

**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 discipline proceedings against Patricia Michelle Gaukrodger, a member of the Ontario College of Teachers.

PANEL: Lynne Mastin (Chair)
Ted Coulson
Jacques Tremblay

BETWEEN:)	
	)	David E. Leonard,
	)	McCarthy Tétrault LLP,
ONTARIO COLLEGE OF TEACHERS	)	for Ontario College of Teachers,
	)	assisted by Trevor Evans,
- and -	)	Senior Law Clerk
)	
PATRICIA MICHELLE GAUKRODGER	)	Stephanie Carey,
(CERTIFICATE #422657)	)	Markle May Phibbs,
	)	for Patricia Michelle Gaukrodger
)	
	)	Paul Le Vay,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: November 7, 2006

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on November 7, 2006 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated March 7, 2005 was served on Patricia Michelle Gaukrodger, requesting attendance before the Discipline Committee of the Ontario College of Teachers on April 6, 2005 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for November 7, 2006.

Patricia Michelle Gaukrodger was not in attendance at the hearing.

THE ALLEGATIONS

The allegations against Patricia Michelle Gaukrodger in the *Notice of Hearing*, (*Exhibit 1*) dated March 7, 2005 are as follows:

IT IS ALLEGED that Patricia Michelle Gaukrodger is guilty of professional misconduct as defined in section 30(2) and 40(1.1) of the *Ontario College of Teachers Act, 1996* (the “Act”), in that:

- (a) she failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) she abused a student or students physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) she failed to comply with the *Act* and the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c) thereof or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);

- (d) she contravened a law, the contravention of which is relevant to the Member's suitability to hold a Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (e) she contravened a law, the contravention of which has caused students under the Member's professional supervision to be put at or to remain at risk, contrary to Ontario Regulation 437/97, subsection 1(17);
- (f) she committed acts that having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (g) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (h) she engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40 (1.1) of the *Act*.

PUBLICATION BAN

On November 7, 2006 the Discipline Committee made an order that there be no publication of any information that may disclose the identity of the student involved in this matter.

AGREED STATEMENT OF FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 2*, an *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty*. (*ASF – Exhibit 2*)

The *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty* provides as follows:

1. Patricia Michelle Gaukrodger (the “Member”) is a member of the Ontario College of Teachers. Attached hereto and marked as **Exhibit “A”** is a copy of the Ontario College of Teachers Registered Member Information respecting the Member.
2. At all material times the Member was employed by the Waterloo Catholic District School Board (the “Board”) as a teacher at St. Augustine Catholic School in Cambridge (the “School”). The Member also coached basketball and badminton at the School.
3. During the 2002-2003 academic year, [XXX], whose date of birth is [XXX] 1989, was a grade 8 student in the Member’s class at the School. The Member also coached [XXX] in basketball and badminton.
4. [XXX] completed grade 8 at the end of the 2002-2003 school year in June 2003.
5. During the 2002-2003 academic year, the Member commenced a friendship with [XXX]. The friendship continued during the summer of 2003 and developed into an inappropriate relationship towards the end of August 2003. The relationship ended during approximately the last week of September 2003. The details of the friendship and inappropriate relationship are described below.
6. Following the Member’s return from the March Break in 2003, with [XXX]’s mother’s permission, the Member gave [XXX] a shirt that she had purchased for him.

7. On or about [XXX] 2003, which was [XXX]'s 14th birthday, the Member gave him presents, which included two movie passes, with a value of approximately thirty dollars.

8. The Member's relationship with [XXX] became more intimate during the summer holidays of 2003, and included the Member:

- (a) visiting him at his residence, and playing basketball with him on the driveway of the residence;
- (b) going on day trips with him;
- (c) going rollerblading with him in the Cambridge Area;
- (d) driving him to and from sporting events;
- (e) engaging in inappropriate communication with him and using an instant messaging program on the Internet; and
- (f) taking him to coffee shops for refreshments.

9. On one night between 30 August and 1 September 2003, which was the Labour Day weekend, the Member stayed overnight at [XXX]'s residence prior to accompanying [XXX] and his family to a baseball tournament at a park in Hamilton. While at [XXX]'s residence, the Member and [XXX] watched a movie alone and while doing so, cuddled on the couch.

