

**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
Jennifer Elizabeth Allan, a member of the Ontario College of
Teachers.

PANEL: Bernard J. Adam, Chair
 Don Cattani
 Karen Mitchell

BETWEEN:)	
	)	David Leonard, McCarthy Tétrault,
ONTARIO COLLEGE OF TEACHERS	)	for Ontario College of Teachers,
	)	assisted by Trevor Evans, Senior
- and -	)	Law Clerk
)	
JENNIFER ELIZABETH ALLAN	)	William Markle, Q.C.,
(CERTIFICATE #433352)	)	for Jennifer Elizabeth Allan, assisted
	)	by Stephanie Carey
)	
	)	Christopher Wirth, Stockwoods,
	)	Independent Legal Counsel
)	
	)	Heard: October 27, 2003

REASONS FOR DECISION, DECISION AND ORDER(S)

This matter came on for hearing before a panel of the Discipline Committee on October 27, 2003 at the Ontario College of Teachers at Toronto.

A *Notice of Hearing* dated December 9, 2002 was served on Jennifer Elizabeth Allan requesting attendance before the Discipline Committee of the Ontario College of Teachers on December 17, 2002 to set a date for a hearing, and specifying the charges.

Jennifer Elizabeth Allan was in attendance at the hearing. Proof of service of the *Notice of Hearing* was presented and accepted by the Panel. (Exhibit 1).

The Allegations

The allegations against Jennifer Elizabeth Allan in the *Notice of Hearing* dated December 9, 2002 are as follows:

IT IS ALLEGED that Jennifer Elizabeth Allan is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the Act, in that:

- (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 or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) she failed to comply with the Act and the *Education Act*, R.S.O. 1990, c. 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 of a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) she engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the Act.

College Counsel withdrew the allegations contained in paragraphs (b) and (f) of the Notice of Hearing.

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

2. Jennifer Elizabeth Allan (the “Member”), is a member of the Ontario College of Teachers.
3. At all material times, the Member was a Grade 7-9 teacher at a school in Toronto (“the School”). Up until approximately the middle of June 2001, the Member resided in a town west of Toronto.
4. At all material times a male student (the “Student”), whose date of birth is [REDACTED] 1984, was a student of the School, and was a member of the School’s [REDACTED] team.
5. In approximately March 2001, when the Student was 16 years old and in Grade 11, the Member began an inappropriate relationship with the Student. The relationship progressed over the next two to three months to include the Member befriending the Student, going for coffee and driving the Student home after a hockey game, giving the Student a gift which she had bought for him, going to a pub with the Student, engaging in personal telephone conversations with the Student, meeting the Student at various locations where the Student and the Member lived, including her residence, and travelling to and from the School on the GO Train with the Student.
6. On the day that he completed his exams in June 2001, the Student spent the remainder of the day at the Member’s apartment, where he had drinks with her.
7. The Member commenced residing in Toronto in approximately mid-June, 2001.
8. During the summer of 2001, the relationship between the Member and the Student became a physical relationship, which first included the Member holding hands with and kissing the Student and then progressed to a sexual

- relationship, with the Student spending the night on a few occasions at the Member's apartment. In addition, the Member took the Student to movies and to bars for drinks.
9. On returning from holiday in Europe in August 2001, the Member gave the Student a present of a [■].
 10. When school resumed in September 2001, the Member and the Student, who then commenced his Grade 12 year, continued to see each other both before and after school. In order for the Student to see the Member after school, he did not attend [■] practises.
 11. Further, the Member engaged in inappropriate e-mail communications with the Student. In one e-mail dated 18 October 2001, the Student told the Member, " I love you so much!!"
 12. When the relationship between the Member and the Student was discovered at the School, in or around October 2001, the Member requested the Student to get rid of the e-mails that he had saved. Some of those e-mails between the Member and the Student included explicit sexual details.
 13. Following the discovery of the relationship, the Member was suspended by the School.
 14. Between October 2001 and December 2001, the Student met the Member almost every morning before school, with the result that on those occasions the Student was late for school and failed to attend some classes.
 15. In addition to the presents referred to in paragraphs 4 and 8 above, the Member gave the Student a sweater and a teddy bear for his 17th birthday, and a ring at Christmas, 2001.
 16. On 14 December 2001, the Member resigned her teaching position with the School and in January 2002, the Student broke off the relationship with the Member.

