

**DISCIPLINE COMMITTEE
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 discipline proceedings against Sean P. Connors, a member of the Ontario College of Teachers.

PANEL: Gabrielle Blais, Chair
 Jacques Tremblay
 Nancy Hutcheson

BETWEEN:

THE ONTARIO COLLEGE
OF TEACHERS

)
)
) Colin Baxter,
) McCarthy Tétrault LLP, representing
) Ontario College of Teachers,
) assisted by Patrick Veilleux
)
)
)

- and -

SEAN P. CONNORS
(CERTIFICATE #422498)

) Julie Skinner, Nelligan, O’Brien Payne LLP,
)
) representing Sean P. Connors
)
)
) Paul Le Vay,
) Stockwoods LLP,
) Independent Legal Counsel
)
) Heard: October 21, 2008

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on October 21, 2008 at the Ontario College of Teachers (“the College”) at Toronto.

A Notice of Hearing dated November 10, 2006 was served on Sean P. Connors, requesting his attendance before the Discipline Committee of the College on December 7, 2006 to set a date for a hearing. The hearing date was set for October 21, 2008.

The Member did not attend this hearing.

ALLEGATIONS

The allegations against Sean P. Connors (the “Member”) set out in the Notice of Hearing (Exhibit 1), dated November 10, 2006, are as follows:

IT IS ALLEGED that the Member is guilty of professional misconduct as defined in subsection 30(2) of the *Ontario College of Teachers Act* (the “Act”) in that he:

- (a) failed to maintain the standards of the profession, contrary to subsection 1(5) of Ontario Regulation 437/97;
- (b) engaged in physical, sexual, verbal, psychological or emotional abuse of a student or students, contrary to subsection 1(7) of Ontario Regulation 437/97;
- (c) failed to comply with the Act and the *Education Act*, R.S.O., 1990, Chapter E.2, more particularly paragraph 264(1)(c) of this Act or the regulations made under these Acts, contrary to subsections 1(14) and (15) of Ontario Regulation 437/97;
- (d) committed acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to subsection 1(18) of Ontario Regulation 437/97;
- (e) engaged in conduct unbecoming a member, contrary to subsection 1(19) of Ontario Regulation 437/97.

At the hearing, College counsel requested the withdrawal of several of the allegations of professional misconduct, more particularly the allegations of breaches of subsections 1 (7), 1 (14), 1 (15), 1 (18) of Ontario Regulation 437/97 of the Act, which are set out in paragraphs b), c) and d) above. The Committee agrees to the withdrawal of these allegations.

AGREEMENT ON THE FACTS

College counsel indicated to the Committee that an agreement on the facts had been reached and filed Exhibit 2, Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty, which has the following provisions:

1. Sean P. Connors is a member of the College. Attached hereto is a copy of the Member's Certificate of Qualification (Exhibit 2).
2. At all material times, that is, between October 3 and 13, 2005, the Member was employed by the Conseil scolaire de district catholique Franco-Nord as an occasional teacher at [XXX] and [XXX], both in [XXX].
3. The parties acknowledge that a Notice of Hearing was served on the Member on November 10, 2006, alleging that he was guilty of professional misconduct on the grounds of inappropriate use of force against certain students (Exhibit 1).
4. The Member acknowledges that the following facts are true and that the actions described below constitute professional misconduct:

- 1) In October 2005, [XXX] was a male student at [XXX].
- 2) On or about October 12 and 13, 2005, [XXX] were male students at [XXX].
- 3) On or about October 12 and 13, 2005, [XXX] was a female student at [XXX].

- 4) On October 12, 2005, at [XXX], the Member kicked [XXX] backpack to get his attention while [XXX] had it on his back.
- 5) On or about October 12 and 13, 2005, at [XXX], the Member committed the following actions involving [XXX]:
 - (i) he kicked the leg of [XXX]'s desk to get his attention, as a result of which a metal bar attached to the desk accidentally hit [XXX];
 - (ii) he slammed his hands down on [XXX]'s desk.
- 6) On or about October 31, 2005, the Member was charged with assaulting [XXX].
- 7) On or about July 25, 2006, the criminal charges against the Member were withdrawn. The Member signed an undertaking not to disturb the peace for a period of one year, during which time he was not to communicate, either directly or indirectly, with [XXX], and was to stay away from [XXX], [XXX] and [XXX].

MEMBER'S PLEA

The Member acknowledges that he committed acts of professional misconduct, as defined in section 30(2) of the Act, in that he:

- 1) failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- 2) engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

The Member acknowledges that, other than in exceptional circumstances, he is not to touch any child in a school environment.