10. While at the baseball tournament referred to in the previous paragraph, the Member and [XXX] roller bladed in the park, held hands and kissed on a number of occasions.

11. Between the approximate dates of 1 September 2003 and 25 September 2003, the Member engaged in further inappropriate conduct with [XXX], including:

- (a) allowing him to visit her in her classroom and her office at the School after regular school hours;
- (b) engaging him in communication on the Internet at which time she told [XXX] that she loved him;

- (c) engaging him in communication of a sexual nature on the Internet; and
- (d) engaging him in mutual masturbation, oral sex and acts of sexual intercourse on several occasions.

12. During the course of the Internet communications referred to in paragraph 11(b) and 11(c) above, the Member expressed to [XXX] her concern about getting caught and told [XXX] that they needed to be careful and not obvious about their relationship.

13. The inappropriate conduct described in paragraph 11(d) above took place in the Member's office at the School, at [XXX]'s residence in the absence of his parents, in the Member's motor vehicle and in a local park.

14. On or about 25 September 2003, the Member and [XXX] were observed lying on a sofa in the Member's office at the School, by a custodian. The Member and [XXX] later engaged in communication on the Internet and they agreed that they would explain that they were wrestling on the sofa when the custodian came in. That story was told by both the Member and [XXX] to the School's principal as well as a representative of the Region of Waterloo Family and Children's Services.

15. On or about 15 April 2004 the Member was charged that she, between the dates of 1 September 2003 and 25 September 2003, at the City of Cambridge, being in a position of trust and authority towards [XXX], a young person, did for a sexual purpose touch directly the body of [XXX], a young person, with parts of her body contrary to Section 153(1)(a) of the *Criminal Code* (Canada). Attached and marked as **Exhibit "B"** is a copy of the Information No. No. 15416/04 in respect of that charge.

16. An order, pursuant to Section 486.3 of the *Criminal Code* (Canada) was made by the Court with respect to the identity of the complainant and any information that could disclose that identity is not to be published in any newspaper or broadcast in any way. Further, the initials of the victim were to be used on arraignment.

17. On or about 24 January 2005, the Member pleaded guilty before Her Honour Justice Margaret Woolcott of the Ontario Court of Justice to the charge referred to in paragraph 15 above. Attached and marked as **Exhibit “C”** is a copy of the transcript of the proceedings before Judge Woolcott.

18. On or about 19 September 2005, the Member was sentenced by Judge Woolcott to a period of imprisonment of fifteen months to be followed by two years probation. She was also ordered to [XXX]. A copy of the transcript of Sentencing Proceedings before Judge Woolcott is attached as **Exhibit “D”**, and copies of the documents relating to the Probation Order are attached and marked as **Exhibit “E”**.

19. The Member appealed the sentence which was imposed on her, but that sentence was upheld by the Court of Appeal on 5 September 2006. A copy of the Endorsement of the Court of Appeal is attached as **Exhibit “F”**.

GUILTY PLEA

20. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 19 above (the “admitted facts”). The Member hereby acknowledges that

the admitted facts, and in particular the facts and exhibits referred to in paragraphs 5 to 14 and paragraph 17 above, constitute conduct which is unprofessional and pleads guilty to the allegations of professional misconduct against her being more particularly breaches of Ontario Regulation 437/97 1(5), (7), (14), (15), (16), (17), (18) and (19). The Member also pleads guilty to engaging in sexual abuse of a student of a nature defined in sections 1 and 40(1.1) of the *Ontario College of Teachers Act*.

21. By this document, through her counsel, the Member states that:

- (a) she understands fully the nature of the allegations against her;
- (b) she understands that by pleading guilty to the allegations, she is waiving the right to require the College to prove the case against her and the right to have a hearing;
- (c) she voluntarily decided to plead guilty; and
- (d) she understands and acknowledges that she is executing this Agreement voluntarily, unequivocally and with the benefit of legal counsel.

22. 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.

JOINT SUBMISSION ON PENALTY

23. The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be that the Committee:

- (a) direct the Registrar of the Ontario College of Teachers to immediately revoke the Certificate of Qualification and Registration of the Member, which Certificate the Member is to immediately surrender to the Registrar of the Ontario College of Teachers; and
- (b) direct that there be publication of the findings and order of the Committee, in summary form, including the full name of the Member, in the official publication of the College.

