

**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  
Jeremy Peter Grimstead, a member of the Ontario College of  
Teachers.

PANEL:        John Tucker, Chair  
                  Rosemary Fontaine  
                  Hanno Weinberger

BETWEEN:	)	
	)	David Leonard and Cedric
	)	Lamarche,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans
	)	Senior Law Clerk
	)	
- and -	)	
	)	
JEREMY PETER GRIMSTEAD	)	William W. Markle Q.C. and
(CERTIFICATE #464291)	)	Stephanie Carey,
	)	Markle & Phibbs LLP,
	)	for Jeremy Peter Grimstead
	)	
	)	Christopher Wirth,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: April 15 and 16, 2009

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on April 15 and 16, 2009 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated January 11, 2008 was served on Jeremy Peter Grimstead (“The Member”), requesting attendance before the Discipline Committee of the Ontario College of Teachers on February 11, 2008 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for April 15 and 16, 2009.

The Member was in attendance at the hearing.

### **THE ALLEGATIONS**

The allegations against the Member in the *Notice of Hearing*, (Exhibit 1) dated January 11, 2008 are as follows:

**IT IS ALLEGED** that Jeremy Peter Grimstead is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the of the *Ontario College of Teachers Act, 1996* (the “*Act*”), in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he abused a student or students physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he 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) he 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) he 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) he 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) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19); and

(h) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40 (1.1) of the *Act*.

**PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:**

1. During the 2005-2006 academic year, the Member commenced an inappropriate and unprofessional personal relationship with a female grade [XXX] student (the "Student"), which included his:

- (a) engaging in inappropriate telephone communications with the Student;
- (b) permitting the Student to visit his home; and
- (c) engaging in sexual touching with the Student.

2. On or about 23 November 2006, the Member was charged by the [XXX] Police Service that between 1 March 2006 and 31 August 2006, at the City of [XXX], he being in a position of trust or authority towards the Student, a young person, did for a sexual purpose, touch directly the body of the Student, a young person, with a part of his body, to wit: his hands, contrary to Section 153(a) of the *Criminal Code* (Canada).

3. The charges referred to in paragraph 2 are presently before the court.

## **PUBLICATION BAN**

A non-publication order was issued on May 26, 2008 under subsection 486.4 of the *Criminal Code*, in the proceedings in the Superior Court of Justice. The Committee is bound by and maintains this publication ban imposed in the matter of *Her Majesty The Queen v. Jeremy Grimstead* by the Superior Court of Justice. There shall be no publication of any information that might tend to identify the victim involved in this matter.

## **MEMBER'S PLEA**

The Member pleaded no contest to the allegations set out in the *Notice of Hearing*.

## **THE EVIDENCE**

Counsel for the College entered into evidence the following additional documents:

### *Registered Member Information*

The Member is a member of the Ontario College of Teachers as shown on the *Registered Member Information*. (Exhibit 2)

### *Brief of Court Documents – Her Majesty the Queen v. Jeremy Grimstead* (Exhibit 3)

A *Brief of Court Documents* with respect to the criminal proceedings against the Member was submitted into evidence. This *Brief* consisted of:

- A. Order of Superior Court of Justice dated August 15, 2008
- B. Superior Court of Justice – Indictment dated July 11, 2007
- C. Probation Order dated May 26, 2008
- D. Transcript of Proceedings at Trial before the Honourable Justice N. Karam on May 26, 2008.

The Indictment verifies that on or about July 11, 2007, the Member was charged by the [XXX] Police Service that between 1<sup>st</sup> day of March 2006 and the 30<sup>th</sup> day of June 2006, at the City of [XXX], he being in a position of trust or authority towards the Student, a young person, did for a sexual purpose, touch directly the body of the Student, a young person, with a part of his body, to wit: his hands, contrary to Section 153(a) of the *Criminal Code* (Canada). (Exhibit 3, Tab B) On May 26, 2008, the Member pleaded not guilty to this charge and instead pleaded guilty to and was convicted of the charge of common assault (sec. 266) pursuant to sec. 606(4). The Member was given a suspended sentence and placed on probation for 12 months, the terms of which were that he report when and as required, and that he attend for treatment or assessment if he is directed to do so. (Exhibit 3, Tab D)

#### **SUBMISSIONS OF COLLEGE COUNSEL RE FINDING**

Counsel for the College submitted that Rules 13.05 and 13.06 of the *Rules of Procedure of the Discipline Committee of the Ontario College of Teachers* require the Committee to accept the Brief of Court Documents as proof of the Member's conviction and specific findings of fact in the criminal proceedings. Counsel for the College submitted that the facts contained therein support (a) through (h) of the allegations in the *Notice of Hearing* and asked the Committee to find the Member guilty of professional misconduct on all of these allegations.

