

**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 Shaen Alexander Harrison, a member of the Ontario College of Teachers.

PANEL: Rosemary Fontaine, Chair
 Dean Favero
 John Tucker

BETWEEN:)	
	)	Erica Richler,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
)	
SHAEN ALEXANDER HARRISON)	)	Andrea Wobick,
(CERTIFICATE #463850)	)	Green & Chercover,
	)	for Shaen Alexander Harrison
)	
)	
	)	Luisa Ritacca,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: February 24, 2009

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on February 24, 2009 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated November 13, 2008 (Exhibit 1) was served on Shaen Alexander Harrison (the “Member”), providing him with notice that the Discipline Committee of the Ontario College of Teachers would meet on November 25, 2008 to set a date for a hearing, and specifying the charges. The Discipline Committee set February 24, 2009 as the date for the hearing on the merits.

The Member was not in attendance at the hearing.

THE ALLEGATIONS

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

IT IS ALLEGED that Shaen Alexander Harrison is guilty of professional misconduct as defined in sections 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 failed to comply with the *Act* or 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);
- (c) 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);
- (d) 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);
- (e) 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

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

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)*, which provides as follows:

1. Shaen Alexander Harrison (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 as an occasional teacher by the Greater Essex County District School Board (the “Board”).
3. Between the approximate dates of 18 February 2005 and 21 May 2005, the Member being in a position of trust or authority towards A, and B, young persons who were [XXX] years of age:
 - (a) in or around February 2005, in the Town of [XXX], slept in the same bed as A and B:
 - (b) while A was sleeping, placed his hand down the front of A’s pants;
 - (c) in or around May 2005, in the Town of [XXX], slept in the same bed as B;
and
 - (d) while B was sleeping, placed his hand down the front of B’s pants.

4. On or about 14 July 2008, the Member pleaded guilty before the Ontario Court of Justice to a charge that: between 19 May 2005 and 21 May 2005, at the Town of [XXX] and elsewhere in the Province of Ontario, the Member did commit an assault on B, contrary to Section 266 of the *Criminal Code* (Canada). A further charge with respect to A was withdrawn at the request of the Crown.

5. At the time of the trial, on or about 14 July 2008, the Member made admissions to the court with respect to his inappropriate conduct towards A and B.

6. On or about 14 July 2008, the Member was granted a conditional discharge and placed on probation for a period of six months. In addition, an Order was issued [XXX].

7. The Probation Order issued on 14 July 2008 included the provisions that the Member:

(a) not associate, contact or hold any communication directly or indirectly with A or B; and

(b) not attend within one hundred metres of any residence, place of school or employment or anywhere he happens to know where the complainants A or B may be.

8. A certified copy of the Information issued on 14 July 2008 against the Member showing the details of the Plea of Guilt and of Sentencing referred to above is attached as **Exhibit “B”**. Also attached as **Exhibit “C”** is a certified copy of the Probation Order.

9. A transcript of the court proceedings on 14 July 2008 in the Ontario Court of Justice is attached and marked as **Exhibit “D”**.

PLEA OF NO CONTEST

10. By this document, the Member admits, for the purposes of this proceeding only, the truth of the facts and Exhibits referred to in paragraphs 1 to 9 above (“the Admitted Facts”). The Member hereby acknowledges that the facts referred to in paragraphs 3, 4 and 6 above, constitute professional misconduct 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), (16), (17), (18) and (19).

11. By this document, the Member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) he understands that by signing this document, he is consenting to the evidence and Exhibits as set out in paragraphs 1 to 9 above, being presented to the Discipline Committee at the hearing of this matter;
- (c) 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 full hearing on these issues; and
- (d) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and with the advice of legal counsel.

12. The Member provides this plea of no contest pursuant to rule 3.02 of the *Rules of Procedure* of the Discipline Committee under protection of the *Evidence Act*, R.S.O. 1990, Ch. E23 for the purpose of this proceeding under the *College of Teachers Act*, 1996, Chapter 12 and for no other purpose. The Member’s plea of no contest does not

constitute an admission by the Member as to the facts or findings in any other civil, criminal or administrative proceedings.

13. In light of the uncontested 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

14. 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) directs the Registrar of the Ontario College of Teachers to immediately revoke the Certificate of Qualification and Registration of the Member;
and
- (b) directs that the findings and Order of the Committee in summary form, including the Member's name, be published in the official publication of the College, Professionally Speaking/Pour parler profession.

15. 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 Member's plea of no contest and the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, 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 Shaen Alexander Harrison committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(16), 1(17), 1(18 – disgraceful and dishonourable) and 1(19).

REASONS FOR DECISION

The Member acknowledged that the Agreed Facts described in paragraphs 3, 4 and 6 of the *Agreed Statement of Facts, Plea of No Contest, and Joint Submission on Penalty* (ASF - Exhibit 2) constitute professional misconduct and pleaded no contest to these allegations of professional misconduct. The Committee accepted the Member's plea of no contest and the facts contained in the *Agreed Statement of Facts, Plea of No Contest, and Joint Submission on Penalty*.

The Member acknowledged that he was in a position of trust or authority towards A and B, young persons who were [XXX] years of age. In this capacity, on one occasion, he slept in the same bed as A and B, and while sleeping with them he placed his hand down the front of A's pants. On another occasion, while sleeping in the same bed as B, he placed his hand down the front of B's pants. The Member subsequently pleaded guilty to and was convicted of committing an assault on B, contrary to Section 266 of the Criminal Code (Canada).

The Committee finds that the Member's actions and criminal conviction for assault of a [XXX] year old, as outlined herein constitute acts of professional misconduct. The Member's criminal conviction is evidence that he contravened a law, the contravention of which is relevant to his suitability to hold a Certificate and may cause students under his professional supervision to be put at risk.

The Member failed to maintain the standards of the profession, breached s. 264(1)(c) of the *Education Act*, engaged in conduct that would reasonably be regarded by members as disgraceful and dishonourable, and engaged in conduct unbecoming a member.

PENALTY DECISION

The Committee makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke the Certificate of Qualification and Registration of the Member, and
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, with the name of the Member in the official publication of the College, Professionally Speaking/Pour parler profession.

REASONS FOR PENALTY DECISION

The Member acknowledged placing his hand down the front of the pants of two [XXX] year old boys in his care. The Member subsequently pleaded guilty to and was criminally convicted of assault on one of these children. The Committee finds the Member's conduct is reprehensible and unbecoming a member of the profession. The Member abused the authority and trust vested in him without regard for the well being of the

children. The Member has forfeited the privilege of being a member of the teaching profession.

Accordingly, the Committee is satisfied that revocation of the Member's certificate of qualification and registration is the appropriate penalty for such disgraceful and dishonourable conduct.

Publication of the findings and order of the Committee, in summary, along with the name of the Member, provides a specific deterrent to the Member by identifying him and the nature of his misconduct. Publication alerts the profession and informs the public that such behaviour will not be tolerated and will result in revocation.

For all of the above reasons, the Committee is satisfied that this decision and penalty serves and protects the public interest.

Dated: February 24, 2009

Rosemary Fontaine
Chair, Discipline Panel

Dean Favero
Member, Discipline Panel

John Tucker
Member, Discipline Panel