

**ONTARIO COLLEGE OF TEACHERS**

**DISCIPLINE COMMITTEE**

**REASONS FOR DECISIONS AND ORDERS**

*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 Jane Francis Evans.

The Discipline Committee held a hearing on December 3, 2001,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**JANE FRANCES EVANS  
CERTIFICATE #155015**

**PRESENT:**

Members of the Panel

Dick Malowney (Chair)

Guill Archambault

Solette N. Gelberg

The Honourable Lloyd Houlden, Independent Counsel to the Panel

Carole Jenkins, McCarthy Tétrault, Counsel for the Ontario College of Teachers

Allyson Otten, Lerner and Associates, Counsel for the member

The member did not attend.

A Notice of Hearing dated July 4, 2001 was served on Jane Frances Evans, requesting attendance before the Discipline Committee of the Ontario College of Teachers on July 20, 2001 to set a date for hearing, and specifying the charges. The hearing date was set for December 3, 2001.

It is alleged that Jane Francis Evans is guilty of professional misconduct 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 supervise adequately a person who is under her professional supervision contrary to Ontario Regulation 437/97, subsection 1(11);
- (c) she failed to comply with the Act and the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2 and particularly s.265(a) and (j) thereof, or the Regulations made under that Act and, in particular, Regulation 298, s.11(1), contrary to Regulation 437/97, subsections 1(14) and (15);
- (d) she performed acts or omissions that, having regard to all the circumstances, would reasonably be regarded by members as being disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (e) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19);
- (f) she failed to comply with her duties under the Child and Family Services Act contrary to Ontario Regulation 437/97, subsection 1(27); and
- (g) she displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of a student or students of a nature or extent that demonstrates that the

member is either unfit to carry out her professional duties or that the member's certificate should be made subject to terms, conditions or limitations.

The Notice of Hearing states that Jane Francis Evans is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On December 3, 2001, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Jane Francis Evans is guilty of professional misconduct.

Jane Francis Evans was not in attendance at the hearing.

**EVIDENCE:**

For the purpose of this hearing, Counsel for the Ontario College of Teachers indicated that the College was proceeding with respect to the allegations that the member is guilty of professional misconduct in that her acts were contrary to the Professional Misconduct Regulation made under the Ontario College of Teachers Act and filed as Regulation 437/97 on December 4, 1997, in particular, subsection 1(5).

Counsel presented evidence that Jane Francis Evans is a member of the Ontario College of Teachers (Exhibit #1). At all material times, the member was employed by the Hamilton-Wentworth District School Board as a principal.

An Agreed Statement of Facts was filed as Exhibit #2. That statement had been signed by counsel for the member and counsel for the Ontario College of Teachers.

## **FINDINGS OF FACT:**

Based on the Agreed Statement of Facts and Guilty Plea, the panel finds the following facts:

- (1) Jane Francis Evans is a member of the Ontario College of Teachers.
- (2) At all material times, the member was employed by the Hamilton-Wentworth District School Board as Principal of the [REDACTED] School.
- (3) In or about May or June 1997, three female Grade [REDACTED] students at the school reported to the school social worker that a male physical education teacher at the school had inappropriately touched or hugged one or more of them; requested that one or more of them give him a hug; and made personal comments about the figure(s) of one or more of these students. The school social worker, in turn, relayed to the member the information given to her by these three female students, and the member investigated the incidents.
- (4) That the member failed to apply a Board Policy which required a report to the Hamilton-Wentworth Children's Aid Society.
- (5) The member accepts that such failure constitutes conduct unbecoming a member and pleads guilty to professional misconduct contrary to Ontario Regulation 437/97, subsection 1(5);
- (6) 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, and jointly submit that the penalty be as follows:
  - (a) the member shall be reprimanded by the Discipline Committee; and
  - (b) the final Order of the Committee, and Reasons, shall be published in the official publication of the College, "Professionally Speaking".

The Panel accepts the Agreed Statement of Facts and Guilty Plea.

**DECISIONS AND ORDERS:**

Based on the Agreed Statement of Facts and Guilty Plea which was filed as an exhibit, the Committee finds Jane Francis Evans guilty of professional misconduct under subsection 1(5) of the Professional Misconduct Regulation, as alleged. The Discipline Committee directs that Jane Francis Evans be verbally reprimanded.

Pursuant to section 30(5)(iii) of the Ontario College of Teachers Act, the Committee also orders that the findings of this hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers.

**DATED AT TORONTO, THIS 13th DAY OF DECEMBER, 2001  
BY ORDER OF THE DISCIPLINE COMMITTEE**

---

**Dick Malowney, Chair**

---

**Guill Archambault**

---

**Solette N. Gelberg**