24. By this document, the Member acknowledges her 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 examined the Exhibits filed, and based on the Member's plea of guilt, the *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty* and the submissions made by Counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Patricia Michelle Gaukrodger committed acts of professional misconduct as alleged, being more particularly breaches of Ontario Regulation

437/97 1(5), (7), (14), (15), (16), (17), (18) and (19). The Committee also finds the Member guilty of engaging in sexual abuse of a student of a nature defined in sections 1 and 40(1.1) of the *Ontario College of Teachers Act*.

REASONS FOR DECISION

The Committee accepted the Member's guilty plea, the *Agreed Statement of Facts and Guilty Plea* and *Joint Submission on Penalty* and finds that the agreed facts constitute professional misconduct as alleged in the *Notice of Hearing*.

The Member engaged in a series of activities with [XXX] that included the purchase of gifts and treats, driving him to and from sporting events, attending at his home with his family, participation in inappropriate internet communications, and watching a movie alone with the student at his home while cuddling on the couch. These incidents culminated in a physical relationship, which included mutual masturbation, oral sex and acts of sexual intercourse that occurred at the student's home, in the Member's car and in the Member's office at the school.

As a result of this sexual relationship, the Member pleaded guilty to and was convicted of sexual exploitation, contrary to s.153 (1)(a) of the Criminal Code (Canada) i.e. sexual touching of a young person.

The Member's behaviour constitutes professional misconduct as alleged, more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7), 1(14), 1(15), 1(16), 1(17),

1(18), 1(19) and that she engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40 (1.1) of the *Act*.

PENALTY DECISION

The Committee accepts the Joint Submission on Penalty and makes the following order as to penalty.

1. The Registrar of the Ontario College of Teachers is directed to revoke the Member's certificate of qualification and registration, which the Member is to surrender immediately to the Registrar.
2. Pursuant to Section 30 (5) (3) of the Ontario College of Teachers Act, the findings and order of the Committee shall be published in summary, including the Member's name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

The Member is an elementary school teacher who was convicted of sexual exploitation of one of her students. The Member's relationship with the student progressed through a series of stages, including teacher/student, coach/student, and a personal friendship with the student's family.

The Committee concurs with Judge Woolcott in the Reasons for Sentence wherein she found that there is no evidence that the Member deliberately set out to groom [XXX] with

the intention of having a sexual relationship with him. However, “it is clear that she did as much as she could to groom him and his family to accept her as a responsible adult worthy of their trust and friendship”.

Judge Woolcott also stated:

In our society, the teacher is someone who is held up as a person to be respected and who is expected to shape his or her students in positive ways to become independent adults. Because it is expected that teachers will fulfil this role, it is also expected of students that they will be compliant with the requirements of their teacher. It is expected that the teacher will re-direct them when the child begins to stray from what is right or appropriate.

The Committee finds that the Member’s actions were a serious and egregious breach of trust. The Member’s actions, in developing an inappropriate relationship with a student for her own sexual gratification, while befriending his family, violated the trust inherent to the role of a teacher.

The Member was convicted of sexual exploitation, contrary to section 153(1)(a) of the Criminal Code (Canada), and was sentenced to fifteen months imprisonment, followed by two years probation. The Member was also ordered to [XXX]. The Committee determined that the appropriate penalty in these circumstances is revocation of the Member’s certificate of qualification and registration as well as publication of the findings and order of the Committee, with the name of the Member, in *Professionally Speaking/Pour parler profession*.

Revocation of the Member's certificate ensures that the public is protected. Revocation is a necessary penalty to demonstrate that the Member's conduct is unacceptable to the public and to the profession.

Publication of the Member's name and a summary of the facts serve as a further rebuke of the Members' actions. Publication of the Committee's order also acts as a general deterrent to guide members of the profession and to inform that similar behaviour will result in a finding of professional misconduct and revocation of Certificate.

The Committee is satisfied that the penalty serves to preserve the reputation of the profession and to protect the interest of the public.

Date: November 7, 2006

Lynne Mastin
Chair, Discipline Panel

Ted Coulson
Member, Discipline Panel

Jacques Tremblay
Member, Discipline Panel