

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISIONS AND ORDERS

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 Suzanne Marie Herbin-Baker.

The Discipline Committee held a hearing on October 15, 2001,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**SUZANNE MARIE HERBIN-BAKER
CERTIFICATE #180284**

PRESENT:

Members of the Panel

Guill Archambault (Chair)

Sterling Campbell

Diane Leblovic

The Honourable Patrick Galligan, Independent Counsel to the Panel

Will McDowell, McCarthy Tétrault, Counsel for the Ontario College of Teachers,
assisted by Trevor Evans, Senior Law Clerk

Gary Hopkinson, Green & Chercover, Counsel for the member

Suzanne Marie Herbin-Baker

A Notice of Hearing dated May 31, 2001 was served on Suzanne Marie Herbin-Baker, requesting attendance before the Discipline Committee of the Ontario College of Teachers on June 11, 2001 to set a date for hearing, and specifying the charges. The hearing date was set for October 15, 2001.

It is alleged that Suzanne Marie Herbin-Baker is guilty of professional misconduct 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(11);
- (c) she failed to supervise adequately a person or persons who were under her supervision; contrary to Ontario Regulation 437/97, subsection 1(11);
- (d) 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 that Act, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (e) she committed acts that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (f) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and

- (g) she displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of a student or students of a nature or extent that demonstrates that the member is either unfit to carry out her professional responsibilities or that the member's Certificate should be made subject to terms conditions or limitations.

On October 15, 2001, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Suzanne Marie Herbin-Baker was guilty of professional misconduct.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing alleging that Suzanne Marie Herbin-Baker is guilty of professional misconduct in that her acts were contrary to the Professional Misconduct Regulation made under the Ontario College of Teachers Act and filed as Regulation 437/97 on December 4, 1997, in particular, subsections 1(5), (7), (11), (14), (15), (18) and (19).

Counsel presented evidence that Suzanne Marie Herbin-Baker is a member of the Ontario College of Teachers (Exhibit #2). At all material times, the member was employed by York Regional School Board as a teacher.

An Agreed Statement of Facts was filed as Exhibit #1. That statement had been signed by L. Thomas Forbes, Q.C., McCarthy Tétrault on behalf of the College and by Gary Hopkinson, Green & Chercover on behalf of the member, Suzanne Marie Herbin-Baker.

FINDINGS OF FACT:

Based on the Agreed Statement of Facts, the panel finds the following facts:

- (1) Suzanne Marie Herbin-Baker is a member of the Ontario College of Teachers.
- (2) At all material times, the member was employed by the York Regional School Board as a teacher.
- (3) From September 1993, to February, 1998, the member was employed as a teacher at Middlefield Collegiate Institute, Markham.
- (4) The member, whose date of birth is March 11, 1961, taught Science and Physical Education to grades 9 to 12, and was the coach for the school's senior basketball team.
- (5) [] and [] were male students at the school and were members of the school's senior basketball team.
- (6) [] was a student of the school from September 1993 to June 1997, when he graduated.
- (7) [], whose date of birth is [], was in the following grades at the school, at the following ages, while the member was on the staff of the school:

September 1993 – June 1994, age 15-16, grade 10

September 1994 – June 1995, age 16-17, grade 11

September 1995 – June 1996, age 17-18, grade 12

September 1996 – June 1997, age 18-19, OAC year
- (8) The member taught Science to [] when he was in grade 10 during the 1993-1994

School year, and Aerobics and Weight Training in 1996-1997 during his OAC year. In addition, she tutored [REDACTED] in math on three or four occasions during his OAC year.

- (9) Between September 1993 and June 1997, the member maintained inappropriate relationships with members of the school's basketball team, in particular [REDACTED] and [REDACTED], by having long telephone conversations with them after school hours, and by parking in secluded areas with those students late at night.
- (10) Between September 1993 and June 1997, the member permitted [REDACTED] to drive her motor vehicle on one occasion when she knew that he did not hold a licence to drive motor vehicles.
- (11) In December of 1996, the member permitted [REDACTED] to drive members of a basketball team of the school to a tournament, without having first obtained parental consent for the students to be driven by [REDACTED]
- (12) Between September 1993, and June 1997, the member treated students at the school inappropriately by asking them personal questions about themselves and their relationships with the opposite sex, and when they refused to inform her, did not speak to the students for weeks at a time until they apologized.
- (13) Between September 1993 and approximately June 1997, the member picked up and dropped off some members of the basketball team before or after practice, and took them on shopping trips to the United States or within Canada to buy them sports clothing.

- (14) Between September 1994 and June 1997, the member psychologically, sexually and emotionally abused [REDACTED], by engaging in a relationship with him that was inappropriate given their relationship as a teacher and student in that she:
- (a) spent numerous hours with him to the exclusion of his family;
 - (b) spent several hours per week speaking to him on the telephone;
 - (c) permitted him to stay overnight, and for long periods of time at her residence;
 - (d) parked for hours at night in the street adjacent to, or in the driveway of, the student's home while engaged in conversation with him;
 - (e) purchased clothing, shoes and other items including stuffed animals and a chain for him. In addition, the member sent [REDACTED] greeting cards on his birthday, at Easter and at Christmas;
 - (f) on one occasion, permitted [REDACTED] to operate her motor vehicle before he had obtained his Ontario driver's licence, and permitted [REDACTED] to operate her motor vehicle after he had obtained his licence. Further, the member advised [REDACTED] that she had placed him on her insurance policy as a driver of the vehicle;
 - (g) took trips to the United States and in Ontario with [REDACTED], without obtaining the direct permission of his parents in that she would ask [REDACTED] to obtain permission and he would tell her that he had done so;
 - (h) maintained her relationship with [REDACTED], despite being told by his father, Mr. [REDACTED], that she had caused the family great pain and that she should leave [REDACTED] alone; and

- (i) engaged in numerous sexual acts, including intercourse, with [REDACTED], when he was 18 years of age, but while still a student.
15. On or about July 14, 1997, the member gave birth to a female child, the father of whom is [REDACTED]

DECISIONS AND ORDERS:

Accordingly, the Committee finds Suzanne Marie Herbin-Baker guilty of professional misconduct under subsections 1(5), (7), (11), (14), (15), (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke Suzanne Marie Herbin-Baker's Certificate of Qualification and Registration immediately.

Notice

It is important to the College's role in the governance of the profession to provide evidence to members that the College is active in self-regulation and is vigilant to breaches of its bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College's disciplinary Committees, and is, in the opinion of the panel, a practice that has significant general deterrent value.

The Committee has balanced the interests of the public and the interests of the child and in this case, the Committee has determined the need to publish the name of the member outweighs the desirability of protecting the identification of the member's child.

Pursuant to section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers.

**DATED AT TORONTO, THIS 19th DAY OF OCTOBER, 2001
BY ORDER OF THE DISCIPLINE COMMITTEE**

Guill Archambault, **Chair**

Sterling Campbell

Diane Leblovic