

**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 Patrick Elliot Hall, a member of the Ontario College of Teachers.

PANEL:            Annilee Jarvis, Chair  
                      Dean Favero  
                      John Tucker

BETWEEN:	)	
	)	Caroline Zayid,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -	)	
	)	
PATRICK ELLIOT HALL	)	Simon Blackstone,
CERTIFICATE #430572)	)	Green & Chercover
	)	for Patrick Elliot Hall
	)	
	)	Paul Le Vay,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: September 12, 2007

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on September 12, 2007 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated April 18, 2005, was served on Patrick Elliot Hall, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on May 16, 2005 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for September 12, 2007.

Patrick Elliot Hall was in attendance at the hearing.

## **THE ALLEGATIONS**

The *Notice of Hearing* sets out the following allegations:

**IT IS ALLEGED** that Patrick Elliot Hall is guilty of professional misconduct as defined in section 30(2) of the Ontario College of Teachers Act (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, and/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 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);  
and

- (e) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19).

At the hearing on September 12, 2007 College counsel sought to withdraw the particular allegation contained in paragraph (b) of the *Notice of Hearing*, being an alleged breach of Ontario Regulation 437/97, subsection 1(7). The Committee agrees that this allegation shall be withdrawn.

### **AGREED STATEMENT OF FACTS**

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced an *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty (ASF – Exhibit 2)*.

The *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* provides as follows:

1. Patrick Elliot Hall (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 Peel District School Board, (“the Board”), and taught [ ] and [ ] at [ ] (“the School”). The Member also coached the School’s girls’ wrestling team.
3. During the 2003 / 2004 academic year, [ ], was a [ ] year old Grade [ ] student at the School. During this time [ ] was not in the Member’s class, but had

previously been taught by the Member. The Member recognized that [REDACTED] had developed an infatuation with him.

4. Notwithstanding the Member's awareness that [REDACTED] had a crush on him, the Member acted in a manner that was inappropriate and unprofessional, in that:

- (a) the Member was alone with [REDACTED] in his car on more than one occasion;
- (b) the Member engaged in conversations of a personal nature with [REDACTED]; and
- (c) the Member received many phone calls from [REDACTED] requesting that they "hang out".

5. Following the incidents described in paragraph 4, in about June of 2004, the Member met with [REDACTED] at a Tim Horton's near the School. At this time the Member asked [REDACTED] if she had feelings for him, and when she indicated in the affirmative, the Member informed [REDACTED] that they could not "do anything" because of their student/ teacher relationship. [REDACTED] was very upset by this information and the Member hugged [REDACTED] in order to console her.

6. At no time did the Member disclose his relationship with [REDACTED] to any responsible authority, nor did the Member seek professional assistance regarding the appropriate manner in which to deal with [REDACTED] and her feelings.

7. The Member acknowledges that the relationship that developed between himself and [REDACTED] was inappropriate and unprofessional and the Member acknowledges that he should have acted sooner and sought appropriate assistance in dealing with [REDACTED]

## **PLEA OF NO CONTEST**

8. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 7 above (the “admitted facts”). The Member hereby acknowledges that the admitted facts and exhibits referred to in paragraphs 4 through 7 above, constitute conduct which is unprofessional and pleads no contest to the allegations of professional misconduct against him being more particularly breaches of Ontario Regulation 437/97 1(5), (14), (15), (18) and (19).

9. By this document, the Member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) he understands that by pleading no contest to the allegations, he is waiving the right to require the College to prove the case against him, and the right to have a hearing;
- (c) he voluntarily decided to plead no contest; and
- (d) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and with the benefit of legal counsel.

10. 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**

11. 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 Member to immediately appear before the Committee to be admonished, and the fact of the admonishment to be recorded on the Register of the Ontario College of Teachers;
- (b) direct the Member to enrol in and complete, at his own expense, within four (4) months from the date of this Order, a course of instruction, pre-approved by the Registrar, regarding appropriate boundaries and boundary violation issues and the Member shall deliver directly to the Registrar, proof of the successful completion of the course within thirty (30) days of its completion; and
- (c) direct that there be publication of the findings and order of the Committee, in summary form, in the official publication of the College.

12. The parties have not agreed whether or not the publication referred to in paragraph 11(c) above shall include the name of the member and submissions will be made to the Committee on this issue.

