

**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 Tiffany Dawn Angus, Member of the Ontario College of Teachers.

PANEL: Rosemary Fontaine, Chair
 Dean Favero
 Lynne Mastin

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| BETWEEN: |) | |
| |) | |
| |) | Nadine Carpenter, |
| ONTARIO COLLEGE OF TEACHERS |) | Dispute Resolution Administrator, |
| |) | for Ontario College of Teachers |
| |) | |
| - and - |) | Maurice Green, |
| |) | Green & Chercover, |
| TIFFANY DAWN ANGUS |) | for Tiffany Dawn Angus |
| (CERTIFICATE #497581) |) | |
| |) | |
| |) | Scott Hutchison, |
| |) | Stockwoods LLP, |
| |) | Independent Legal Counsel |
| |) | |
| |) | Heard: February 6, 2007 |
| |) | |

REASONS FOR DECISION, DECISION AND ORDER

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on February 6, 2007 at the Ontario College of Teachers (the “College”) at Toronto.

Tiffany Dawn Angus (the “Member”) was not in attendance at the hearing.

A *Notice of Hearing* dated January 5, 2007 was served on the Member, requesting attendance before the Discipline Committee of the Ontario College of Teachers on February 6, 2007 for the hearing of this matter.

THE ALLEGATIONS

The allegations in the *Notice of Hearing* dated January 5, 2007 are as follows:

IT WAS ALLEGED that Tiffany Dawn Angus is guilty of professional misconduct as defined in subsections 30(2) and 40(1.1) 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 a student physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) she failed to comply with the Act, the regulations or the bylaws, contrary to Ontario Regulation 437/97, subsection 1(14);
- (d) she failed to comply with the *Education Act*, R.S.O. 1990, and specifically paragraph 264(1)(c) or the regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- (e) she committed an act 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);
- (f) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and

- (g) she engaged in sexual abuse of a student of a nature defined in sections 1 and 40(1.1) of the Act.

MEMORANDUM OF AGREEMENT

Counsel for the College advised the Committee that subject to ratification by the Committee, agreement had been reached on the facts and introduced a *Memorandum of Agreement (MOA)*, (Exhibit 3) which provides as follows:

Agreed Statement of Facts

The parties hereby agree to the truth and accuracy of the facts that are hereinafter expressed and agree to the receipt of this document by the Discipline Committee.

1. At all material times, the Member was employed by the [■] Board (the “Board”) as a probationary teacher at the [■] (the “School”).
2. [■] was a male student at the School. His date of birth [■].
3. Between December 2005 and April 2006, the Member engaged in an inappropriate and unprofessional relationship with [■] that included, but was not limited to:
 - (a) being alone with [■] in her car and on at least one occasion driving him to Napanee;
 - (b) sitting side by side with [■] while they were alone together in a computer lab;
 - (c) sitting close to [■] in the gym with [■]’s arm behind her at a Christmas assembly;
 - (d) being alone with [■] after school in a number of locations including but not limited to classrooms, labs, the hallway, and the library;
 - (e) meeting with [■] on a number of occasions after school hours in the computer lab and other locations;
 - (f) giving [■] her telephone number;
 - (g) buying alcohol for [■] and consuming alcohol with him;
 - (h) hugging [■] on more than one occasion in the School library;
 - (i) on at least one occasion “passionately” kissing [■] in the School library; and
 - (j) engaging in sexual intercourse with [■] in a Toronto apartment occupied by [■]
4. The Member persisted in a pattern of inappropriate and unprofessional contact with [■] despite:

