

MEMORANDUM OF AGREEMENT

B E T W E E N :

Ontario College of Teachers

- and -

Sarah Katarina Harper

WHEREAS Sarah Katarina Harper is a member of the Ontario College of Teachers;

AND WHEREAS, W. Douglas Wilson, Registrar and Chief Executive Officer (the "complainant") has filed a complaint, dated July 2, 2003, with respect to the conduct or actions of Sarah Katarina Harper;

THE PARTIES to this agreement are the Ontario College of Teachers (the "College") and Sarah Katarina Harper (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.

The parties agree to resolve the complaint as follows:

1. the member acknowledges that she engaged in professional misconduct in that she misappropriated funds raised by students, designated to finance a grade 8 year-end trip, and removed funds from the grade 8 trip account without authority and for her own purposes;
2. the parties agree and understand that the terms of this MOA constitute a proposed settlement of this matter and that the terms are subject to ratification by the Investigation Committee of the College. Accordingly, this MOA is not considered final and binding on the parties until such time as it is ratified by the Investigation Committee;
3. the parties agree and undertake that if the Investigation Committee ratifies this MOA, there shall be no appeal of any or all of the terms of this agreement, to any forum of the College;
4. the parties agree and undertake to take no further action with respect to the complaint provided that the terms of this MOA are complied with;
5. the parties acknowledge that the member resigned from the Huron-Superior Catholic District School Board effective May 22, 2003;

6. the parties acknowledge that the member undertook not to seek or engage in employment where a certificate of qualification and registration is required during the 2003 / 2004 academic school year;
7. the member agrees and undertakes not to seek or engage employment where a certification of qualification and registration is required for a period of fourteen (14) months commencing on the date of ratification of the MOA;
8. the member agrees and undertakes that upon ratification of this MOA by the Investigation Committee, she will immediately surrender her certificate of qualification and registration to the Registrar of the College;
9. subject to compliance with this MOA, the parties agree and understand that upon conclusion of the member's fourteen (14) month suspension, the College will return the member's certificate of qualification and registration to her;
10. subject to compliance with this MOA, the parties agree and understand that upon conclusion of the member's fourteen (14) month suspension, the member's status will return to "Good Standing";
11. with respect to employment where a certificate of qualification and registration is required, the member agrees and undertakes not to utilize the funds or credit card of any current or future employer for personal purchases unless expressly authorized to do so;
12. the member agrees and understands that the College will publish her name with a summary of the complaint and its resolution as contained in this MOA. Such publication will be made in the College's official publication, *Professionally Speaking/Pour parler profession*, on the College's website, and/or in such other manner as the Registrar and Chief Executive Officer deems appropriate;
13. the member agrees and understands that the public register maintained by the Registrar, in accordance with section 23 of the *Ontario College of Teachers Act, 1996*, will include the following notation:

Sarah Katarina Harper has undertaken not to seek or engage in employment where a certificate of qualification and registration is required for fourteen (14) months from <<insert date of ratification of MOA by the Investigation Committee>>. At the time of the undertaking, a professional misconduct investigation was in progress at the College regarding the member's inappropriate use of school funds;

14. the member agrees and undertakes that upon ratification of the MOA by the Investigation Committee, the College will maintain a copy of the Decision of the Investigation Committee, including this MOA, in the College's Margaret Wilson Library. The Decision will be available for public review;

15. the member agrees and undertakes to immediately inform the Registrar of any:
 - (a) disciplinary action against her arising from misuse of employer resources; and
 - (b) future criminal charges or convictions against her;
16. the member agrees and understands that the College will provide notice of the suspension of her certificate of qualification and registration to any Canadian school or school board, any Canadian teacher federation or affiliate, the Ontario Directors of Education and Heads of Private Schools, and the teacher licensing and governing bodies in Canada and elsewhere who are routinely notified by the College of such disciplinary action;
17. pursuant to section 43.4 of the *Ontario College of Teachers Act, 1996*, the member agrees and understands that if the Investigation Committee ratifies this MOA, the College will provide the member's former employer, the Huron-Superior Catholic District School Board, with the committee's Decision and Reasons, including this MOA;
18. the parties agree and understand that if any phrase or paragraph of this MOA is null and void, the MOA shall be read as though the phrase or paragraph was stricken from the MOA and the amended MOA shall remain in force and effect;
19. the member understands the nature of the allegations that have been made against her;
20. the member understands that by admitting the allegations, she is waiving the right to require the College to prove the case against her and the right to have a hearing;
21. the member agrees that she voluntarily admitted the allegations against her;
22. the member agrees and understands that if she commits a material breach of this MOA including seeking or engaging in employment where a certificate of qualification and registration is required, the College may provide a copy of this MOA to any employer, licensing body, or education authority who inquires about the member's record with the College;
23. the member agrees and understands that, in the event she commits a material breach of this MOA, the College may conduct an investigation or hearing into this matter as permitted under the *Ontario College of Teachers Act, 1996*;
24. the member agrees and understands that, in the event she commits a material breach of this MOA, she is estopped from alleging, by way of defense, that the College failed to investigate or dispose of the complaint in a timely manner and that she has been prejudiced by such delay;
25. the member agrees and understands that, in the event she commits a material breach of this MOA, the College is entitled to enter before the Executive, Investigation,