#### **SUBMISSIONS OF THE MEMBER RE FINDING**

Counsel for the Member indicated that what was admitted in the criminal proceedings were a minimal set of facts but the facts on record were reasonably correct. He told the

Committee that over a defined time period the Member and the Crown agreed that on two occasions, physical contact of a sexual nature occurred.

Even though the Member pleaded no contest to all of the allegations in the *Notice of Hearing*, Counsel for the Member submitted that to find the Member guilty of allegations (b) and (h), (c) and (g) was to convict him twice on the same set of facts. Counsel further submitted that because the Member was removed from class in September 2006 and he had an undertaking with the College not to teach, that there was no risk to students pursuant to (e).

## **DECISION**

Having considered the Exhibits filed, and based on the Member's plea of no contest and the submissions made by counsel for the College and counsel for the Member, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that the Member committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7-sexually), 1(14), 1(15), 1(16), 1(17), 1(18), 1(19) and contrary to sections 1 and 40 (1.1) of the Act.

## **REASONS FOR DECISION**

During the school year of 2005-2006, the Member became romantically involved with a grade [XXX] female student. The member had been the student's [REDACTED] in Grade [XXX]. In the 2005-2006 school year, when the student was in Grade [XXX], the Member was an advisor to the [REDACTED] where the student was [XXX]. During this time he was the coach of the girls' [XXX] team on which the [REDACTED] was a

██████████ Her family invited him on more than one occasion to their home to ██████████ ██████████ and he became friendly with the family to the extent that he was also invited to their home over the Christmas holiday. In the fall of 2005 he began to visit the student at her ██████████ where he ██████████ worked part-time. In January of 2006, when the student travelled to [XXX] with a group of student volunteers, the two of them spoke by telephone on several occasions.

In January of 2006, the Member was questioned about his involvement with this student by his school principal, who had received an anonymous telephone call with respect to this matter. The Member denied there was anything untoward happening.

Between March and June 2006, the Member and the student were alone at the Member's apartment on several occasions where there was touching of a sexual nature, but there was no sexual intercourse. On one occasion, the student's parents had seen her entering the parking lot of the Member's building. She told her parents that she was there to pick up a friend.

In the summer of 2006, and later in the fall of 2006, the student disclosed that she had been involved romantically with the Member since January of that year, that the relationship had become physical but denied that any sexual intercourse had taken place. She later recanted this statement and denied that there had been any physical relationship while she was still a student. She assumed part responsibility for the relationship and stated she did not see herself as a victim. Following an investigation by CAS and the police the Member was charged with sexual exploitation in July 2007. In 2008, the Member pleaded guilty to, and was convicted of, a charge of common assault. He received a suspended sentence, and was placed on probation for 12 months.

Rules 13.05 and 13.06 of the *Rules of Procedure of the Discipline Committee of the Ontario College of Teachers* allow the Committee to accept as proof that an offence was committed by a person, where there is a finding of guilt and conviction in a Canadian court, provided that there is no evidence to the contrary and no appeal has been granted.

It is uncontested that on May 26, 2008, the Member pleaded guilty to and was convicted of the charge of common assault of a Student. The Member was given a suspended sentence and placed on probation for 12 months, the terms of which were that he report when and as required, and that he attend for treatment or assessment if he is directed to do so. (Exhibit 3, Tab D) There is no evidence of an appeal of the conviction or the sentence.

The conviction of common assault is relevant to the Member's suitability to hold a Certificate of Qualification and Registration and has caused a student to be put at risk pursuant to Ontario Regulation 437/97, subsections 1(16) and 1(17).

The Member engaged in an inappropriate relationship with a female student. The extent of the relationship involved sexual touching which is defined in sections 1 and 40(1.1) of the *Act*. While there is no evidence that sexual intercourse occurred, the definition of sexual abuse includes touching of a sexual nature. This behaviour is deemed by the committee to be sexual abuse of a student of a nature as defined in the *Act*, Sections 1 and 40 (1.1) and a breach of Ontario Regulation 437/97 subsection 1(7) – sexually.