- (a) repeated warnings against doing so from the Principal, Vice-principal, colleagues, and Board and union officials; and
 - (b) having received and/or having reviewed Board policy against such conduct on not less than two occasions.
5. Between December 2005 and April 2006, the Member stayed overnight with [■] in his Toronto apartment on many occasions, including consecutive multi-night visits.
6. On or about March 1, 2006, the Member was observed by [■] lying close to [■] in her “nightclothes” on a bed in [■]’s apartment.
7. On or about January 26, 2006, the caretaker reported that she observed the Member and [■] kissing in the School library to the Vice Principal, who in turn reported it to the Principal. The Principal then notified the Board office.
8. On January 26, 2006, as a result of the events giving rise to this complaint, the Board:
 - (a) suspended the Member, with pay; and
 - (b) directed the Member not to associate with students or staff of the Board during the suspension.
9. The Member contravened the Board directive, when she:
 - (a) continued her involvement with [■];
 - (b) visited student [■], a male secondary school student, at his home in the company of [■], on or about March 8, 2006;
 - (c) visited [■], a teacher at the School, at her home in the company of [■], on or about March 8, 2006;
 - (d) stayed overnight in a motel with [■] on or about March 8, 2006, after visiting [■] and [■];
 - (e) travelled to British Columbia with [■] in March 2006, where she introduced [■] to her friends and family as her “boyfriend”; and
 - (f) during the weekend of April 12-15, 2006, held hands with [■] while purchasing groceries in Napanee.
10. The Member admitted much of the preceding conduct in a meeting with the Board on April 3, 2006.
11. On or about April 12, 2006, the Board terminated the Member’s employment.
12. The Member voluntarily admits the above particulars against her and understands that by doing so, she is waiving the right to require the College to prove the case against her and the right to a contested hearing.

Joint Submission on Resolution

The parties agree to resolve the matter as follows:

13. By this document, the Member pleads no contest to professional misconduct as alleged in the *Notice of Hearing*, attached as Appendix “A”, and in so doing, accepts as true the particulars set out in this *MOA*.
14. The parties agree and understand that the Member’s plea of ‘no contest’ to the College’s allegations is in no way an admission of guilt to any violation of any of the provisions of the *Criminal Code of Canada* or any other law of Canada, or of the Province of Ontario.
15. The parties agree and understand that the signing of this *MOA* by the member does not in any way waive any of her rights under the *Charter of Rights and Freedoms*, the *Canada Evidence Act*, or the *Ontario Evidence Act*, or any other provincial legislation. In fact, the member specifically relies upon the protections provided her in such legislation.
16. The Member agrees and understands that for the purpose of considering this matter, the Discipline Committee will be provided with this *MOA* and the *Notice of Hearing*, which will be marked as Exhibits and will constitute the evidence upon which the plea will be accepted, the finding of guilt will be made, and the penalty will be imposed.
17. The parties agree and understand that if any phrase or paragraph of this *MOA* is deemed null and void, the *MOA* shall be read as though the phrase or paragraph was stricken from the *MOA* and the amended *MOA* shall remain in force and effect.
18. The Member agrees and understands that this *MOA* is the entire agreement between herself and the College and that there have been no oral or written representations made by the College as an inducement or threat to enter into this *MOA*.
19. The Member agrees and understands that upon ratification of this *MOA*, the Discipline Committee shall find her guilty of professional misconduct and, pursuant to subsection 30(4) of the *Ontario College of Teachers Act, 1996*, shall direct the Registrar to revoke her certificate of qualification and registration effective immediately.
20. The Member agrees and undertakes that upon ratification of this *MOA*, she shall immediately surrender her certificate of qualification and registration to the Registrar.
21. The Member agrees and undertakes that upon ratification of this *MOA*, she shall not apply to the College for reinstatement for a period of three (3) years from the date of the ratification of this *MOA*.
22. The Member agrees and understands that should she apply for a new certificate of qualification and registration:

- (a) for reinstatement to the College is not automatic; and
- (b) pursuant to section 33 of the *Ontario College of Teachers Act, 1996*, the Discipline Committee shall review this *MOA* in considering the Member's application;

23. The Member agrees and understands that upon ratification of this *MOA*, a notation shall be placed on the public register maintained by the Registrar, in accordance with section 23 of the *Ontario College of Teachers Act, 1996*, shall include the following information:

on February 6, 2007, the Member pleaded no contest to professional misconduct. Revocation.

