

**DISCIPLINE COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS**

IN THE MATTER OF the *Ontario College of Teachers Act, 1996*, and the Regulation (Ontario Regulation 437/97) thereunder;

AND IN THE MATTER OF a discipline proceeding against Alfred Andrew Aleksandrowicz, a member of the Ontario College of Teachers.

PANEL: Brent Hamelin, Chair
 Rosemary Fontaine
 Rollande Lavictoire

| | | |
|------------------------------|---|----------------------------------|
| BETWEEN: |) | |
| |) | Brian Wasyliw, |
| |) | McCarthy Tétrault LLP, |
| |) | for Ontario College of Teachers, |
| ONTARIO COLLEGE OF TEACHERS |) | assisted by Trevor Evans, |
| |) | Senior Law Clerk |
| - and - |) | |
| |) | |
| ALFRED ANDREW ALEKSANDROWICZ |) | David Bloom, |
| (CERTIFICATE #244125) |) | Cavalluzzo Hayes Shilton |
| |) | McIntyre & Cornish LLP, |
| |) | for Alfred Andrew Aleksandrowicz |
| |) | |
| |) | Johanna Braden, |
| |) | Stockwoods LLP, |
| |) | Independent Legal Counsel |
| |) | |
| |) | Heard: December 19, 2007 |

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on December 19, 2007 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated December 13, 2007, was served on Alfred Andrew Aleksandrowicz, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on December 19, 2007 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for December 19, 2007.

Alfred Andrew Aleksandrowicz was in attendance at the hearing.

THE ALLEGATIONS

The allegations against Alfred Andrew Aleksandrowicz in the *Notice of Hearing*, (Exhibit 1) dated December 13, 2007, are as follows:

IT IS ALLEGED that Alfred Andrew Aleksandrowicz is guilty of professional misconduct as defined in section 30(2) of the Ontario College of Teachers Act (the “Act”), in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5); and
- (b) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19).

AGREED STATEMENT OF FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced an *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty (ASF – Exhibit 2)*.

The *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty* provides as follows:

1. Alfred Andrew Aleksandrowicz (the “Member”) is a member of the Ontario College of Teachers. Attached hereto and marked as **Exhibit “A”** is a copy of the Ontario College of Teachers Registered Member Information respecting the Member.

2. At all material times, the Member was employed as a teacher at the Waterloo Catholic District School Board (the “Board”). During the 2004-2005 academic year, the Member was a teacher at [■] (the “School”).

3. During the 2004-2005 academic year, the Member conducted himself in an unprofessional manner towards students, including, but not limited to, the following:

- (a) in the context of a discussion on teenage pregnancy, he warned a student with the following concern: "You are a nice looking person. If you have a child, no one in the community is going to want you";
- (b) in response to hearing that a student spread false rumours about him, in a moment of anger, stated: "You are going to get your ass kicked";
- (c) in the context of a discussion of drug use, admitted that he tried various substances while warning the students of the serious consequences of such use;
- (d) on or around February 14, 2005, Valentine's Day, as a joke, sent a rose and a card to a [■] student, which did not offend the student or [■] parents.

GUILTY PLEA

4. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 3 above (the “admitted facts”).

5. The Member hereby acknowledges that the admitted facts referred to in paragraph 3 above constitutes conduct which is unprofessional and pleads guilty to the allegations of professional misconduct against him being more particularly breaches of Ontario Regulation 437/97, sections 1(5) and 1(19).

6. By this document, the Member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) he understands that by pleading guilty to the allegations, he is waiving the right to require the College to prove the case against him, and the right to have a hearing;
- (c) he voluntarily decided to plead guilty; and
- (d) he understands and acknowledges that he has had the benefit of legal counsel and has voluntarily decided to plead guilty.

7. In light of the admitted facts and circumstances, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

JOINT SUBMISSION ON PENALTY

8. The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be that the Committee:

- (a) requires the Member to appear before the Committee immediately following the completion of the hearing of this matter to be reprimanded and that the fact of the reprimand be recorded on the Register of the Ontario College of Teachers;
- (b) direct the Registrar to impose a term, condition or limitation on the Certificate of the Member that the Member shall enrol in and complete, at his own expense, within three (3) months from the date of this order, a course of instruction, pre-approved by the Registrar, regarding appropriate boundaries and boundary violation issues and that the Member shall deliver directly to the Registrar, proof of the successful completion of the course within thirty (30) days of its completion; and
- (c) direct that there be publication of the findings and order of the Committee, in summary form, with the full name of the Member, in the official publication of the College.

9. By this document, the Member acknowledges his understanding that any agreement between the College and the Member with respect to the penalty proposed in this document does not bind the Discipline Committee.

DECISION

Having examined the Exhibits filed, and based on the guilty plea, the *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty*, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct. The Committee finds that Alfred Andrew Aleksandrowicz committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5) and 1(19), as set out in the *Notice of Hearing*.

REASONS FOR DECISION

The Member pleaded guilty and admitted that the facts as agreed to and as described in paragraph 3 of the *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty* (ASF - Exhibit 2) constitute professional misconduct.

The Committee accepted the Member's guilty plea and the evidence contained in the *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty*.

The Member's communication with students was inappropriate. He referenced their appearance and used unsuitable language. He discussed his own personal life, including an admission of past drug use. His behaviour also included inappropriate gift giving to a [] student. The Committee determined that the Member's conduct did not comply with the standards of the profession and was conduct unbecoming a member of the profession.

PENALTY DECISION

The Committee makes the following order as to penalty:

1. The Member is required to appear before the Committee immediately following the completion of the hearing of this matter to be reprimanded, and the fact of the reprimand is to be recorded on the Register of the Ontario College of Teachers.

2. The Registrar is directed to impose a term, condition or limitation on the Certificate of the Member that the Member shall enrol in and complete, at his own expense, within three (3) months from the date of this order, a course of instruction, pre-approved by the Registrar, regarding appropriate boundaries and boundary violation issues and that the Member shall deliver directly to the Registrar, proof of the successful completion of the course within thirty (30) days of its completion; and
3. The Committee directs that there be publication of the findings and Order of the Committee in summary form, with the name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession.*

REASONS FOR PENALTY DECISION

Members of the profession must be aware of expectations regarding professional behaviour and not engage in unprofessional conduct.

The reprimand of the Member in respect of his inappropriate communication with students serves as a specific deterrent to such behaviour. The fact that the reprimand will be recorded on the Register further serves as a specific deterrent to the Member and a general deterrent to the profession regarding unprofessional conduct.

The course of instruction in appropriate boundaries and boundary violation issues will serve to clarify for the Member why his conduct was found unbecoming. It will also

reinforce to the Member the need to maintain appropriate boundaries with students. Completion of this course will assist the Member in his daily practice and daily communication with students.

Publication of the findings and order of the Committee with the name of the Member serves as a specific deterrent to the Member and a general deterrent to members of the profession. Publication will remind all members to uphold the standards of the profession. In addition, the public is informed that the profession takes matters of professional misconduct seriously and that such behaviour has consequences.

In the view of this Committee, the penalty ordered is appropriate, having regard to all the circumstances and is in the public interest.

Date: December 19, 2007

Brent Hamelin
Chair, Discipline Panel

Rosemary Fontaine
Member, Discipline Panel

Rollande Lavictoire
Member, Discipline Panel