Publication Ban

On October 27, 2003, the Committee made an order that there be no publication of any information, which may disclose the identity of the student involved in this matter.

Member's Plea

Jennifer Elizabeth Allan admits the allegations set out in numbered paragraphs (a), (c), (d) and (e) of the Notice of Hearing and pleads guilty to the allegations of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(18) and 1(19).

Agreed Statement of Facts

Counsel for the College advised the panel that agreement had been reached on the facts and introduced as Exhibit 2 an *Agreed Statement of Facts*, which provides as follows:

1. Jennifer Elizabeth Allan (the "Member"), is a member of the Ontario College of Teachers. A copy of the Ontario College of Teachers registry status information re the Member is found at Tab A, Exhibit 2.
2. At all material times, the Member was a Grade 7-9 teacher at a school located in Toronto (the "School"). The Member commenced teaching at the School in the 2000-2001 school year as a probationary teacher for two years. The Member taught general sciences to Grades 7 to 10. Up until approximately the middle of June 2001, the Member resided in a town west of Toronto, and subsequently in Toronto.
3. At all material times the student, whose date of birth is [REDACTED] 1984, was a student of the School, and was a member of the School's [REDACTED] team. During the 2000-2001

school year, the student was 16 years old and in Grade 11. The student entered Grade 12 in September 2001 and became 17 years of age on [REDACTED] 2001.

4. The student was never a pupil in a class taught by the Member.
5. Although the student had seen the Member at the School, he did not meet her until around the beginning of March 2001 when he noticed that she took the same GO train that he did after [REDACTED] practice. The student approached the Member and suggested that they take the GO train together and thereafter, the Member, the student, and on some occasions, a friend of the student, would board the subway to Union Station to get the GO train to the town west of Toronto where they all resided.
6. Initially, the Member and the student discussed many things, but there were no discussions of an intimate nature. On arrival at their destination, the Member would get in her car and drive home, while the student and his friend took the bus home.
7. Just prior to the commencement of Easter break 2001, the School's hockey team played a game at the School's arena. Prior to the game, the Member had told the student that she would be taking her car to school that day and he asked her if he could ride home with her. Following the completion of the game at around 10:00 p.m., the Member proceeded to drive the student home but stopped for coffee at a coffee shop where they stayed and talked to around 3:00 a.m. The Member then drove the student to the vicinity of his home, but dropped him off at the end of the street as she was nervous about taking him home at that hour.
8. The Member and the student continued riding the GO train together during the remainder of the month of April 2001. Around the end of that month, they met on a Friday night at a bar in the town in which they resided. Both the Member and the student had a few drinks at the bar. They each paid their share of the bill and when they were leaving found that it was cold outside and hugged each other before she drove him home. They got to his street at between 1:00 and 2:00 a.m. and parked outside his home where they discussed their relationship. The

- Member told the student that she wanted to have a more intimate relationship, but recognized that she was a teacher. However, the student told the Member that he wanted to pursue the relationship. While they were sitting in the car talking, the student's father came outside the home and knocked on the car window. The student left the car and the Member drove away. The student lied to his father, telling him that it was just a friend who had brought him home.
9. On a following Friday night, the Member telephoned the student's home at about 2:30 a.m. The student's mother answered the phone and called him to the phone. The Member told the student that she had been out drinking and had just called to say, "Hi."
 10. During the month of May 2001, the student started taking the 6:55 a.m. GO train from the town into Union Station along with the Member. During their journey, they talked a lot and discovered that both of them liked to read books and they spoke about books. Shortly after that, while on the subway riding to school, the Member gave the student a paperback book entitled, *Hi Fidelity* by Nick Hornby. Copies of the covers of that book are found at Tab B, Exhibit 2.
 11. When the student started taking the early GO Train to Toronto in the mornings, his parents asked why he was doing that. The student made various excuses including telling them that there was a boy from his school on the later train with whom he was having problems.
 12. At around that time, the Member and the student started having frequent telephone conversations.
 13. On or about Saturday, 9 June 2001, the student was left as a babysitter for his then [REDACTED] sister, while his parents took his other sister to an event in Toronto. After his [REDACTED] sister went to bed, the student, who had not yet received his driver's licence, left his home driving his mother's car and went to see the Member at her residence. The student picked up the Member at her residence and then went to rent a movie. They returned to her residence to watch the movie. While there, they had a couple of alcoholic drinks and sat on the couch

