

**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 Alen Kilic, a member of the Ontario College of Teachers.

PANEL: Anne Vinet-Roy, Chair
Gabrielle Blais
Jacques Tremblay

BETWEEN:)	
	)	Heather Meredith,
	)	McCarthy Tétrault,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
)	
ALEN KILIC	)	David Bloom,
(CERTIFICATE #272781)	)	Cavalluzzo Hayes Shilton McIntyre
	)	Cornish,
	)	for Alen Kilic
)	
	)	Christopher Wirth,
	)	Stockwoods,
	)	Independent Legal Counsel
)	
	)	Heard: October 12, 2005

REASONS FOR DECISION, DECISION AND ORDER (S)

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on October 12, 2005 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated January 3, 2005 was served on Alen Kilic, requesting attendance before the Discipline Committee of the Ontario College of Teachers on January 24, 2005 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for October 12, 2005.

Alen Kilic was in attendance at the hearing.

The Allegations

The allegations against Alen Kilic in the *Notice of Hearing*, (*Exhibit 1*) dated January 3, 2005 are as follows:

IT IS ALLEGED that Alen Kilic is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the *Ontario College of Teachers Act 1996* (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 abused a student or students physically, sexually, verbally, psychologically or emotionally contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he 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 those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) 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);
- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) he engaged in sexual abuse of a student or students of a nature defined in Sections 1 and 40(1.1) of the Act.

Publication Ban

On October 12, 2005, the Committee made an order that there be no publication of any information that may disclose the identity of the student involved in this matter.

Agreed Statement of Facts

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 2, 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. Alen Kilic (the “Member”) is a member of the Ontario College of Teachers. A copy of the Ontario College of Teachers Registered Member Information of the Member is attached. (*ASF – Exhibit 2, Tab A*)
2. At all times material to this matter, the Member was employed by the Dufferin-Peel Catholic District School Board (“the Board”) at the [**] which is affiliated to [**] (“the School”), [**], as a teacher.
3. During the 2003-2004 school year, [] was a female student in the [] program of [**] College [**]. [] was on a placement at the School [**].
4. During the 2003-2004 academic year, the Member acted in an inappropriate manner towards [] in that he:

- (a) in or about January 2004, told [REDACTED] that his cousin, who was a friend of [REDACTED], had said that [REDACTED] was “horny”;
- (b) between the approximate dates of 5 February 2004 and 6 April 2004, made comments of a sexual nature to [REDACTED] which included, but were not limited to, his:
 - (i) complimenting [REDACTED] on her appearance, including her hair;
 - (ii) stating that he wanted to see [REDACTED] naked; and
 - (iii) asking [REDACTED] if she wanted to have sex with him;
- (c) on or about 25 March 2004:
 - (i) invited [REDACTED] to his house after work;
 - (ii) asked [REDACTED] if she had any tan lines; and
 - (iii) tickled [REDACTED] in the stomach area while they were on a couch.

5. In addition, during the 2003-2004 academic year, the Member in response to a comment from a female colleague that a particular student would make a good stripper, responded by saying that he would go to see her any day.

6. On or about 12 July 2004, the Member wrote to the Superintendent of Employee Relations of the Board in which he stated that he recognized that his conduct with respect to the student who had been assigned to the [REDACTED] may well have been misinterpreted. Further, the Member apologized for and regretted any discomfort which may have occurred or may have been experienced. He also assured the Board that no similar incident would occur in the future. A copy of that letter is attached. (*ASF – Exhibit 2, Tab B*)

7. In addition to his expressions of regret contained in (*ASF – Exhibit 2, Tab B*), the Member has undergone training, conducted by Sherril Murray, regarding sexual

harassment and boundaries in the workplace. Attached at Tabs C and D, respectively, are copies of a report of Sherril Murray dated 17 March 2005, and the curriculum vitae of Ms Murray. (*ASF – Exhibit 2, Tabs C & D*)

8. In her report, Ms Murray concluded that the Member fully appreciated that his conduct was inappropriate and had assured her that it would not be repeated. She stated that the Member demonstrated sincere remorse with regards to [REDACTED], his wife and his employer. The process which Ms Murray described as “sensitivity and awareness”, and the ability to “walk in the other person’s shoes”, was the essence of the course completed by the Member. The Member was also required by Ms Murray to re-read specific articles of the Human Rights Code as well as Board and College policies with regards to professional conduct and sexual harassment. Ms Murray determined that those requirements had indeed been met and stated that she had confidence that the Member now possessed sufficient knowledge and understanding not to re-offend.