Teachers are expected to uphold the highest standards and not to engage in any conduct which will bring the profession into disrepute. They are also expected to act as role models for the students they teach. In engaging in conduct of this nature, the Member has

failed to maintain the standards of the profession contrary to Ontario Regulation 437/97 subsection, 1(5). The Committee also finds that the Member's conviction of assault of a student as outlined herein constitutes professional misconduct and demonstrates that he has breached his responsibilities, contrary to Ontario Regulation 437/97 subsections, 1(14), and 1(15).

The Committee finds this type of relationship between a student and a teacher to be very serious. It is extremely important that teachers recognize the appropriate boundaries that must be maintained between a student and a teacher. In engaging in an inappropriate relationship with a student where sexual touching occurred, the Member failed to do this. This misconduct reflects poorly upon the teaching profession and would reasonably be seen by other members of the profession to be disgraceful, dishonorable and unprofessional and conduct unbecoming a member contrary to Ontario Regulation 437/97 subsections 1(18) and 1(19).

## **PENALTY**

Counsel for the College called the following evidence with respect to penalty:

### *Evidence of Student's Mother*

The mother of the Student testified on behalf of the College with respect to how the relationship between the Member and the student had impacted her family. She first learned of the relationship in September 2006, while [REDACTED] She was stunned, shocked, did not have a lot of emotion and indicated this was not something she ever expected to happen. When questioned by College counsel about the impact this had on her daily life, she indicated that it was stressful for the first month and throughout the criminal proceedings. She was irritable, angry and depressed within the family unit.

She indicated her husband tried to keep things grounded for her but that she tended to push him away when she was stressed. When questioned whether this situation had impacted her view of the teaching profession, she responded she felt betrayed and these things should not happen when we put our trust in teachers. As to her present relationship with her daughter, she indicated they have a good relationship. They just don't talk about her daughter's continued relationship with the Member.

Under cross-examination, counsel for the Member questioned the mother about her relationship with the Member prior to the criminal charges. She indicated that the Member had been a guest in her home on several occasions, that he was pleasant company and that he had last visited in February 2006.

The mother indicated that while in high school, her daughter was [REDACTED]

[REDACTED] She had graduated from high school with a bursary, was a focussed and purposeful student. She has also completed two years of university while holding down two part-time jobs. She is presently working full time but intends to return to university.

The mother indicated it had been difficult to see her daughter's name in print and the attention that it brought to her daughter. She expressed concern with the deception, the difference in age, and the fact that the Member was in a position of trust as a teacher. She said that her daughter and the Member began living common-law in November 2008 but she did not agree with common-law relationships. She indicated however that she currently maintains frequent communication with her daughter.

Counsel for the Member tendered the following evidence on the issue of penalty:

Counsel for the Member submitted into evidence a psychiatric report dated April 19, 2008 (Exhibit 4), a psychological report dated February 9, 2009 (Exhibit 6) and the curriculum vitae of the two practitioners (Exhibits 5 & 7). In addition, the Committee was supplied with a book of letters of reference from character witnesses (Exhibit 8) and the curriculum vitae of the Member (Exhibit 9).

### **Penalty Submissions of College Counsel**

Counsel submitted that a decision on penalty has to be based on the facts and that there was only one set of facts in that all allegations have been decided. Sexual abuse of a student is the most aggravating fact.

Counsel for the College submitted that the only appropriate penalty in this case was revocation of the Member's certificate for the following reasons:

#### Protection of the public and future students

College cited from the Reasons for Sentence of Justice Karam, Exhibit 3, page 21, "...a breach of his responsibilities as an educator, and of course, reflects very badly upon not only himself, but the teaching profession." p.22 – "...deterrence must be the primary focus of sentencing." p.23 "...I expect that Mr. Grimstead may never have the opportunity to teach again in a formal setting."

Counsel posed the question to the Committee: how likely is this behavior to be repeated? He referred to Exhibit 4, Psychiatrist's Report where the psychiatrist comments regarding the opportunity for re-offence: "Should Mr. Grimstead not be in a position of authority

there would likely be a very low risk of recidivism. Should he again be placed in such a position, it is very difficult to determine what risk, if any, he would present to future students...I would only expect a likelihood of re-offence to exist should Mr. Grimstead be placed in a position of authority.” College counsel submitted that this was not good enough to protect students in the future.

#### Protection, preservation and restoration of public confidence in the profession

The Member’s behaviour has brought the profession into disrepute. Counsel submitted that no penalty other than revocation would suffice.