- together cuddling. When the student was leaving, he and the Member engaged in a French kiss at the door. When the student arrived home, he found that his parents had returned shortly before he had, and asked him questions as to where he had been. The student lied to his parents telling them that he had attended a party.
14. The School's exams took place during approximately the first two weeks of June 2001. The student discussed with the Member the possibility of going back to her residence on the last day of the examinations, after his last exam was completed. That examination took place in the morning, and the Member was one of the moderators for the exam. After the exam was finished, the student and the Member took the GO train to their town and stopped at her apartment before going out to get lunch. They then went to a beer store where she purchased a case of beer and then bought sandwiches from a fast-food sandwich outlet. They went back to her apartment, had lunch and a couple of beers and then went for a walk in the town. They then spent some time beside Lake Ontario after which the Member took the student to the bus station, so he could get home.
 15. Shortly after exams ended, the Member moved to an apartment in downtown Toronto. The student met the Member on occasion during the summer months. When they met, they walked around, talked and on occasion the Member bought the student lunch and drinks. They often engaged in kissing, hugging and cuddling.
 16. Prior to the closing of the School for the summer holidays, the student was asked to coach [redacted] during a camp at the School. The Member was an instructor at the basketball camp. Before camp, they would meet at Union Station and ride the subway to the School.
 17. Towards the end of the school year or in the early part of the summer, the Member and the student started e-mailing each other. The e-mails were often of an intimate nature.

18. The Member went on vacation out of the country from July 10 to August 10, 2001. On her return, the Member gave the student [REDACTED]. Over the summer holidays, the Member also gave the student two paperback books, *Eureka Street* by Robert McLiam Wilson in which she wrote, "Enjoy!!" and *The Beach* by Alex Garland, in which she wrote, "Enjoy & have a great summer, J." Copies of the covers of each of those books, along with the pages on which the Member wrote are found at Tabs C and D respectively of Exhibit 2.
19. During part of the month of August 2001, the student went away to a camp. Prior to going to the camp, the Member and the student had discussions about keeping their relationship quiet.
20. At the commencement of the school year in September 2001, the student had moved into Grade 12. He continued taking the 6:55 a.m. train to Toronto and would meet the Member at Union Station where they would take the subway together to the School. She would usually have a coffee and donut for him when they met. He liked his coffee with double cream and double sugar.
21. At the end of the school day, after school was over, the student would meet the Member at the subway station near the School and they would travel to Union station and then go to her apartment. There they often engaged in kissing, hugging and cuddling. The student would leave the Member's apartment between 4:00 p.m. and 6:30 p.m. and would get home late. When [REDACTED] practices started at the School he would miss the practices and instead go the Member's apartment. The Member did not have any after school responsibilities at that time.
22. The student, whom his parents thought was attending [REDACTED] practice, was spoken to by the [REDACTED] coach about missing practices. The student lied to the coach telling

him that he was unable to attend the practices as he was having therapy on his knees and had an after school job. In view of the student missing his [REDACTED] practices, the coach was obliged to write a letter to the student's father about the student's absences. The student lied to his father about the reason he was missing [REDACTED] practices.

23. On the morning of Thursday, 18 October 2001, the student sent the Member an e-mail, a copy of which is found at Tab E of the Agreed Statement of Facts. The words "AŠ TAVE MYLIU!" mean "I Love You" in [REDACTED], which is the heritage language of the student.
24. After returning home that evening, the student received an e-mail response from the Member, a copy of which is found at Tab F of Exhibit 2. The reference in the e-mail to "Medium Double Double" is for medium coffee with double cream, double sugar. The references to "Anna" "JW" and "JZ" are to other teachers at the School.
25. On the evening of Thursday October 18, 2001 another teacher at the School found the two e-mails (Tabs E and F, Exhibit 2) on a computer he shared with the Member and other members of the School's science department. The next morning, this teacher brought the e-mails to the attention of the School's administration.