9. By this document, the Member, Alen Kilic accepts the matters referred to in paragraphs 4 and 5 above constitute conduct which is disgraceful, dishonourable and unprofessional and pleads guilty to the allegations of professional misconduct against him being more particularly breaches of Ontario Regulation 437/97 1. (18) and (19) as set out in the Notice of Hearing which is attached. (*ASF – Exhibit 2, Tab E*)

10. By this document, the Member states that:

(a) he understands fully the nature of the allegations that have been made against him;

- (b) he understands that by pleading guilty to the allegations against him, he is waiving the right to require the College to prove the case against him and the right to have a hearing;
- (c) he voluntarily decided to plead guilty to the allegations against him and this plea of guilt was made voluntarily and unequivocally.

11. In light of the above facts and circumstances to which the member has pleaded guilty, the Ontario College of Teachers and the member submit that the Discipline Committee find the Member guilty of professional misconduct being more particularly breaches of Ontario Regulation 437/97 1 (18) and 1(19).

12. 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) require the Member to appear before the Committee to be reprimanded, and the fact of the reprimand be recorded on the Register; and
- (b) direct that the findings and order of the Committee be published in the official publication of the College, *Professionally Speaking/Pour parler profession*.

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.

Member's Plea

By this document, the Member, Alen Kilic, accepts that the matters referred to in paragraphs 4 and 5 above constitute conduct which is disgraceful, dishonourable and unprofessional and pleads guilty to the allegations of professional misconduct against him, being more particularly a breach of Ontario Regulation 437/97 subsections 1(18) and 1(19), as set out in the *Notice of Hearing*.

At the hearing, the College withdrew the allegations of professional misconduct being more particularly breaches of Ontario Regulation 437/97 subsections 1(5) 1(7), 1(14) and 1(15). The College also withdrew the allegations of sexual abuse of a student or students as defined in sections 1 and 40(1.1) of the Act.

Joint Submission as to Finding

In light of the above facts and circumstances to which the Member has pleaded guilty, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct, being more particularly breaches of Ontario Regulation 437, subsections 1(18) and 1(19).

Decision as to Finding

Having examined the Exhibits filed, and based on the guilty plea in 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 Alen Kilic committed acts of professional

misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(18) and 1(19).

Joint Submission as to Penalty

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) require the Member to appear before the Committee to be reprimanded, and the fact of reprimand to be recorded on the Register; and
- (b) direct that the findings and order of the Committee be published in the official publication of the College, *Professionally Speaking/Pour parler profession*.

Penalty Decision

The Committee accepts the Joint Submission on Penalty and makes the following order as to penalty:

1. The Member is required to appear before the Committee to be reprimand, and the fact of the reprimand will be recorded on the Register; and
2. The Committee directs that the findings and the order of the Committee be published in the official publication of the College, *Professionally Speaking/Pour parler profession*.

Reasons for Decision

The Member pleaded guilty to professional misconduct and he has recognized the seriousness of his conduct. He has demonstrated initiative in resolving this situation by apologizing to his board for his behaviour, by assuring his employer that no similar incident will occur in the future, and by completing training regarding maintenance of appropriate boundaries in student teacher relationships. The Member has co-operated with the College, and by agreeing to the facts and a proposed penalty, has accepted responsibility for his actions.

Publication of the findings and order of the Committee, with the Member's name, will serve as a specific deterrent to the Member and a general deterrent to the profession not to engage in similar misconduct.

The Committee concludes that this penalty serves and protects the public interest.

Date: October 12, 2005

Anne Vinet-Roy
Chair, Discipline Panel

Gabrielle Blais
Member, Discipline Panel

Jacques Tremblay
Member, Discipline Panel