



## In Profile: Howard Kushner

*Former British Columbia Ombudsperson Howard Kushner was appointed Commissioner for Teacher Regulation in March 2018. Learn spoke with him about his position, his background and his commitment to a fair, timely and transparent disciplinary process. (This article is republished from our Summer 2018 issue.)*



### Tell us about the role of Commissioner.

The Commissioner is an independent officer appointed by the Lieutenant-Governor in Council. Under the *Teachers Act*, the Commissioner receives reports and complaints about teacher conduct and competence and then makes a preliminary review to decide on next steps. Next steps can include taking no further action or initiating a consent resolution process or investigation. Possible outcomes of an investigation can include dismissing the complaint or report, making a proposal for a consent resolution agreement or issuing a citation, which leads to a hearing. If the complaint or report goes to a hearing, the Commissioner appoints a three-person panel to hear the case and determine the outcome.

The Office receives about 250 complaints or reports a year. While the Commissioner is not an employee of the Ministry of Education, the role is supported by a team of investigators, intake officers and administrative support staff at the Ministry. These individuals handle the day-to-day work of the Commissioner's Office including intake, investigation and hearings.

### Can you tell us about your career leading up to this appointment? What skills and strengths do you bring to the position?

I am a lawyer by training and have had a varied career that includes working in the public sector, teaching at the University of British Columbia and the University of Alberta, serving as Ombudsperson of BC and working for and advising numerous professional regulatory bodies in BC. My work from 1999-2006 as Ombudsperson has many areas of overlap with my current role. The Office of the Ombudsperson investigates complaints from the public to ensure that provincial and local government authorities have acted fairly and reasonably. I



subsequently was the Chief Legal Officer of the Law Society of BC, overseeing the discipline and complaints process for lawyers. After semi-retiring in 2012, I continued to provide legal advice to a number of regulatory authorities, including the College of Physicians and Surgeons of BC, the College of Dental Surgeons of BC and the Association of Professional Engineers and Geoscientists. During this time, I also served on disciplinary panels for BC's teaching profession.

### Why did you decide to take on this position?

The Office of the Commissioner for Teacher Regulation was established based on two guiding principles: the public interest and transparency. These are principles that I have focused on for many years, first as Ombudsperson and subsequently in providing advice to various regulatory bodies. The Commissioner's role provides an excellent opportunity to apply my skill set to one particular profession – to look at issues of conduct and competence that arise in the context of the teaching profession.

### What are your top priorities in this role?

Bruce Preston, the past Commissioner, expressed concerns about delays, and I agree that it is important that reports and complaints be dealt with as expeditiously as possible.

However, although we want to avoid delays, a fair process takes time and complaints and reports need to be reviewed carefully. If they proceed to an investigation, that too takes time. It's a challenge in any complaint system to ensure you are getting all the information you need and decisions are being made in an appropriate time frame. Having said that, we need to do whatever we can to reduce delay. Delay is both frustrating for complainants and stressful for the person who is the subject of the complaint or report.

Along with timely reviews, we also want to ensure the process is fair and transparent. The person who is the subject of the complaint or report needs to know the details of the complaint and have the opportunity to respond and put forward their point of view. Transparency is also important. This includes respecting privacy issues, as well as providing reasons for decisions to explain how and why a decision was reached so that the public, complainants and other stakeholders understand the process better.

### Is there anything else you'd like to share with readers?

Teachers play a fundamental role in ensuring the success of our students. They interact with their students on a daily basis providing leadership and guidance. The Commissioner's role in reviewing complaints respecting teachers' conduct and competence contributes to maintaining the public's trust in our education system.



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