#### General deterrence

Counsel submitted that the penalty should send a strong message to the profession. If the Member were to be placed back in the classroom, this would not send the appropriate message. Counsel indicated that the collusionary nature of the relationship between the Member and the Student was not material to the issue. Sexual abuse of a student is wrong and should not be tolerated.

Counsel asked the Committee to consider the following aggravating factors:

1. Harm done by Member’s behaviour to:

- The student/victim. The Member knew his behaviour was wrong. The relationship was still ongoing at the time of the hearing. His behaviour damaged familial relationships. The Member’s other career successes should not matter. His behaviour was harmful.

- Family and family life. The Member's behaviour was upsetting. Counsel reminded the Committee that when you invite a teacher into your home you don't expect him to have sex with your daughter.
- The profession. The Member's behaviour does not elevate the public's view of the profession.

2. The Member's lack of remorse and understanding:

When the Member's principal asked about the relationship, the Member denied its existence. By his plea of no contest, the Member has agreed with the facts.

3. The Member does not accept that this situation is wrong.

Counsel referred to Exhibit 6, psychologist's report, page 5, paragraph 7 "He is not sure if the relationship is wrong. From an ethical standpoint he is undecided but he understands that "from a teacher's perspective it's one of those known things – not to get involved with students." Counsel submitted the Member was ethically unsure but knew of his error. Page 6, paragraph 3 indicates that the Member felt his relationship with the student was more compelling than his career.

Exhibit 4, page 12, paragraph 5: "I have some regrets...at the same time I have met this amazing person in my life and I don't regret that." "Who are these people to judge me?" College counsel submitted that the doctors' reports show that the Member thinks he has not done anything wrong. The Member understands that he broke the rules but thinks in his heart of hearts he has not done anything wrong.

4. No psychological/psychiatric reason for the relationship to have occurred.

Exhibit 6, Psychologist's Report, page 8: Formulation and Recommendations "...there is nothing by way of mental disturbance, personality disorder or intellectual limitation to explain his behaviour."

Exhibit 4, page 19, Psychiatrist's Report: Diagnosis and Formulation "...it is not my opinion that this gentleman suffers from a personality disorder."

Counsel posed the question: Is revocation necessary to protect the public interest, and also that of students? He indicated that the answer to the question should be in the affirmative. Counsel suggested that aggravating/mitigating factors should only be considered if the Committee is considering suspension as a penalty.

### **Penalty Submissions of Counsel for the Member**

Counsel for the Member argued that what was admitted to the Committee was a limited set of facts. Both parties agreed to the fact that there were two occasions of physical touching of a sexual nature. Although the Member was in a position of authority, he was not in a position of control. The expertise of the psychiatrist and the psychologist was not challenged by the College. A complete and open disclosure of all court documents was provided to these doctors. Their reports suggest the Member is not a high risk for re-offence but is a candidate for remediation i.e. working towards getting back into the profession.

Doctor Pollock felt that the Member was seeking to find answers or clarification. Each doctor recommended therapy, one specifically talking about mentoring upon a return to the classroom and the other talking about a course in boundary violations. In the report, the nature or gravity of the allegations was deemed to be at the lower end of the scale.

The Committee was asked to consider the fact that there were only two occasions of misconduct, the emotional well being of the victim, and her age. There appears to be no evidence of negative impact. Victim evidence was provided by the mother but the victim herself was not called as a witness. The issue of victim impact should not only take into account impact at the time, but lasting impact. Member's counsel asked the Committee to consider the question: what is the impact today? The mother and the victim have resolved their issues in that they are not necessarily in agreement but they are mother and daughter again.

In response to College counsel's argument that the Member showed a lack of remorse and understanding, the Member's counsel referred the Committee to *Exhibit 6, Report of Dr. Pollock, Psychologist*. On page 4 Dr. Pollock indicates the Member "has evidently given a good deal of thought to the circumstances and psychological issues leading to his involvement with (the student)...Emotionally, Mr. Grimstead demonstrated appropriate concern about his situation".

On page 5 Dr. Pollock states that the Member further indicated that he "is concerned about the harm he has done. He feels he may have harmed the public perception of the teaching profession...Mr. Grimstead also believes that students have been hurt. He said he could think of ways in which his actions have harmed other students".

