

**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 Helen Marie Alexander, a member of the Ontario College of Teachers.

PANEL: Nancy Hutcheson, Chair
Gabrielle Blais
Jacques Tremblay

BETWEEN:)	
)	
	)	Heather Meredith,
	)	McCarthy Tétrault LLP,
ONTARIO COLLEGE OF TEACHERS	)	for Ontario College of Teachers,
	)	assisted by Trevor Evans,
- and -	)	Senior Law Clerk and
	)	Jennifer Robinson, Law Clerk
)	
HELEN MARIE ALEXANDER	)	Howard Goldblatt,
(CERTIFICATE #215965	)	Sack Goldblatt Mitchell LLP,
	)	for Helen Marie Alexander
)	
)	
	)	Brian Gover, Christopher Wirth
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: November 29, 2005 and
	)	April 27, 2006

REASONS FOR DECISION, DECISION AND ORDER (S)

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on November 29, 2005 and April 27, 2006 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing* dated July 5, 2005 was served on Helen Marie Alexander, requesting attendance before the Discipline Committee of the Ontario College of Teachers on July 11, 2005 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for November 29, 2005 and continued on April 27, 2006.

Helen Marie Alexander was in attendance at the hearing.

The Allegations

The allegations against Helen Marie Alexander in the *Notice of Hearing*, (*Exhibit 1*), are as follows:

IT IS ALLEGED that Helen Marie Alexander is guilty of professional misconduct as defined in section 30(2) of the Act, and/or is incompetent as defined in Section 30(3) of the *Ontario College of Teachers Act* (the “Act”):

- (a) she failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) she abused a student or students physically, sexually, verbally, psychologically, and/or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) she failed to comply with the *Act* and the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c) thereof or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) she committed acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);

- (e) she engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) she displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of her students of a nature or extent that demonstrates that the Member is either unfit to carry out her professional responsibilities or that the Member's certificate should be made subject to terms, conditions or limitations.

On November 29, 2005, Counsel for the College withdrew the allegations of professional misconduct contrary to Ontario Regulation 437/97, subsections 1(14) 1(15) and 1(18).

On April 27, 2006, Counsel for the College withdrew the allegation that the Member abused a student or students physically, sexually, verbally, psychologically, and/or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7). Counsel also withdrew the allegations that the Member displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of her students of a nature or extent that demonstrates that the Member is either unfit to carry out her professional responsibilities or that the Member's certificate should be made subject to terms, conditions or limitations.

Agreed Statement of Facts

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 2, 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. Helen Marie Alexander (the “Member”) is a member of the Ontario College of Teachers. A copy of the Ontario College of Teachers Registered Member Information in respect of the Member is attached. (*ASF – Exhibit 2, Tab A*)
2. At all material times, the Member was employed as a teacher by the Toronto District School Board (the “Board”) and was a full-time teacher of [XXX] to [XXX] students at [XXX] (the “School”).
3. At all material times, [XXX] was a female [XXX] student of the School and [XXX] was a male [XXX] student of the School.
4. On the morning of May 4, 2004, an incident occurred at the School, in which the Member inappropriately raised her voice to [XXX] in the classroom and then used inappropriate force in disciplining [XXX]
5. On the afternoon of May 4, 2004, an incident occurred at the School, in which the Member used inappropriate force in dealing with [XXX].

Guilty Plea

6. By this document, the Member admits the truth of the facts and the exhibit referred to in paragraphs 1 to 5 above (“the admitted facts”).
7. The Member hereby acknowledges that the admitted facts, and in particular, the facts referred in paragraphs 4 and 5 above constitute conduct which is dishonourable and unprofessional and pleads guilty to the allegations of professional misconduct against her, being more particularly breaches of Ontario Regulation 437/97 1(5) and (19).

8. The Member pleads not guilty to a breach of Ontario Regulation 437/97 1(7).

9. By this document, the Member states that:
 - (a) she understands fully the nature of the allegations made against her;
 - (b) she understands that by pleading guilty she is waiving her right to require the College to prove the case against her and the right to have a hearing; and
 - (c) she voluntarily decided to plead guilty; and
 - (d) she understands and acknowledges that she is executing this agreement voluntarily, unequivocally and with the benefit of independent legal counsel.

