

**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 Messaouda Ammoura, OCT, a member of the Ontario College of Teachers.

PANEL: Dean Favero, OCT, Chair
 Anne Marie Levesque
 Jacques Tremblay, OCT

BETWEEN:	)	Colin Baxter and Calina Ritchie,
	)	Cavanagh Williams Conway
	)	Baxter LLP
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS)	
- and -)	
)	
MESSAOUDA AMMOURA	)	Julie Skinner,
(CERTIFICATE # 463980)	)	Nelligan O'Brien Payne LLP
	)	for Messaouda Ammoura
)	
	)	Paul Marshall,
	)	Emond Harnden LLP
	)	Independent Legal Counsel
)	
	)	Heard: November 2, 2009

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on November 2, 2009 at the Ontario College of Teachers (the “College”) at Toronto.

A *Notice of Hearing* dated February 5, 2008 was served on Messaouda Ammoura (the “Member”), providing her with notice that the College’s Discipline Committee would meet on February 12, 2008 to set a date for a hearing. The Discipline Committee subsequently set November 2, 2009, as the date for the hearing.

The Member attended at the hearing.

THE ALLEGATIONS

The *Notice of Hearing* (Exhibit 1) dated February 5, 2008 sets out the following allegations against the Member:

IT IS ALLEGED that Messaouda Ammoura is guilty of professional misconduct as defined in section 30(2) of the *Ontario College of Teachers Act* (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 one or more 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*, Revised Statutes of Ontario, 1990, Chapter E.2, and specifically subsection 264(1)(c) thereof or the Regulations made under that Act, contrary to Ontario Regulation 437/97, subsections 1(14) and 1(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); and
- (e) she engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19).

At the hearing on November 2, 2009, College counsel withdrew the allegations of professional misconduct contained in paragraphs (b), (c) and (d) above, being alleged breaches of subsections 1(7), 1(14), 1(15) and 1(18) of Ontario Regulation 437/97.

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, Plea of No Contest and Joint Submission on Penalty (Exhibit 3)* which provides as follows:

1. Messaouda Ammoura is a member of the Ontario College of Teachers. Attached hereto as Tab 1 is a copy of the Member's Certificate of Qualification.
2. At all material times, the Member was employed by the Conseil scolaire de district du Centre-Sud-Ouest as a teacher at [XXX] (the "school") in [XXX].
3. The parties acknowledge that on February 5, 2008, a *Notice of Hearing* was issued with respect to the Member.

4. Between May and June 2006, [XXX] was a [XXX] student in the [XXX] class at [XXX].

5. The Member acknowledges the truth of the following facts and admits that the actions described below constitute professional misconduct:

a) On June 7, 2006, the Member took [XXX] student [XXX] by the hand and sat him in a chair.

b) Between May 1 and June 15, 2006, the Member neglected to avoid letting the classroom door close on the fingers of [XXX] student [XXX] while escorting him to the principal's office.

6. Although the Children's Aid Society ("CAS") conducted an investigation into the allegations that are the subject of the *Notice of Hearing*, no finding of liability of any kind whatsoever has been communicated to the Member in this regard.

7. The Member recognizes that she must not, except in exceptional circumstances, touch any child at school.

PLEA OF NO CONTEST

8. The Member acknowledges that she is guilty of professional misconduct as defined in section 30(2) of the *Ontario College of Teachers Act, 1966* (the "Act"), in that she contravened subsections 1(5) and (19) of Ontario Regulation 437/97.

JOINT SUBMISSION ON PENALTY

9. The parties submit that the appropriate penalty to be imposed by the Discipline Committee in this matter is as follows:

(a) the Discipline Committee directs that the Member appear before the Discipline Committee immediately following the hearing into this matter and that the Committee administer a verbal reprimand and that this fact be published on the Public Register of Members for a period of three years

(b) the Discipline Committee directs the Registrar to attach the following conditions or restrictions to the Member's Certificate of Qualification:

that within eight months of the date of this order, the Member, at her expense, enrol in the Additional Basic Qualification Course: Special Education, Part II, which is to be pre-approved by the Registrar. Within 30 days of completion of the course, the Member shall provide the Registrar with proof of successful completion of the course.

(c) the Discipline Committee directs that a summary of the finding by, and the order of, the Discipline Committee be published in the next regular issue of *Pour parler profession/Professionally Speaking*, although the College takes no position concerning the publication of the Member's name. The Member is to make representations in support of her position that her name should not appear in the summary of the matter to be published in *Pour parler profession/Professionally Speaking* and the Discipline Committee shall issue an order in this regard.

10. By this document the Member acknowledges her understanding that any agreement between the College and the Member with respect to the penalty is not binding on the Discipline Committee.

SUBMISSION ON PUBLICATION

The Committee heard the submissions concerning publication. Counsel for the College undertook not to submit any argument with respect to publication of the Member's name. Counsel for the Member raised the following points: the isolated nature of the incident, the lack of any history of professional misconduct, the non-repetition of the incident, the nature of the misconduct, the Member's acknowledgement of the inappropriate conduct and professional misconduct committed by her, as well as the initiative already taken by the Member in enrolling in the Additional Qualification Course: Special Education, Part I.

DECISION

Having examined the Exhibits filed, and based on the *Plea of No Contest, the Agreed Statement of Facts and the 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 Messaouda Ammoura is guilty 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 Committee accepted the Member's plea of no contest pursuant to Ontario Regulation 437/97, subsections 1 (5) and 1(19).

The Member admitted failing to take all of the necessary precautions to ensure a student's safety. While escorting a student to the principal's office, the Member could have prevented the classroom door from closing on the [XXX] student's fingers by ensuring better supervision.

In the context of the *Agreed Statement of Facts*, the Committee further considered the Member's acknowledgement that she must not, except in exceptional circumstances, touch any child at school.

The lack of supervision and vigilance in addressing a student's needs is confirmation of professional misconduct.

PENALTY

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

1. the Discipline Committee directs that the Member appear before the Discipline Committee immediately following the hearing into this matter and that the Committee administer a verbal reprimand and that this fact be published on the Public Register of Members for a period of three years.
2. the Discipline Committee directs the Registrar to attach the following conditions or restrictions to the Member's Certificate of Qualification:

- a) that within eight months of the date of this order, the Member, at her expense, enrol in the Additional Basic Qualification Course: Special Education, Part II, which is to be pre-approved by the Registrar. Within 30 days of completion of the course, the Member shall provide the Registrar with proof of successful completion of the course.
3. the Discipline Committee directs that a summary of the finding by, and the order of, the Discipline Committee be published in the next regular issue of *Pour parler profession/Professionally Speaking*, without the name of the Member.

REASONS FOR PENALTY

The Committee finds that the reprimand of the Member has significant value and serves as a deterrent to the Member.

The Committee agrees that the Member will benefit from Special Education, Part II. This course will have remedial value for the Member and will enhance her sensitivity to students' needs.

With respect to publication, the Committee acknowledges the importance of transparency where the decision and its communication to the public are concerned. In this case, the summary of the decision will be published to advise members of the profession and the public that such practices are unacceptable. With respect to publication without the Member's name, the Committee considered the submissions of College Counsel and Counsel for the Member. The Committee finds that the public interest will be protected without identifying the Member. In conclusion, the Committee is satisfied that the decision does serve the public interest.

Date: January 28, 2010

Dean Favero, OCT
Chair, Discipline Panel

Anne Marie Levesque
Member, Discipline Panel

Jacques Tremblay, OCT
Member, Discipline Panel