

**DISCIPLINE COMMITTEE**  
**ONTARIO COLLEGE OF TEACHERS**

**REASONS FOR DECISION 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 Elizabeth Ann Jeffrey, now known as Elizabeth Ann Carter

The Discipline Committee held a hearing on March 20, 2003,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**ELIZABETH ANN JEFFREY**  
**NOW KNOWN AS ELIZABETH ANN CARTER**  
**CERTIFICATE #266377**

**PRESENT:**

Members of the Panel:

Doug Carter, Chair

Pauline Demers

Nancy Hutcheson

Christopher Wirth, Stockwoods, Independent Counsel to the Panel

Nadine Carpenter, Dispute Resolutions and Intake Administrator, attending for the Ontario College of Teachers

Owen Wigderson, Wigderson and Associates on behalf of the Member

The Member was present.

A Notice of Hearing, dated January 6, 2003, was served on Elizabeth Ann Jeffrey (now known as Elizabeth Ann Carter), requesting attendance before the Discipline Committee of the Ontario College of Teachers on January 20, 2003, to set a date for the hearing, and specifying the charges against her. The hearing date was set for March 20, 2003.

It is alleged that Elizabeth Ann Jeffrey is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the *Ontario College of Teachers Act, 1996*, 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(7);
- (c) she failed to comply with the *Ontario College of Teachers Act, 1996*, and the *Education Act*, Revised Statutes of Ontario, 1990, c.E2 and specifically, paragraph 264(1)(c) thereof or the regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) she 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);
- (e) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) she engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1.) of the Act.

The Notice of Hearing provides that Elizabeth Ann Jeffrey is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

The hearing was held by the Discipline Committee of the Ontario College of Teachers, pursuant to sections 30, 32 and 40 (1.1) of the *Ontario College of Teachers Act, 1996*, for the purpose of determining whether the member had committed professional misconduct and whether the Memorandum of Agreement before the Committee would be accepted as a resolution and conclusion of this matter.

A Memorandum of Agreement entered into by the Member and the Registrar was filed as Exhibit #1. The Memorandum of Agreement was signed by the Member on March 10, 2003, and by the Registrar, on behalf of the Ontario College of Teachers, on March 14, 2003.

## EVIDENCE

The Memorandum of Agreement includes the following terms:

1. The Member pleads guilty to professional misconduct as alleged in the Notice of Hearing issued on January 6, 2003 (with the exception of paragraph 10 of the Particulars) and, in so doing, accepts as true the particulars of the allegations set out therein. The Member agrees and acknowledges that she engaged in the conduct described in the Notice of Hearing and that that conduct is professional misconduct as alleged.

### **Particulars of these allegations as agreed to by the Member as alleged in the Notice of Hearing are as follows:**

- (a) Elizabeth Ann Jeffrey (now known as Elizabeth Ann Carter) (the "Member"), is a member of the Ontario College of Teachers.
- (b) At all material times, the Member was an English and Drama teacher and Head of Guidance at Mississauga Private School ("the School") which is situated in Toronto.
- (c) At all material times [REDACTED], whose date of birth is [REDACTED], was a male student of the School, and was a student of the Member.
- (d) During the 2001-2002 school year, while he was 17 years old, [REDACTED] was a student in the Member's grade 12 [REDACTED] class at the School. The Member was also personally working with [REDACTED] on his grade 11 English credit and was tutoring him daily in the guidance office. As a guidance counsellor, the Member was also responsible for helping [REDACTED] with his homework issues.
- (e) In addition, the Member was the director of the School's spring drama presentation in which [REDACTED] had a [REDACTED] role. The practices for the drama presentation began in

approximately December 2001 and continued until approximately May 2002. The practices took place after school, on week-ends, and throughout the 2002 March break.