26. On the following day, Friday 19 October 2001, the Member saw the student in the hallway at the School, pulled him aside and told him to get rid of all of the letters and photographs that he had from her and she would call him later. When the Member spoke with the student later that evening, she told him that another teacher who shared their office had seen the e-mails that the student and herself had exchanged on the previous day and the matter had been reported to the School's administration. She also told him that she had been suspended from her duties at the School.
27. As requested by the Member, the following day the student destroyed much of the physical evidence of their relationship. He placed the photographs and letters in a bucket and then burned them into his backyard. He deleted from his computer the e-mails they exchanged between each other.
28. Following the Member's suspension, the student continued to see the Member at her apartment after school. Often on these occasions the student and the Member engaged in kissing, hugging and cuddling.
29. On or about the student's 17th birthday, the Member gave him an Eddie Bauer sweater and a Gund teddy bear which is approximately 30 cm tall.
30. As a result of the discovery of the relationship and the suspension of the Member, the student lost interest in his school work. He was the subject of much gossip and rumour at the School and this negatively impacted on his emotional status.
31. On or about 9 December 2001 the Member resigned as a Member of staff of the School. A copy of her Letter of Resignation is found at Tab G, Exhibit 2.
32. At Christmas 2001 the Member gave the student a silver ring.

33. The relationship between the Member and the student ended, at the suggestion of the student, in January 2002.

By this document, the Member, Jennifer Elizabeth Allan, accepts that the matters referring to her relationship with the student as set out in the preceding paragraphs constitute professional misconduct, and pleads guilty to the allegations of professional misconduct against her being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(14), (15), 1(18), and 1(19).

Decision

Having examined the Exhibits filed, and based on the *Agreed Statement of Facts*, and the submissions made by counsel, the Committee accepts the Member's guilty plea and finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Jennifer Elizabeth Allan committed acts of professional misconduct as alleged, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(18) and 1(19).

Penalty

Counsel for the College advised the panel that a joint submission on penalty had been agreed upon. The *Agreed Statement of Facts*, provides as follows:

In light of the admitted facts and circumstances, the Ontario College of Teachers and the Member ask that the Discipline Committee find the Member guilty of professional misconduct and direct the Registrar of the Ontario College of Teachers to immediately

revoke the Member's Certificate of Qualification and Registration which the Member is to immediately surrender to the Registrar of the Ontario College of Teachers.

Further, the Ontario College of Teachers and the Member, ask that the decision of the Discipline Committee, and its findings, be published in summary along with the full name of the Member, in the official publication of the Ontario College of Teachers.

The Committee accepts the joint submission as to penalty and accordingly directs the Registrar of the Ontario College of Teachers ("Registrar") to immediately revoke the Member's Certificate of Qualification and Registration, which certificate the Member is to immediately surrender to the Registrar.

The Committee finds that the Member engaged in an inappropriate relationship with a student. This constitutes a serious breach of trust and crosses the appropriate boundary that must be maintained between a student and a teacher.

The Committee finds that the order meets the objectives of general deterrence, i.e. a message to the profession to deter members of the profession from engaging in similar misconduct and finds the order meets the objectives of specific deterrence to the Member.

The Committee finds that the public interest has been served by revocation of the Member's certificate and publication of the decision of the Committee and its findings in the official publication of the Ontario College of Teachers.

Pursuant to Section 30 (5) (iii) of the Ontario College of Teachers Act, the Panel also orders that the findings of this hearing, as well as the name of the Member, be published in summary in the official publication of the College, *Professionally Speaking/Pour parler profession.*

Date: October 27, 2003

Bernard J. Adam
Chair, Discipline Panel

Don Cattani
Member, Discipline Panel

Karen Mitchell
Member, Discipline Panel