On page 9, paragraph 4 Dr. Pollock indicates that the Member "clearly understands the inappropriateness of such a relationship...He understands as well that he violated boundaries established to prevent such harmful consequences. He also accepts full responsibility for his actions."

*Exhibit 4, Report of Dr. Pearce*

On page 12, Dr. Pearce indicates that Mr. Grimstead “was able to recognize that he was in a position of power; and that...Mr. Grimstead acknowledged responsibility for his actions,”

Addressing the issue of future risk, Member’s counsel drew the Committee’s attention to Exhibit 6, pages 8 & 9 wherein Dr. Pollock states that “based on the SVR-20 schema (a forensic assessment instrument which provides a systematic evaluation of risk based upon existing clinical research), Mr. Grimstead’s risk of future sexual misconduct appears to be negligible”.

Member’s counsel also drew the Committee’s attention to Exhibit 4, page 24. In reference to the risk posed by the Member, Dr. Pearce concludes that given “this gentleman’s characterological structure and the numerous variables that contributed to his behaviour, I would expect that there would be a low likelihood of future recidivism.”

With respect to the issue of rehabilitation, Member’s counsel referenced Exhibit 6, page 9, paragraph 6, it is the opinion of Dr. Pollock that “Mr. Grimstead is sufficiently intelligent, motivated and psychologically minded to benefit from ...assistance.” He also noted that in Exhibit 4, page 13 Dr. Pearce reported that the Member “indicated his willingness to participate actively in any treatment as recommended by either myself or his licensing body.”

Member’s counsel addressed the issue of grooming by referring to Exhibit 4, page 23 wherein Dr. Pearce indicates that in “reviewing Mr. Grimstead’s history, there is no suggestion that he is a callous, unempathic or manipulative individual...and although it is

difficult to ascertain the true nature of his intentions, in this case I believe that it is most likely that he was genuine in his pursuit of (the student).”

Member’s counsel asked the Committee to consider other mitigating circumstances: loss of income, future pension benefits and future earnings, voluntary 28-month suspension, lost position of employment, charge of criminal offence, voluntary visits to Drs. Pearce and Pollock and his previously unblemished teaching record. Given all the mitigating circumstances, Counsel submitted that the general public, the teaching profession and the community would accept suspension as the appropriate penalty. Suspension may or may not afford the Member the opportunity to teach again.

#### **ADVICE OF INDEPENDENT LEGAL COUNSEL**

Independent Legal Counsel (ILC) advised the Committee that the goal of its penalty decision was not to punish the Member and exact retribution but rather to protect the public, maintain the high professional standards of the profession and to provide public confidence in it. In doing so, the Committee should consider general and specific deterrence, along with rehabilitation and remediation. He reminded the Committee that it needed to consider the nature and seriousness of the misconduct, the Member and complainant’s circumstances, and the mitigating and aggravating factors.

#### **PENALTY DECISION**

The Committee makes the following order as to penalty:

1. The Registrar is directed to suspend the Member’s certificate of qualification and registration for a period of two (2) years commencing from the date of this written decision.

2. The Member is directed to attend before the Committee at a date to be determined, following the hearing of this matter to receive a reprimand, which reprimand is to be recorded on the public register of the Ontario College of Teachers.
3. The Registrar is directed to place the following terms, conditions and limitations on the Member's certificate of qualification:
  - (a) prior to returning to employment where a certificate of qualification and registration is required, the Member shall complete a course of instruction at his expense by a practitioner, pre-approved by the Registrar, regarding maintaining appropriate boundaries in student-teacher relations and within (30) days of his completion of this course, he shall provide evidence to the Registrar in writing, of his successful completion of same;
  - (b) prior to the Member returning to employment, he shall also provide to the Registrar a written certificate from a psychologist indicating that he or she has reviewed a copy of the Decision and Reasons of the Discipline Committee relating to this matter and that he or she has examined the Member, at the Member's expense, no earlier than sixty (60) days before the intended date of return to work, and found that the Member is able to return to full-time classroom duties without causing risk of harm or injury to students or the school community;
  - (c) prior to the commencement of his employment, the Member shall provide a copy of the Decision and Reasons of the Discipline Committee relating to this matter to his employer and he shall request that his employer conduct a performance appraisal each school year for two (2) years. The Member shall provide copies of the reports of such performance appraisals to the Registrar within thirty (30) days

of their completion or his receipt of same, whichever is the later. If two assessments of the Member's performance are not carried out within the two years, the Member shall inform the Registrar.

