

**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 Nicole Pauline Beauchemin, a member of the Ontario College of Teachers.

PANEL:            Brent Hamelin, Chair  
                      Dean Favero  
                      Mel Greif

BETWEEN:	)	
	)	
	)	Awanish Sinha,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -	)	
	)	
NICOLE PAULINE BEAUCHEMIN	)	William Markle and
(CERTIFICATE #236912)	)	Stephanie Carey,
	)	Markle & Phibbs,
	)	for Nicole Pauline Beauchemin,
	)	
	)	Johanna Braden,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: September 17, 2008

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on September 17, 2008 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated January 19, 2007 was served on Nicole Pauline Beauchemin, requesting attendance before the Discipline Committee of the Ontario College of Teachers on February 12, 2007 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for September 17, 2008.

Nicole Pauline Beauchemin was in attendance at the hearing.

## **THE ALLEGATIONS**

The allegations against Nicole Pauline Beauchemin in the *Notice of Hearing*, (*Exhibit 1*) dated January 19, 2007 are as follows:

**IT IS ALLEGED** that Nicole Pauline Beauchemin is guilty of professional misconduct as defined in section 30(2) of the *Ontario College of Teachers Act, 1996* (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 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);
- (c) 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

(d) she engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19).

On September 17, 2008, College Counsel sought to withdraw the allegations contained in (a), (b), and (c) above. The Committee authorizes the College to withdraw these allegations.

### **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, Plea of No Contest and Joint Submission on Penalty*. (ASF – Exhibit 2)

The *Agreed Statement of Facts* provides as follows:

1. Nicole Pauline Beauchemin (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 by the Ottawa-Carleton Catholic School Board (“the Board”) and taught at one of the Board’s schools in Vanier, Ontario.
3. On a number of occasions during the 2003/2004 and 2004/2005 academic years, prescription medication for students at the school at which the Member taught went missing from the locked storage closet where such medication was housed. This medication consisted of *Dexadrine* and *Ritalin*, which pills were removed from the locked storage closet without authorization or record.

4. As a result, surveillance cameras were installed at the school in an attempt to discover the individual or individuals responsible for the removal of the students' medication.

5. On one occasion, in December 2004, the Member was videotaped unlocking the cupboard in which the student medication, referred to in paragraph 3 above, was stored. On one other occasion, the Member was videotaped in the principal's office. On one occasion, the Member, without authorization, removed two tablets of student medication from the cupboard.

6. On December 14, 2004, the Member was charged by Ottawa Police Service with theft under \$5,000 contrary to section 334(b) of the *Criminal Code of Canada*. Attached hereto and marked as **Exhibit "B"** is a copy of the Information and Appearances sheet of the Ottawa Police Service.

7. The Member's employment with the Board was terminated effective February 8, 2005.

8. On November 20, 2006 the charge of theft was withdrawn against the Member. A transcript of the proceedings on that date, a letter of apology from the Member, receipt of restitution and a medical report filed at the time the Crown withdrew the charge are marked and attached hereto as **Exhibits "C", "D", "E" and "F"**, respectively.

## PLEA OF NO CONTEST

9. By this document, the Member admits, for the purposes of this proceeding only, the truth of the facts and exhibits referred to in paragraphs 1 to 8 above.

10. The Member hereby acknowledges that the facts referred to in paragraph 5 above constitute professional misconduct and pleads no contest to these allegations of professional misconduct against her, being more particularly a breach of Ontario Regulation 437/97 1(19).

11. By this document the Member states that:

- (a) she understands fully the nature of the allegations against her;
- (b) she understands that by signing this document she is consenting to the evidence as set out in paragraphs 1 to 8 above, including the referenced exhibits, being presented to the Discipline Committee at the hearing of this matter;
- (c) she understands that by pleading no contest to the allegations, she is waiving the right to require the College to prove the case against her, and the right to have a full hearing on these issues; and
- (d) she understands and acknowledges that she is executing this Agreement voluntarily, unequivocally and with the advice of legal counsel.

12. The Member provides this plea of no contest pursuant to Rule 3.02 of the Rules of Procedure of the Discipline Committee under protection of the *Evidence Act*, R.S.O. 1990, chapter E. 23, for the purpose of this proceeding under the *College of Teachers Act 1996*, chapter 12, and for no other purpose. The Member's plea of no contest does not

constitute an admission by the Member as to the facts or findings in any other civil, criminal or administrative proceeding.

