

September 8, 2010

## MEMORANDUM OF AGREEMENT

BETWEEN :

Ontario College of Teachers

- and -

Paul Fortin, OCT

**WHEREAS** Paul Fortin is a Member of the Ontario College of Teachers (Certificate number 530290);

**AND WHEREAS** on August 5, 2010, Michael Salvatori, OCT, Registrar, initiated a complaint concerning the conduct or actions of Paul Fortin, OCT;

**THE PARTIES** to this agreement are the Ontario College of Teachers (the "College") and Paul Fortin (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 Officer 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.

### Statement of Facts

1. At all material times, the Member was employed by the [REDACTED] International School (the "School"), a private school in [REDACTED]

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2. On May 18<sup>th</sup> 2010, the Ontario College of Teachers received notification from the Headmaster of the School advising that the Member had engaged in a romantic relationship with [REDACTED] a [REDACTED]-year-old female student of the School.
3. The Member recognizes and admits having engaged in a romantic relationship with the student, including allowing [REDACTED] to visit him alone at his personal residence on campus and kissing the [REDACTED]-year-old.
4. At the time of the events, the Member was 26 years old and was not one of the student's actual teachers.
5. The Member recognizes that beyond his legal obligations as a member of the Ontario College of Teachers, the contractual obligations of the Member with the School provided that such relationship constitutes a severe violation of the School's Code of Conduct.
6. Pursuant to the School's investigation, the Member's employment was terminated.
7. The parents of the student encourage the relationship between the Member and their daughter.
8. Accepting responsibility for his choices, the Member voluntarily undertook not to teach pending the resolution of the complaint against him at the Ontario College of Teachers.
9. The Member continues to have a close relationship with the student and her family.
10. The Member recognizes and admits that he acted in an inappropriate and unprofessional manner and failed to maintain the standards of the profession when he engaged in an inappropriate relationship with [REDACTED], a female student of the School where he was employed.
11. The Member recognizes that he has been given ample opportunity to seek legal advice prior to entering into this agreement and further states that no promises, incentives or threats of any kind were made to induce his consent to this agreement and he declares that he has signed this MOA knowingly and voluntarily.
12. The Member is voluntarily waiving the right to require the College to prove the case against him and the right to a hearing.
13. The Parties hereby agree to conclude the investigation by the College and not to proceed to a hearing of the complaint against the Member under the terms and conditions as stated herein.

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**Joint Submission on Resolution**

The parties agree to resolve the complaint as follows:

14. 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.
15. The parties agree and understand that if any phrase or paragraph of this MOA is deemed null and void, the offending text shall be replaced by a valid and enforceable text reaching the same objective. At all times this MOA shall remain in force and effect.
16. The Member agrees and understand that upon ratification of this MOA, the Investigation Committee will admonish the Member in writing, with respect to the above particulars.
17. Furthermore, the Member agrees and declares that if a hearing proceeded regarding this complaint against him, his teaching certificate of qualification would be suspended for a period of time from the date of the decision.
18. In consideration of what is stated in paragraph 17, above the Member agrees and undertakes not to engage in any activity where a Certificate of qualification is required for a period of 2 years from the date of the decision of the Investigation Committee to ratify this MoA.
19. Further, prior to returning to teaching where a Certificate of qualification is required, the Member agrees and undertakes to provide the Registrar with a written confirmation from a pre-approved practitioner attesting the following:
  - a) He/she has reviewed this MOA and the Investigation Committee decision which has so ratified; and,
  - b) He/she has administered the intensive course of instruction on appropriate professional boundaries as established in the pre-approved course syllabus; and,
  - c) He/she confirms that the Member has successfully completed the above mentioned course on professional boundaries and has gained the required knowledge and strategies to avoid similar situations in the future.

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20. Furthermore, the Member agrees and understands that, at least 30 days prior to returning to duties in which a Certificate of qualification is required, he will provide the Registrar with a written report from a certified psychologist or psychiatrist attesting that:
  - a) He/she has reviewed this MOA and the Investigation Committee decision which has so ratified; and,
  - b) He/she has provided counselling to the Member regarding his breach of professional boundaries and public trust as a member of the teaching profession; and,
  - c) He/she confirms that the Member may return to the teaching profession as he no longer represents a risk to students.
21. The Member understands and agrees that all costs to be incurred to meet the requirements under this MOA be it the course of instruction, the practitioner's written confirmation, the report from the psychologist/psychiatrist or any other undertaking as provided herein, shall be at his sole expense.
22. The Member agrees and understands that pursuant to the ratification of this MOA, a notation will appear on the Member's Certificate of qualification and on the Public Register maintained by the Registrar. The text of the notation shall be as follows:

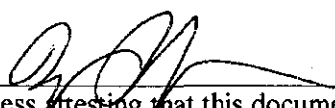
*"On (date of ratification) the Investigation Committee has ratified an agreement between the Member and the Registrar of the Ontario College of Teachers, the Member undertook not to seek or engage in any professional activities where a Certificate of qualification is required for a period of 2 years from the date of ratification."*
23. The parties agree that the notation on the Public Register shall reflect the undertaking from the Member as stated herein above for the duration of such undertaking.
24. The Member agrees and understands that the College shall publish a summary of the complaint and its resolution as contained in this MOA. This summary shall include the Member's name. Such publication shall be made in the College's official publication, *Professionally Speaking/Pour parler profession*, on the College web site, and in such other manner as the Registrar and Chief Executive Officer deems appropriate.

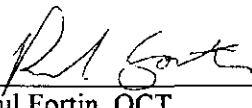
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- 25. The Member agrees and understands that, upon ratification of this MOA, the Investigation Committee's decision and this MOA shall be part of the records in the Margaret Wilson Library and made available to the public.
- 26. The Member understands and agrees that the Registrar shall advise all institutions and agencies routinely advised when a Member's Certificate of qualification is suspended.
- 27. 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*.
- 28. 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
- 29. 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 Bristol this 28 day of October 2010  
Town/City Day of mo. Month Year

  
 Witness attesting that this document has been signed by Mr. Paul Fortin personally.

  
 Paul Fortin, OCT

MR RYAN PLOUGHMAN  
 Name of Witness - Please Print

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Dated at Toronto this 1<sup>st</sup> day of November 2010  
*Day of mo. Month Year*

Rodricks  
Witness

Michael Salvatori  
Michael Salvatori, OCT  
Registrar and Chief Executive Officer

SHIRLEY RODRICKS  
Name of Witness – **Please Print**