

**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 Sara Jane Jeffrey, a member of the Ontario College of Teachers.

PANEL: Danny Anckle, Chair
 Brent Hamelin
 Annilee Jarvis

BETWEEN:)	
	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
	)	Rich Evenson,
	)	Evenson Bundgard Flynn,
SARA JANE JEFFREY	)	for Sara Jane Jeffrey
(CERTIFICATE #409152))	
)	
	)	Chris Wirth,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: November 27, 2007

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on November 27, 2007 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated August 8, 2007, was served on Sara Jane Jeffrey, requesting her attendance before the Discipline Committee of the Ontario College of Teachers on September 24, 2007 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for November 27, 2007. The Member attended the hearing via teleconference.

THE ALLEGATIONS

The allegations against Sara Jane Jeffrey in the *Notice of Hearing*, (*Exhibit 1*) dated August 8, 2007, are as follows:

IT IS ALLEGED that Sara Jane Jeffrey is guilty of professional misconduct as defined in subsection 30(2) of the *Ontario College of Teachers Act, 1996* (the “Act”), in that:

- (a) she failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) she failed to comply with the *Act* and the *Education Act*, Revised Statutes of Ontario, 1990, Chapter E.2 and particularly section 264(1)(c) thereof, and the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (c) she performed an act or 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
- (d) she engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19).

At the hearing on November 27, 2007, College counsel sought to withdraw the following allegations of professional misconduct contained in the *Notice of Hearing*: breaches of Ontario Regulation 437/97, subsections 1(14), 1(15) and 1(18). The Committee agrees that these allegations 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, Guilty Plea and Joint Submission on Penalty (ASF – Exhibit 2)*.

The Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty provides as follows:

1. Sara Jane Jeffrey (“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 in respect of the Member.
2. At all material times, the Member was employed by the [REDACTED] Education Authority (the “Board”) as a teacher at the [REDACTED] School in [REDACTED], Ontario.
3. At all material times, [REDACTED] was also a member of the Ontario College of Teachers.

4. Prior to September 2005, [REDACTED], who had not previously resided or taught in [REDACTED], was hired by the Board as principal of [REDACTED] School, also in [REDACTED]. [REDACTED] commenced his duties at [REDACTED] School in or around August 2005. The Member had not met or had knowledge of [REDACTED] prior to that time.

5. On or about 7 September 2005, the Member, while at a social gathering in [REDACTED], acted unprofessionally towards [REDACTED] in that she made inappropriate comments to colleagues about [REDACTED], including that she suspected that [REDACTED] was a child molester and a danger to children.

GUILTY PLEA

6. By this document, the Member admits the truth of the facts referred to in paragraphs 1 to 5 above (the “Admitted Facts”). The Member hereby acknowledges that her conduct as described in paragraph 5 of the Admitted Facts constitutes professional misconduct, and pleads guilty to the allegations of professional misconduct against her, being more particularly breaches of Ontario Regulation 437/97 1(5) and 1(19).

7. The Member states that:

- (a) she understands fully the nature of the allegations against her;
- (b) she understands that by pleading guilty to the allegations she is waiving her right to require the College to prove the case against her and the right to have a hearing;
- (c) she voluntarily decided to plead guilty; and
- (d) she understands and acknowledges that she is executing this Agreement voluntarily, unequivocally and with the benefit of legal counsel.

8. 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

9. In light of the Admitted Facts and circumstances, 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) orders that the Member be reprimanded by telephone and / or in writing and the fact of the reprimand be recorded on the Register; and
- (b) directs that there be publication of the findings and Order of the Committee in summary form, including the full name of the Member in the official publication of the College *Professionally Speaking/Pour parler profession*.

10. By this document, the Member acknowledges her 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 guilt, the *Agreed Statement of Facts, Guilty Plea 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 Sara Jane Jeffrey committed acts of professional

misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5) and 1(19), as set out in the *Notice of Hearing*.

REASONS FOR DECISION

The Member pleaded guilty and acknowledged that her conduct as described in paragraph 5 (the “Admitted Facts”) of the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty* (ASF - Exhibit 2) constitutes professional misconduct.

The Committee accepted the Member’s guilty plea and the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty*.

Prior to September 2005, [REDACTED] who had not previously taught in the community was hired by the Board as Principal at [REDACTED] School. The Member had not met or had knowledge of [REDACTED] (the “Principal”) prior to that time.

On or about September 7, 2005, the Member while at a social gathering acted unprofessionally towards the Principal in that she made inappropriate comments to colleagues indicating that the Principal was a child molester and a danger to children.

By this conduct, the Member failed to comply with the standards of the profession under Ontario Regulation 437/97 subsection 1(5) and engaged in acts that are unprofessional and conduct unbecoming under 1(19).

Members of the Ontario College of Teachers are expected to maintain the highest standards of the profession and refrain from any conduct unbecoming a member.

Members have a professional and moral duty to set a positive example of responsible behaviour toward colleagues and to foster a positive work environment. The Member, in making these inappropriate comments regarding the Principal, undermined his authority and consequently created a negative work environment.

In addition, all teachers must be able to demonstrate, both inside and outside the work environment, respect and self-control. The Member's comments at the social event had the potential to seriously damage and harm the reputation of the Principal within the community.

PENALTY DECISION

The Committee accepts the joint submission on penalty and makes the following order as to penalty:

- (a) The Member is required to appear before the Committee immediately following the completion of the hearing into this matter to be reprimanded, and the fact of the reprimand is to be recorded on the Register;
- (b) 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 Member's full name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

The reprimand by her peers in respect of these actions serves as a specific deterrent to the Member and publication of the findings and order of the Committee, in summary, with the name of the Member, in *Professionally Speaking/Pour parler profession*, serves as a general deterrent to the profession, sending a message that appropriate behaviour is required by members of the College.

Members have a professional and moral duty to set a positive example of responsible behaviour toward colleagues and to foster a positive work environment. Inappropriate comments regarding individuals create a negative work environment for colleagues. All teachers must be able to demonstrate, both inside and outside the work environment, respect and self-control. Even comments at a social event can have the potential to seriously damage and harm the reputation of individuals within a community.

The Committee is satisfied that the penalty is appropriate in the circumstances and it serves and protects the public interest.

Date: November 27, 2007

Danny Anckle
Chair, Discipline Panel

Brent Hamelin
Member, Discipline Panel

Annilee Jarvis
Member, Discipline Panel