
2. Inappropriately using a term, title or designation indicating a specialization in the profession which is not specified on the member's certificate of qualification and registration.
3. Permitting, counselling or assisting any person who is not a member to represent himself or herself as a member of the College.
4. Using a name other than the member's name, as set out in the register, in the course of his or her professional duties.
5. Failing to maintain the standards of the profession.
6. Releasing or disclosing information about a student to a person other than the student or, if the student is a minor, the student's parent or guardian. The release or disclosure of information is not an act of professional misconduct if,
 - i. the student (or if the student is a minor, the student's parent or guardian) consents to the release or disclosure, or
 - ii. if the release or disclosure is required or allowed by law.
7. Abusing a student verbally.
7. 1 Abusing a student physically.
7. 2 Abusing a student psychologically or emotionally.
7. 3 Abusing a student sexually.
8. Practising or purporting to practise the profession while under the influence of any substance or while adversely affected by any dysfunction,
 - i. which the member knows or ought to know impairs the member's ability to practise, and
 - ii. in respect of which treatment has previously been recommended, ordered or prescribed but the member has failed to follow the treatment.
9. Contravening a term, condition or limitation imposed on the member's certificate of qualification and registration.
10. Failing to keep records as required by his or her professional duties.
11. Failing to supervise adequately a person who is under the professional supervision of the member.
12. Signing or issuing, in the member's professional capacity, a document that the member knows or ought to know contains a false, improper or misleading statement.
13. Falsifying a record relating to the member's professional responsibilities.
14. Failing to comply with the Act, the regulations or the bylaws.
15. Failing to comply with the *Education Act* or the regulations made under that Act, if the member is subject to that Act.
16. Contravening a law if the contravention is relevant to the member's suitability to hold a certificate of qualification and registration.
17. Contravening a law if the contravention has caused or may cause a student who is under the member's professional supervision to be put at or to remain at risk.

18. An act or omission that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
19. Conduct unbecoming a member.
20. Failing to appear before a panel of the Investigation Committee to be cautioned or admonished, if the Investigation Committee has required the member to appear under clause 26(5)(c) of the Act.
21. Failing to comply with an order of a panel of the Discipline Committee or an order of a panel of the Fitness to Practise Committee.
22. Failing to co-operate in a College investigation.
23. Failing to take reasonable steps to ensure that requested information is provided in a complete and accurate manner if the member is required to provide information to the College under the Act and the regulations.
24. Failing to abide by a written undertaking given by the member to the College or an agreement entered into by the member with the College.
25. Failing to respond adequately or within a reasonable time to a written inquiry from the College.
26. Practising the profession while the member is in a conflict of interest.
27. Failing to comply with the member's duty under the *Child and Family Services Act*.

Section 2

A finding of incompetence, professional misconduct or a similar finding against a member by a governing authority of the teaching profession in a jurisdiction other than Ontario that is based on facts that would, in the opinion of the Discipline Committee, constitute professional misconduct as defined in section 1, is defined as professional misconduct for the purposes of subsection 30 (2) of the Act.