10. 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

1. 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 Discipline Committee:
 - (a) direct the Member to appear before the Committee to be reprimanded, and that the fact of the reprimand be recorded on the Register;
 - (b) impose the following terms and conditions on the Member's Certificate of Registration and Qualification, which terms and conditions are to be recorded on the Register until they are met:

- (i) the Member agrees and undertakes that she will enrol in and complete, at her own expense, a course of study, approved by the Registrar, in classroom management and anger management and will provide directly to the Registrar proof of the successful completion of the course in a form satisfactory to the Registrar;
 - (ii) if the Member fails to fulfill the requirements of condition (i) above by September 1, 2006 without an adequate explanation acceptable to the Registrar and without a plan to fulfill the requirements of condition (i) acceptable to the Registrar, the Member's Certificate of Registration and Qualification will be suspended for a period of 2 years, or until the Member has fulfilled the requirements of condition (i), whichever is shorter; and
 - (iii) the Member agrees and undertakes to inform the Registrar immediately of any disciplinary action taken against her arising from the inappropriate discipline of students between the date of the Order of the Discipline Committee and the date on which she fulfills the requirements of condition (i) above; and
- (c) direct that the findings and Order of the Committee, including the Member's full name, be published in summary, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

2. By this document, the Member acknowledges her 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 as to Finding

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. In particular, the Committee finds that Helen Marie Alexander committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 1(5) and (19).

Penalty Decision

The Committee accepts the Joint Submission on Penalty and makes the following order as to penalty:

1. The Member is required to appear before the Committee to be reprimanded, and the fact of the reprimand will be recorded on the Register.
2. The Registrar is directed to impose the following terms and conditions on the Member's Certificate of Registration and Qualification, which terms and conditions are to be recorded on the Register until they are met:
 - i. the Member agrees and undertakes that she will enrol in and complete, at her own expense, a course of study, approved by the Registrar, in classroom management and anger management and

will provide directly to the Registrar proof of the successful completion of the course in a form satisfactory to the Registrar;

- ii. if the Member fails to fulfill the requirements of condition (i) above by September 1, 2006 without an adequate explanation acceptable to the Registrar and without a plan to fulfill the requirements of condition (i) acceptable to the Registrar, the Member's Certificate of Registration and Qualification will be suspended for a period of 2 years, or until the Member has fulfilled the requirements of condition (i), whichever is shorter; and
- iii. the Member agrees and undertakes to inform the Registrar immediately of any disciplinary action taken against her arising from the inappropriate discipline of students between the date of the Order of the Discipline Committee and the date on which she fulfills the requirements of condition (i) above.

3. Pursuant to Section 30 (5) (3) of the Ontario College of Teachers Act, the findings and order of the Committee shall be published in summary, including the Member's name, in the official publication of the College, *Professionally Speaking/Pour parler profession.*

Reasons for Decision

The Committee accepted the Member's guilty plea, the *Agreed Statement of Facts and Guilty Plea* and *Joint Submission on Penalty*. The Committee concurred that the Member's use of physical force constituted professional misconduct.

Reasons for Penalty Decision

The Committee is satisfied that the requirement that the Member successfully complete a course of instruction, approved by the Registrar, in classroom management and anger management, will serve to remediate the Member. The Committee is satisfied that the penalty is appropriate in the circumstances.

The decision to reprimand and the decision to publish the Member's name with details of the misconduct in *Professionally Speaking/Pour parler profession* serves as a specific deterrent to the Member.

The decision with regard to publication also serves to educate members and acts as a general deterrent to the profession.

The Committee concludes that the penalty is reasonable and serves and protects the public interest.

Date: April 27, 2006

Nancy Hutcheson
Chair, Discipline Panel

Gabrielle Blais
Member, Discipline Panel

Jacques Tremblay
Member, Discipline Panel