Following the incidents at issue, the Member worked as an occasional teacher until June 2007.

No complaints were made against the Member during this period.

In light of the aforementioned facts and the Member's guilty plea, the College and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

JOINT SUBMISSION ON PENALTY:

The parties jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be that:

- 1) the Discipline Committee order the Member to appear through his counsel before the Discipline Committee immediately following the hearing in this matter in order to receive a verbal reprimand, and that the fact of the reprimand be recorded on the College's public register. The Discipline Committee shall send the Member a written transcript of this reprimand;
- 2) within 10 months of the date of this order, the Member must enrol in and complete, at his own expense, the online course designed by Donat Boulerice entitled "Connaître les barrières, Respecter les limites - Module I" ("Knowing Barriers, Respecting Limits – Module I"). The Member shall deliver directly to the Registrar proof of the successful completion of the course within thirty (30) days of its completion;
- 3) the terms of this finding shall be published on the College's public register;
- 4) the Discipline Committee direct that a summary of the decision and order of the Discipline Committee be published in the next regular issue of *Professionally*

Speaking/Pour parler profession, and that the Member's name be published as it appears on the public register.

By this document, the Member acknowledges his 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.

DECISION

Having considered the exhibits filed and relying on the Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty, the Committee acknowledges that the facts support a finding of professional misconduct and considers that Sean P. Connors is guilty of professional misconduct for having breached subsections 1 (5) and 1 (19) of Ontario Regulation 437/97, as stated in the Notice of Hearing.

REASONS FOR DECISION

The alleged actions of the Member are serious in nature because they constitute inappropriate physical contact with students. Such conduct is unacceptable and is unbecoming a member. The Member's poor classroom management, based on physical interventions, is contrary to the standards of the profession and breaches Ontario Regulation 437/97, subsection 1(5).

The Committee accepted the Joint Submission on Penalty, with one exception, that is, that the Member is to appear through his counsel in order to receive the verbal reprimand and that a transcription of this reprimand be sent to the Member.

PENALTY DECISION

The Committee makes the following order:

- 1) that the Committee impose a verbal reprimand on the Member and that this fact be recorded on the College's public register. Given that the Member lives outside the country, the verbal reprimand shall take the form of a telephone call to be arranged by the offices of the Registrar of the College and the Member's counsel;
- 2) the Committee directs the Registrar to impose the following terms, conditions or limitations on the Member's Certificate of Qualification:
 - a) that within 10 months of the date of this order, the Member must enrol in and complete, at his own expense, the online course designed by Donat Boulerice entitled "Connaître les barrières, Respecter les limites – Module I" ("Knowing Barriers, Respecting Limits – Module I"). The Member shall deliver directly to the Registrar proof of the successful completion of the course within thirty (30) days of its completion.
- 3) the terms of this finding shall be published on the College's public register;
- 4) the Committee directs that a summary of the decision and order of the Discipline Committee be published, with the Member's name as it appears on the College's public register, in the College's official publication *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

In the opinion of the Committee, a reprimand of the Member's conduct by his peers will be a specific deterrent for the Member. It is the College's practice to deliver reprimands in person with the Member present. In accordance with this practice, the Committee dismissed the manner for delivering the reprimand contained in the Joint Submission, and ordered a similar approach in

order to accommodate the fact that the Member is currently living outside the country. The Committee therefore elected to deliver the reprimand by means of a conference call.

The Committee acknowledges that the Member co-operated with the College through his admission of inappropriate conduct. Moreover, the Committee took into consideration the fact that his subsequent teaching has been without incident.

The Committee is satisfied that, in these circumstances, the Member is required to successfully complete the course entitled “Connaître les barrières, Respecter les Limites – module I” (“Knowing the Barriers, Respecting the Limits – Module I”). This course will help to fill in certain gaps in the Member’s knowledge in terms of his interactions with students. It is the opinion of the Committee that this course will serve the interests of the public and of the Member.

The Discipline Committee directs that a summary of the decision and order of the Discipline Committee be published in the next regular issue of *Professionally Speaking/Pour parler profession* and that the Member’s name, as it appears on the College’s public register, be published. The Committee’s order to publish the Member’s full name has taken the following factors into consideration:

- a) the alleged actions were recurrent in nature;
- b) the alleged actions are serious in nature and involve the use of inappropriate physical force against students;
- c) such publication will serve the public interest.

Date: December 9, 2008

Gabrielle Blais
Chair, Discipline Panel

Jacques Tremblay,
Member, Discipline Panel

Nancy Hutcheson
Member, Discipline Panel