13. By this document, the Member acknowledges his 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 plea of no contest, the *Agreed Statement of Facts, Plea of No Contest 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 Patrick Elliot Hall committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(14),1(15), 1(18) and 1(19), as set out in the *Notice of Hearing*.

## **REASONS FOR DECISION**

The Member pleaded no contest and acknowledged that the facts as agreed to and as described in paragraphs 4 through 7 of the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* (ASF - Exhibit 2) constitute conduct which is unprofessional.

The Committee accepted the Member's plea of no contest and the evidence contained in the *Agreed Statement of Facts, Plea of No Contest, and Joint Submission on Penalty*.

The Committee determined that the Member's conduct did not comply with the standards of the profession or the Education Act. The Member acted in an unprofessional manner by neglecting his position of trust and authority. He allowed a personal relationship to develop with a student, which extended beyond the school environment. The Member did not seek professional assistance regarding the appropriate manner by which to deal with the student and her infatuation with him.

Teachers are expected to maintain appropriate professional relationships with their students and respect the boundaries of the teacher/student relationship. The Member

was alone with a student in his car on more than one occasion, engaged in conversations of a personal nature with her and received many phone calls from her. Hence, the Committee determined that the Member's conduct was unbecoming a Member of the profession.

## **PENALTY**

After reviewing the Agreed Statement of Facts, College Counsel submitted that publication of the Member's name acts as a general and specific deterrent. Counsel indicated that publication of the name was a very troubling issue to the Member and would therefore serve as a specific deterrent. Counsel submitted that publication of the Member's name advises the public and sends a clear message to the profession that this type of behaviour is unacceptable.

Counsel for the Member requested that the name of the Member not be published. He submitted that there would be no rehabilitative impact on the Member by publishing his name. Publication might inhibit the possibility of re-establishing the Member's career. Counsel acknowledged that this was a boundary violation but said that it was not of the most severe nature. Counsel further stated that this was an isolated incident in the distant past and did not involve touching, manipulation or sex. Counsel submitted that general deterrence could be achieved without publication of the Member's name.

## **PENALTY DECISION**

The Committee makes the following order as to penalty:

- (a) The Member is required to appear before the Committee immediately following the completion of the hearing of this matter to be admonished, and the fact of the admonishment is to be recorded on the Register of the Ontario College of Teachers;
- (b) The Registrar is directed to impose the following terms, conditions or limitations on the Member's Certificate of Qualification and Registration:
  - (i) the Member is to enrol in and complete, at his own expense, within four (4) months from the date of this Order, a course of instruction, pre-approved by the Registrar, regarding appropriate boundaries and boundary violation issues and the Member shall deliver directly to the Registrar, proof of the successful completion of the course within thirty (30) days of its completion; and
- (c) The Committee directs that there be publication of the findings and Order of the Committee in summary form, without the name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

## **REASONS FOR PENALTY DECISION**

The admonishment of the Member by his peers in respect of his inappropriate conduct serves to reinforce the necessity to maintain appropriate boundaries. It will further remind the member to uphold the standards of the profession and not to engage in

conduct unbecoming a member. The fact that the admonishment will be recorded on the Register also serves as a specific deterrent.

Members of the profession must be aware of expectations regarding professional behaviour and not engage in unprofessional conduct. The course of instruction in appropriate boundaries and boundary violation issues will serve to clarify for, and reinforce to, the Member the need to maintain these boundaries.

With respect to the issue of publication of the Member's name, the Committee concluded that publication of the findings and order of the Committee, in summary, in *Professionally Speaking/Pour parler profession* would serve as a general deterrent to the profession. The Committee, while recognizing the boundary violation, accepted the submission of the Member's counsel that it was not of the most severe nature. The Committee concurs that the Member's misconduct was not the most severe in that:

- he informed the student of the inadvisability of further developing their personal relationship by stating that they could not "do anything" because of their student/teacher relationship;
- he acknowledged that the relationship was inappropriate and unprofessional;
- he recognized he should have acted sooner and sought professional assistance in dealing with the student.

The Committee also considered that the actions giving rise to the misconduct were isolated incidents. Therefore the Committee did not publish the name of the Member. Publication in summary, even without the name of the Member, serves as a general deterrent to the profession.

The Committee is satisfied that the penalty is appropriate in the circumstances and serves to protect the public interest.

Date: October 4, 2007

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Annilee Jarvis  
Chair, Discipline Panel

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Dean Favero  
Member, Discipline Panel

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John Tucker  
Member, Discipline Panel