

**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 Lise Crawford, a member of the Ontario College of Teachers.

PANEL: Jacques Tremblay, Chair
Gabrielle Blais
Dean Favero

BETWEEN:	)	Colin Baxter,
	)	McCarthy Tétrault LLP,
	)	and Nadine Carpenter,
ONTARIO COLLEGE OF TEACHERS	)	Dispute Resolution Program
	)	Officer,
	)	for Ontario College of Teachers
– and –)	
)	
LISE CRAWFORD	)	Julie Skinner,
(CERTIFICATE # 252838)	)	Nelligan O’Brien Payne LLP,
	)	for Lise Crawford
)	
	)	Paul Le Vay
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: February 12, 2008

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee on February 12, 2008 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated December 18, 2007, was served on Lise Crawford, requesting her attendance before the Discipline Committee of the College on January 30, 2008. The date of the hearing was changed to February 12, 2008.

Lise Crawford was not in attendance at the hearing.

Allegations

The allegations against Lise Crawford in the *Notice of Hearing* dated December 18, 2007 are as follows:

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

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

Memorandum of Agreement

College counsel advised the panel that the parties have reached an agreement on the facts and submitted to the panel for ratification a Memorandum of Agreement (the “MOA”) (Exhibit 2) having the following provisions:

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 Conseil scolaire de district catholique des Aurores boréales (the “Board”) and taught [■] to students in Junior Kindergarten to Grade 8 at [■] (the “School”).
2. At all material times, [■] was a [■] student at the school.
3. On April 15, 2005, the Member grasped [■] by the right arm, lifted him up from his chair and took him to the corner of the classroom.
4. On April 18, 2005, the complainant informed the school principal about the incidents that were to prompt the complaint. The principal then notified the Children’s Aid Society and the police.

5. On April 22, 2005, the police department determined that no charges would be laid against the Member.
6. On May 6, 2005, the Board suspended the Member without pay for one day on the date of May 9, 2005.
7. On August 11, 2005, the Children's Aid Society determined, after conducting an investigation, that Ms. Crawford had used inappropriate and excessive force with [REDACTED], but that she had not physically assaulted him.
8. By this document, the Member pleads guilty to professional misconduct, and she acknowledges as true the particulars of the allegations as described in paragraphs 1, 2 and 5 of this MOA.
9. The Member acknowledges that she acted in the manner noted in paragraph 8 above, and she understands that, in acknowledging this, she waives her right to require the College to prove the case against her and her right to a hearing.

Joint Submission on Resolution

The parties agree to resolve the matter as follows:

The Member agrees and understands that, upon ratification of this MOA, the Discipline Committee shall reprimand her, in writing, with respect to the above particulars.

10. The parties acknowledge that there is no agreement regarding the publication of the Member's name, a summary of the case or the nature of the resolution provided for in the MOA. The parties nonetheless agree that the College shall not make any representations in this regard to the Discipline Committee, although Ms. Crawford and/or her lawyers will submit that publication is not appropriate in the circumstances of this case.
11. 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 guilty plea will be accepted, the finding of guilt will be made, and the penalty will be imposed.

12. The parties agree that if any paragraph of this MOA is null and void, the MOA shall be read as though the paragraph was stricken from the MOA and the amended MOA shall remain in force and effect.
13. 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.
14. The Member agrees and understands that, in the event she breaches a term of this MOA, she is stopped 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 that the College becomes aware of such a breach.
15. 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.
16. 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 having taken into account the MOA, the plea of guilt and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Lise Crawford did commit acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5) and 1(19).

Reason for Decision

The Committee took into account the fact that the Member pleaded guilty to professional misconduct and that she acknowledged as true the particulars of the allegations in the MOA.

She acknowledges that she grasped one of her students by the right arm, lifted him up from his chair and took him to the corner of the classroom.

The Committee also took into consideration the fact that, on August 11, 2005, the Children's Aid Society determined, after conducting an investigation, that the Member had used inappropriate and excessive force with her student, but that she had not physically assaulted him.

Penalty

The Committee accepts the Joint Submission on Penalty and orders that a written reprimand be given to Lise Crawford. Current College practice favours oral reprimands and does not give consideration to geographic remoteness and travel costs. The Committee orders that a notation be recorded in the College's public Register stating that the Member has been reprimanded.

Reason for Penalty

The Committee is satisfied with the penalty proposed by the two parties and agrees that the written reprimand is an acceptable penalty having regard to all of the circumstances and that it is in proportion to the misconduct.

The unacceptable behaviour in which the Member engaged constitutes professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5) and 1(19).

The reprimand provides the Member with an opportunity to realize that such acts give rise to consequences.

Statement about Publication

The MOA provides no resolution regarding publication.

College counsel made no representations with respect to publication.

The Committee received the representations from the Member's counsel concerning publication pursuant to paragraph 30(5)(3) of the Act. She presented the following arguments: This was an isolated incident; it was not serious; there has been no repetition of the act; the Member has no prior record of professional misconduct; the Member understands that she acted inappropriately; and the Member has demonstrated initiative by registering in a Special Education course.

Reasons for Decision and Order

In light of the arguments submitted, the Committee determines that there shall be no publication in the College's official magazine, *Professionally Speaking/Pour parler profession*.

The Committee has accepted that the nature of the professional misconduct and the specific circumstances do not justify publication. The alleged incident alludes to the use of an inappropriate approach but is not a case of physical assault against a student. This is an isolated incident with no prior occurrence or repetition. The Member has demonstrated initiative by registering in a Special Education course.

The Committee finds that publication is not necessary considering that the guilty plea and reprimand have a sufficient deterrent effect on the Member.

A notation in the public Register stating that a reprimand has been made as a result of professional misconduct has a deterrent effect and serves the public interest.

Date: March 7, 2008

Jacques Tremblay
Chair, Discipline Panel

Dean Favero

Member, Discipline Panel

Gabrielle Blais
Member, Discipline Panel