4. 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, with the name of the Member in the official publication of the College, *Professionally Speaking/Pour parler profession.*

#### **REASONS FOR PENALTY DECISION**

In making its decision the Committee considered seriously the penalty submissions of both counsel. In deciding not to revoke the Member's certificate, the Committee weighed both the aggravating and mitigating factors. While the definition of sexual abuse includes touching of a sexual nature, there is no evidence that sexual intercourse occurred. The member engaged in an inappropriate relationship with the student. In criminal court he pleaded guilty to and was convicted of common assault but pleaded not guilty to a charge of sexual touching of a young person while in a position of trust. The member was not sentenced to a jail term but instead received a term of probation. The Member has no prior record of misconduct. There was no evidence presented that this was a situation where the Member was involved in any way in grooming the student for his own sexual gratification. The College witness, the mother of the student did not offer any evidence that the member had brought irreparable harm to her family. In fact she testified that she continued to have a very good relationship with her daughter to this day, despite the fact that her daughter and the Member continue to be involved in a

relationship. Lastly, based on the medical reports submitted, risk of future misconduct appears to be negligible.

The Committee found the Member's conduct to be unbecoming a member of the profession and constituted acts of professional misconduct. While the Committee determined that a serious penalty was warranted, taking into account the mitigating factors listed above, it did not consider revocation to be appropriate in this circumstance.

The Committee therefore found that a two year suspension was a suitable penalty. In his submissions, Member's counsel advised the Committee that on December 21, 2006, the Member entered into an undertaking with the College not to teach while a disciplinary proceeding into this matter was pending. By the time the suspension is lifted, the Member will not have been in a position to teach for a period of approximately four and one half years. The length of the suspension acts as a specific deterrent to the member, and as a general deterrent to the profession and denounces the unacceptable and inappropriate behaviour of the Member.

The Committee determined that based on the medical reports submitted, the Member is a suitable candidate for rehabilitation and presents a low risk for recidivism. The Member understands that he violated boundaries, accepts responsibility for his actions, and regrets putting his career on the line. The suspension allows for this rehabilitation.

The Member engaged in an inappropriate relationship with a student. This constituted a serious breach of trust and crossed the appropriate boundary that must always be maintained between a student and teacher. Enrolment in a pre-approved professional boundaries course, at the Member's own cost, will ensure the Member fully understands the importance of respecting boundaries as a teaching professional.

The Committee considered public protection and the potential risk of harm to future students. Therefore, the Committee also recommended ongoing counseling as the Member needs to explore more fully the psychological dynamics which lead him to jeopardize his career.

Before returning to employment, the member must provide to the Registrar a written certificate from a psychologist indicating that the Member is deemed able to return to full-time classroom duties without causing risk of harm or injury to students or the school community. The Member is also required to submit to the Registrar any performance appraisals conducted for two years.

The severity of this penalty is demonstrated via significantly extensive terms and conditions placed on the Member's certificate. These terms and conditions provide a means of further monitoring the Member's actions and progress. If adhered to, the Member has the opportunity to show the College that he is sufficiently motivated to benefit from such assistance and affords the Member the opportunity to re-enter the profession and make a meaningful contribution.

A reprimand by his peers and on behalf of his profession, will act to further reinforce the inappropriateness of the relationship between the Member and student, and the importance of respecting professional boundaries. More importantly, it acts as an official warning that such behaviour cannot and will not be tolerated. The fact of the reprimand will remain on the Member's certificate for a period of three years. This will serve as a general deterrent to the profession and inform the profession and the public that the College takes professional misconduct seriously.

The Committee ordered publication of the finding and order with the name of the Member in *Professionally Speaking/Pour parler profession*. Publication with the name provides the transparency and openness demanded by the public as well as providing a general deterrence to the membership.

The Committee found that the decision and penalty is reasonable in the circumstances and in the public interest. The goals of penalty: specific and general deterrence, rehabilitation of the Member, public protection, maintenance of professional standards, denunciation of the misconduct, and transparency of the process have been achieved. The severity of the penalty: suspension (both voluntary and mandatory), extensive terms and conditions, monitoring by a professional, a reprimand by his peers and publication with his name informs the public and the profession that the College responds seriously to this kind of misconduct.

Dated: July 9, 2009

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John Tucker  
Chair, Discipline Panel

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Rosemary Fontaine  
Member, Discipline Panel

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Hanno Weinberger  
Member, Discipline Panel