- (f) The Member often stayed late to work with [REDACTED] on that production and then drove him home alone, contrary to School policy.
- (g) The Member permitted [REDACTED] to engage in inappropriate contact with her at the School including snapping her bra straps, tickling her and picking her up and swinging her on his shoulders. The Member also gave [REDACTED] her cell phone number.
- (h) The Member arranged for students to attend a youth conference away from the School, which took place on 25 to 27 February 2002. The Member was the only teacher in attendance and [REDACTED] was one of the pupils who attended.
- (i) Between approximately October 2001 and May 2002, the Member had a sexual relationship with [REDACTED]. Incidents of sexual impropriety between the Member and [REDACTED] took place at the School; at the Member's home in Mississauga, and in her car; and elsewhere.
- (j) On or about 5 February 2002, the Member admitted to [REDACTED], the mother of [REDACTED] that she was involved with [REDACTED] and promised [REDACTED] that she would stay away from [REDACTED]
- (k) On or about 2 April 2002, the Vice-Principal of the School and the Director of the School met with the Member and cautioned her with respect to boundary issues regarding students.
- (l) The Member also arranged for a co-op placement at a small theatre in Toronto for [REDACTED]. He was to report there every afternoon commencing in early April 2002. However, [REDACTED] had several unexplained absences from this placement. During that time, the Member left the school at noon for the stated reason of illness, on a few occasions.
- (m) On or about 22 May 2002, the Member admitted to the Vice-Principal of the School and the Director of the School that she:
  - 1. had a relationship with [REDACTED];
  - 2. had kissed [REDACTED];
  - 3. had physical contact with [REDACTED];

4. had driven [ ] home on several occasions, even after being specifically warned not to do so by the Principal;
  5. had taken [ ] to her home for several hours when her husband was not present; and
  6. had driven [ ] to his co-op placement in Toronto on 21 May 2002.
- (n) Further, the Member admitted to the Director of the School and the Vice-Principal on 22 May 2002, that the relationship, which she had with [ ], was of a sexual nature.
- (o) On or about 22 May 2002 the Member resigned her position at the School.
2. The parties agree that the terms of this MOA constitute a proposed settlement of this matter and that the terms are subject to acceptance by the Discipline Committee of the College. Accordingly, this MOA is not considered final and binding on the parties until such time as it is accepted by the Discipline Committee.
  3. The parties agree that if the Discipline Committee accepts this MOA, there shall be no appeal, by either party, to any forum, of any or all of the terms of this MOA or from any decision of the Discipline Committee on any issue.
  4. The Member agrees and understands that once this MOA is accepted by the Discipline Committee, the Discipline Committee will find her guilty of professional misconduct and, pursuant to subsection 30(4) of the *Ontario College of Teachers Act, 1996*, will direct the Registrar to revoke her certificate of qualification and registration immediately.
  5. The Member agrees and understands that, for the purpose of considering this matter, the Discipline Committee will be provided with a copy of this MOA and it will be marked as an Exhibit at the hearing and will, together with the Appendices, if any, constitute the evidence against the Member and the evidence upon which the guilty plea will be accepted, the finding of guilt will be made, and the penalty will be imposed.
  6. The Member agrees and understands, that for the purpose of considering this matter, the Discipline Committee will be provided with a summary of the matter, including the allegations contained in the Registrar's complaint and the Notice of Hearing.

7. The Member agrees and understands that this matter and the signed MOA may be discussed with the Chair of the Discipline Committee for the purpose of obtaining a preliminary view of whether the Discipline Committee will consider the agreement sufficient to protect the public interest and will therefore accept this MOA.
8. The Member agrees and understands that, upon acceptance of this MOA by the Discipline Committee, she will surrender her certificate of qualification and registration to the Registrar.
9. The Member agrees and understands that, upon acceptance of this MOA a notation on the public register maintained by the Registrar, in accordance with section 23 of the *Ontario College of Teachers Act, 1996*, will include the following information:
  - (a) on March 20, 2003, Elizabeth Ann Jeffrey (Carter) pleaded guilty to professional misconduct which included engaging in a sexual relationship with a male secondary student; and
  - (b) on March 20, 2003, the Discipline Committee of the Ontario College of Teachers directed the Registrar to revoke the Member's certificate of qualification and registration.
10. The Member agrees and understands that, should she apply for reinstatement and for a new certificate of qualification and registration, pursuant to subsection 33 (1) of the *Ontario College of Teachers Act, 1966*, the Registrar shall review this MOA in considering the Member's application.
11. Subject to paragraph 10 of the MOA, the Member agrees and undertakes not to teach in any publicly funded elementary or secondary school in Ontario at any time in the future.
12. The Member agrees and understands that, upon acceptance of this MOA by the Discipline Committee, the College will publish the Member's identity with a summary of the matter and the nature of the resolution contained in this MOA. Such publication will be made in the College's official publication, *Professionally Speaking/Pour parler profession*, and on the College's website.

