

MEMORANDUM OF AGREEMENT

B E T W E E N :

Ontario College of Teachers

- and -

Martin Gaston Joseph Beaulne

WHEREAS Martin Gaston Joseph Beaulne is a Member of the Ontario College of Teachers (Registry number 467470);

AND WHEREAS Brian P. McGowan, Registrar and Chief Executive Officer, initiated a complaint on March 22, 2007, with respect to the conduct or actions of Martin Gaston Joseph Beaulne;

THE PARTIES to this agreement are the Ontario College of Teachers (the "College") and Martin Gaston Joseph Beaulne (the "Member"). The Registrar's signature on this Memorandum of Agreement (the "MOA") does not bind the Investigation Committee in its function to consider and dispose of this matter.

WHERE THE INVESTIGATION COMMITTEE requests modifications to this MOA, the Dispute Resolution Administrator shall consult the parties as to whether the modifications are acceptable. If the parties accept the modifications, the revised MOA shall become final and binding once ratified by the Investigation Committee.

WHERE THE INVESTIGATION COMMITTEE does not ratify the MOA or the parties do not accept the modifications, the complaint will proceed through the investigation process and will be considered by a differently constituted panel of the Investigation Committee. The second panel of the Investigation Committee will not be provided with nor will it consider this MOA.

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 Investigation Committee.

1. At all material times the Member was employed as a teacher by the Greater Southern Separate Catholic Francophone Education Region No. 4.
2. Between September 2004 and March 2005, the Member engaged in an inappropriate relationship with a female Grade [redacted] student, which included, but was not limited to:

- (a) exchanging e-mail messages with the student that were of an inappropriate and romantic nature;
 - (b) spending time with the student at his apartment;
 - (c) permitting the student to stay overnight at his apartment on at least two occasions;
 - (d) hugging and kissing the student;
 - (e) attending movies with the student;
 - (f) rollerblading with the student; and
 - (g) going on a ski trip with the student.
3. On or about March 10, 2006, the Alberta Teachers' Association found the Member guilty of unprofessional conduct pursuant to the *Alberta Teaching Profession Act* which led to the cancellation of his interim teaching certificate by the Alberta Minister of Education on April 25, 2006.
 4. The Member voluntarily admits the above particulars and understands that by doing so, he is waiving the right to require the College to prove the allegations against him and the right to a contested hearing.

Joint Submission on Resolution

The parties agree to resolve the complaint as follows:

5. the parties agree and undertake that upon ratification of this MOA, there shall be no further action taken, no appeal of any or all of the terms of this agreement, and no application for judicial review, providing the terms of this MOA are adhered to;
6. 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;
7. the Member agrees and undertakes that upon ratification of this MOA, he shall resign his Membership in the College, pursuant to subsection 14(2) of the *Ontario College of Teachers Act, 1996*;
8. the Member agrees and understands that upon ratification of this MOA, the Registrar shall cancel his certificate of qualification and registration, pursuant to subsection 14(3) of the *Ontario College of Teachers Act, 1996*;
9. the Member agrees and understands that upon ratification of this MOA, he shall immediately surrender his certificate of qualification and registration to the Registrar;
10. the Member agrees and undertakes not to apply to the College for a certificate of qualification and registration prior to March 20, 2011;

11. the Member agrees and understands that:

- (a) should he apply for membership in the College, readmission is not automatic; and
- (b) in consideration of his application, the original complaint, the MOA and Investigation Committee's Decision will be reviewed;

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

On (insert date of ratification by Investigation Committee), the Member resigned his membership in the Ontario College of Teachers and the Registrar cancelled his certificate of qualification and registration. At the time of the resignation, a professional misconduct investigation was in progress regarding the Member's inappropriate relationship with a female student;

13. the Member agrees and understands that the College shall publish his 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*, on the College web site, and in such other manner as the Registrar and Chief Executive Officer deems appropriate;

14. the Member agrees and understands that upon ratification of this MOA, the College shall make available to the public a copy of the Decision of the Investigation Committee, including this MOA;

15. the Member agrees and understands that upon ratification of this MOA, the College shall provide notice of the cancellation of the Member's certificate of qualification and registration to those organizations routinely notified by the College of action, including but not limited to school boards, teacher federations or affiliates, and teacher licensing and governing bodies in Canada and elsewhere;

16. the Member agrees and understands that this MOA is the entire agreement between himself 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;

17. the Member agrees that he has freely elected not to obtain representation from independent legal counsel or an affiliate of the Ontario Teachers' Federation;

18. the Member agrees and understands that should he 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;

19. the Member agrees and understands that, in the event he breaches a term of this MOA, the College may conduct an investigation or hearing into this matter as permitted under the *Ontario College of Teachers Act, 1996*;
20. the Member agrees and understands that, in the event he breaches a term of this MOA, he is estopped from alleging, by way of defense, 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; and
21. the Member agrees and understands that, in the event he 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.

Dated at _____ this _____ day of _____ 2007
Town/City Day of mo. Month

Witness

Martin Gaston Joseph Beaulne

Name of Witness – **Please Print**

Dated at Toronto this _____ day of _____ 2007
Day of mo. Month

Witness

Brian P. McGowan
Registrar and Chief Executive Officer

Name of Witness – **Please Print**