24. The Member agrees and understands that upon ratification of this *MOA*, the College shall publish her name with a summary of the complaint and its resolution as contained in this *MOA*. Such publication shall be made in the College's official publication, *Professionally Speaking/Pour parler profession*, on the College web site, and in such other manner as deemed appropriate by the Registrar.

25. The Member agrees and understands that upon ratification of this *MOA*, the College shall maintain a copy of the Decisions and Reasons of the Discipline Committee, including this *MOA*, in the College's Margaret Wilson Library and on Quicklaw (an online legal database). The Decision and Reasons will be available for review by the public.

26. The Member agrees and understands that upon ratification of this *MOA*, the College shall provide notice of the revocation of the Member's certificate of qualification and registration to those organizations in Canada and elsewhere who are routinely notified by the College of such disciplinary action.

27. The Member agrees and understands that should she breach this *MOA* by seeking or engaging in employment where a certificate of qualification and registration is required, the College may provide a copy of this *MOA* to any employer, licensing body, or education authority who inquires about the Member's record with the College.

28. The Member agrees and understands that, in the event she breaches a term of this *MOA*, she is estopped from alleging, by way of defence, that the College failed to investigate or dispose of the complaint in a timely manner with respect to the period between the resolution of the complaint and the date on which the College became aware of such a breach.

29. The Member agrees and understands that, in the event she breaches a term of this *MOA*, the College may provide the Investigation, Executive, Discipline or Fitness to Practise Committee with all the information necessary to fulfil its statutory mandate.

30. The parties agree and undertake that upon ratification of this *MOA*, there shall be no further action taken, no appeal to any forum, and no application for judicial review of the terms of the *MOA*.

DECISION

Having examined the Exhibits filed, and based on the *Memorandum of Agreement*, the plea of no contest, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Tiffany Dawn Angus committed acts of professional misconduct as alleged, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7), 1(14), 1(15), 1(18) and 1(19) of the *Act* and that she engaged in sexual abuse of a student of a nature defined in sections 1 and 40 (1.1) of the *Act*.

REASONS FOR DECISION

The Committee accepts the evidence contained in the *Memorandum of Agreement*.
(*Exhibit 3*)

Between December 2005 and April 2006, the Member engaged in a number of unacceptable behaviours with a male student both inside and outside the school setting. These included, but were not limited to the following interactions: kissing, hugging, buying and consuming alcohol, staying overnight at the student's apartment and at a motel, travelling to British Columbia and engaging in sexual relations. The Member totally disregarded the wellbeing of the student for her own gratification. The Committee finds that this conduct constitutes emotional, psychological and sexual abuse.

The Member was sanctioned by her employer. She was warned by her colleagues and union officials to cease her inappropriate conduct with the student. Despite this, the Member continued the relationship.

These behaviours are conduct unbecoming a member of the profession, and are disgraceful, dishonourable and unprofessional. They also exhibit a failure to maintain the standards of the profession and a failure to comply with the Education Act.

PENALTY DECISION

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

1. The Registrar of the Ontario College of Teachers is directed to revoke immediately the Certificate of Qualification and Registration of the Member, which Certificate the Member is to surrender immediately to the Registrar; and
2. 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, with the Member's full name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

The Member engaged in an inappropriate and unprofessional relationship with a male secondary school student, including having sexual relations. The Committee finds the Member's conduct is reprehensible and unbecoming a member of the profession. The Member abused the authority and trust vested in her, in her role as a teacher, without regard for the well being of the students in her care. The Member has forfeited the privilege to be a member of the teaching profession.

Accordingly, the Committee is satisfied that revocation of the Member's certificate of qualification and registration is the appropriate penalty for such egregious conduct. The Committee is also satisfied that publication meets the objective of general deterrence to members of the profession and informs the public that such behaviours will not be tolerated. Therefore, the Committee concludes that this penalty serves and protects the public interest.

Date: February 6, 2007

Rosemary Fontaine
Chair, Discipline Panel

Dean Favero
Member, Discipline Panel

Lynne Mastin
Member, Discipline Panel