13. The Member agrees and understands that, upon acceptance of this MOA by the Discipline Committee, the College will provide notice of the revocation of the Member's 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 of disciplinary action by the College.
14. The Member agrees and understands that, upon acceptance of this MOA by the Discipline Committee, the College will provide the Member's former employer, the Mississauga Private School, with the Committee's Decision and Reasons, including this MOA, pursuant to section 43.4 of the *Ontario College of Teachers Act, 1996*.
15. The parties agree to take no further action with respect to the matter provided that the terms of this MOA are complied with.
16. The parties agree that if any paragraph of this MOA is null and void, the MOA shall be read as though the paragraph was stricken from the MOA and the amended MOA shall remain in force and effect.
17. The Member agrees that this MOA is the entire agreement between herself and the College and that there have been no oral or written representations made by the College as an inducement or threat to enter into this MOA.
18. The Member agrees and understands that, should she breach this MOA by teaching in any publicly funded elementary or secondary school in Ontario, the College may provide a copy of this MOA to any school, board, or licensing body which inquires about the Member's record with the College.
19. The Member agrees and understands that, in the event she breaches a term of this MOA, she is estopped from alleging, by way of defense, that the College failed to dispose of the matter in a timely manner and that she has been prejudiced by such delay.
20. The Member agrees and understands that, in the event she breaches a term of this MOA, the College may provide the Investigation, Executive, Discipline, or Fitness to Practise Committees with all the information necessary to fulfil its statutory mandate;

21. The Member agrees and understands that:

- (a) if the Discipline Committee requests any modifications to this MOA, the Manager, Intake and Hearings, will consult the parties as to whether the modifications are acceptable. If the parties accept the modifications, they will sign and date the revised MOA and return it to the College within ten business days from the date of the discussion with the Manager, Intake and Hearings. The revised MOA is considered final and binding once the Discipline Committee has accepted it; and
- (b) if the Discipline Committee does not accept the MOA, or the parties do not accept all of the modifications, the matter will proceed through the hearing process at the College and will be considered by another panel of the Discipline Committee without prejudice. The second panel of the Discipline Committee will not be provided with nor will it consider this MOA.

## **FINDINGS OF FACT**

The Committee accepts that these events did occur as stated in the Memorandum of Agreement and in the Appendices thereto.

## **DECISIONS AND ORDERS**

The Discipline Committee accepts the Memorandum of Agreement as presented to the Panel and signed by the Parties, and in so doing accepts the Member's plea of guilty of professional misconduct and finds Elizabeth Ann Jeffrey guilty of professional misconduct as alleged under subsection 1 (5), 1 (7), 1 (15), 1 (18) and 1 (19) of the Professional Misconduct Regulation and as defined in sections 1 and 40(1.1.) of the *Ontario College of Teachers Act, 1996*.

The Committee finds that the Memorandum of Agreement represents a satisfactory resolution of the issues raised in the Notice of Hearing and serves and protects the public interest.

The Committee directs the Registrar to revoke the Certificate of Qualification (#266377) and Registration of Elizabeth Ann Jeffrey (Carter) immediately.

The issue of publication has been dealt with in paragraph 12 of the Memorandum of Agreement, and the Committee directs that the findings of this hearing as well as the name of the Member shall be published in *Professionally Speaking/Pour parler profession*, and on the College's website.

**DATED AT TORONTO, THIS 20<sup>th</sup> DAY OF MARCH, 2003  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Doug Carter, Chair

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Pauline Demers

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Nancy Hutcheson