13. 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**

14. 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 hearing of this matter, to be counselled and the fact of such counselling to be recorded on the Register;
- (b) directs the Registrar of the Ontario College of Teachers to suspend the Member's Certificate of Qualification and Registration for a period of three (3) months from the date of this Order;
- (c) directs that the imposition of the suspension referred to in paragraph (b) above be postponed and shall not be imposed unless the Member fails to fulfil the requirements of paragraph (d) below;
- (d) directs that the Member shall, annually for the first three years following the date of the Order in this matter and every three years thereafter until such time as the Member is no longer employed in any teaching capacity

whatsoever and has no further intention of accepting future teaching assignments, provide to the Registrar a report from her treating psychiatrist or family physician providing proof that she is fit to continue her teaching duties and attesting to her compliance with any recommended treatment, counselling, and medication;

- (e) directs that the Member advise the Registrar, in writing, within thirty (30) days following the cessation of her teaching career that her career has ended and that she has no intention of accepting any future teaching assignments in any public or private institution in Ontario; and
- (f) directs that the findings and order of the Committee, be published in the official publication of the College *Professionally Speaking/Pour parler profession*. The College takes no position on whether or not publication should include the Member's name. The Member will make submissions to the panel that her name ought not be included in the publication.

15. 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.

#### **SUBMISSIONS ON PUBLICATION**

College Counsel took no position with respect to publication of the Member's name in *Professionally Speaking/Pour parler profession*, which was not expressly dealt with in the joint submission.

Counsel for the Member urged the Committee not to publish the name of the Member for the following reasons:

1. The Member was an excellent teacher and not a threat to the public trust.
2. The Member had gone through devastating events which contributed to her inappropriate behaviour. She has been proactive in seeking therapy for traumatic events that occurred in her youth and continues in treatment.
3. This was a singular event for which the Member has shown remorse. The Member has taken steps to ensure that there will be no repeat occurrence and therefore there is no need for a specific deterrent. General deterrence is satisfied by the publication of the summary findings without the name of the Member.
4. There needs to be a balance between representing the public interest and the interests of the Member.

## **DECISION**

Having examined the Exhibits filed, and based on the Member's plea of no contest, the *Agreed Statement of Facts*, and the submissions made by Counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Nicole Pauline Beauchemin committed an act of professional misconduct as alleged, more particularly a breach of Ontario Regulation 437/97, subsection 1(19).

## **REASONS FOR DECISION**

The Committee makes the following order: The public is to be excluded from the part of this hearing concerning the medical evidence, including all documents and submissions relating to this evidence.

The Member admitted the truth of the facts and the validity of the exhibits referred to in paragraphs 1 to 8 of the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*. She further acknowledged that the admitted facts in paragraph 5 of the above constitute professional misconduct and pleaded no contest to these allegation of professional misconduct against her, being more particularly a breach of Ontario Regulation 437/97 subsection 1(19).

The Committee accepted the Member's plea of no contest and the evidence contained in the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*.

The Committee concluded that the action of the Member in taking students' medication from a locked cupboard in the school, for her personal use, constituted professional misconduct and was conduct unbecoming a member.

## **PENALTY DECISION**

The Committee considered the joint submission on penalty and makes the following order as to penalty:

- (a) The Member is directed to appear before the Committee, immediately following the hearing of this matter, to be counselled and the fact of such counselling to be recorded on the Register;

- (b) The Registrar of the Ontario College of Teachers is directed to suspend the Member's Certificate of Qualification and Registration for a period of three (3) months from the date of this Order;
- (c) The imposition of the suspension referred to in paragraph (b) above be postponed and shall not be imposed if the terms specified in paragraph (d) below are met;
- (d) The Member shall, annually for the first three years following the date of the Order in this matter and every three years thereafter until such time as the Member is no longer employed in any teaching capacity whatsoever and has no further intention of accepting future teaching assignments, provide to the Registrar a report from her treating psychiatrist or family physician providing proof that she is fit to continue her teaching duties and attesting to her compliance with any recommended treatment, counselling, and medication; such report to be submitted within the 60-day period preceding each relevant anniversary date of the order;
- (e) The Member shall advise the Registrar, in writing, within thirty (30) days following the cessation of her teaching career that her career has ended and that she has no intention of accepting any future teaching assignments in any public or private institution in Ontario; and
- (f) The Committee directs that the findings and order of the Committee, be published in summary without the name of the Member in the official publication of the College *Professionally Speaking/Pour parler profession.*

## REASONS FOR PENALTY DECISION

The Committee found that the conduct of the Member, while constituting conduct unbecoming a Member, was minor in nature and therefore counselling by the Committee was in this instance appropriate.

A suspension will be imposed contingent on the Member's continued treatment and reporting to the Registrar. This fulfills the duty to protect the public interest.

The Member must advise the Registrar in writing within 30 days following the cessation of her teaching career, ensuring continued communication with the College.

Publication of the findings and order of the Committee in summary in *Professionally Speaking/Pour parler profession* provides the general deterrent required in this instance and will inform the public that such behaviour will not be condoned.

Specific deterrence is not an issue as the Member has been proactive in seeking professional help in dealing with her condition. The Committee is satisfied that publication of the findings without the Member's name in these circumstances is appropriate

In making this decision, the Committee took into consideration that this was an isolated incident triggered by traumatic events in the Member's past.

The Committee is satisfied that this decision serves and protects the public interest and is appropriate in the circumstances.

Dated: September 17, 2008

---

Brent Hamelin  
Chair, Discipline Panel

---

Dean Favero  
Member, Discipline Panel

---

Mel Greif  
Member, Discipline Panel