

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 Tina Concepita Kovacs.

The Discipline Committee held a hearing on May 15, 2002,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**TINA CONCEPITA KOVACS
CERTIFICATE #231963**

PRESENT:

Members of the Panel
Bernard Adam (Chair)
Sterling Campbell
Karen Mitchell

The Honourable Patrick T. Galligan, retired judge, Independent Counsel to the Panel

Carole Jenkins, McCarthy Tétrault, Counsel for the Ontario College of Teachers, assisted by Jennifer Robinson, Law Clerk

Richard Startek, Startek & Associates, Counsel for the member

The member was not present.

A Notice of Hearing, dated April 30, 2001 was served on Tina Concepita Kovacs (also known as Tina Kovacs), requesting attendance before the Discipline Committee of the Ontario College of Teachers on May 14, 2001 to set a date for hearing, and specifying the charges. The hearing date was set for October 16, 2001 but was later postponed until May 15, 2002. It is alleged that Tina Kovacs 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 certain of her students verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- c) she failed to comply with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2 and particularly s. 264 (1) (b), (c), (d), (e), and (h) thereof, and the Regulations made under that Act, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- d) she performed an act or acts that , having regard to all the circumstances, would reasonably be regarded by members as being 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 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's Certificate should be made subject to terms, conditions or limitations.

The Notice of Hearing states that Tina Kovacs is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On May 15, 2002, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Tina Kovacs was guilty of professional misconduct.

Tina Kovacs was not in attendance at the hearing, but was represented by counsel.

Proof of service of the Notice of Hearing was presented and accepted by the panel.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in the Agreed Statement of Facts and Guilty Plea (Exhibit #2) alleging that Tina Kovacs 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), (14), (15), (18) and (19).

Counsel presented evidence that Tina Kovacs is a member of the Ontario College of Teachers (Exhibit #1). At all material times, the member was employed by the Peel Board of Education as a teacher. An Agreed Statement of Facts and Guilty Plea, dated May 15, 2002, was filed as Exhibit #2 and had been signed by Richard Startek, counsel for Tina Kovacs and by Carole Jenkins on behalf of the Ontario College of Teachers and included the following:

1. Tina Kovacs is a member of the Ontario College of Teachers.
2. The member was employed by the Peel District School Board as a teacher at Fairview Public School and then at Elmcrest Public School, in the City of

Mississauga. Specifically, in the fall of 1998, the member was assigned to teach a special education Grade 2 class.

3. In early January 1999, a Teacher Evaluation Report (“TER”) was prepared by the Principal of Fairview Public School, [REDACTED], respecting the member’s performance. This TER disclosed a number of grave concerns, including, *inter alia*, under the heading Interpersonal Skills and Attitudes, the member’s “seeming inability to appropriately control her anger”; the use of inappropriate language, including swearing, which behaviour was witnessed by both of other staff members and students; and the making of loud accusations against and tirades directed at the principal.
4. On a number of occasions during the month of February, 1999, the member:
 - (a) followed the principal around during playground supervision and spoke to her in an inappropriate tone;
 - (b) called the principal at home, demanding that the principal support the member in connection with a complaint made by a parent of one of the member’s students;
 - (c) entered the principal’s office, where she raised her voice at the principal.
5. On April 23, 1999:
 - (a) the member kept four of her students in for a detention at morning recess, and during the detention, complained to the students that the principal was not supporting her. The member was angry and said inappropriate things to the students;
 - (b) the member made unprofessional comments about the principal in the staff room in front of other faculty members, including calling the

principal “a fucking bitch”. The member also stated that the principal was out to get her, and that she was going to win and not let the principal “get her”.

6. A TER with respect to the member, prepared by the principal, dated June 30, 1999, noted that the member’s relationships with colleagues was negative and self-serving, and that her decision-making was based on addressing self-serving interests. This TER further stated that the member’s interaction with some students was negative, demeaning, and sarcastic, and noted that the students exhibited disrespect for the member.
7. On October 26, 1999, the Superintendent of Schools, Chuck Waterman conducted a classroom evaluation of the member. Mr. Waterman found the member’s teaching unacceptable in the areas of planning for instruction and assessment, teaching and learning strategies and assessment and evaluation of student achievement. Mr. Waterman fully supported all of the conclusions reached and recommendations made by the principal in the TER of June 30, 1999, as they relate to these areas.
8. On or about November 8, 1999, during a meeting with the principal to review the TER and classroom evaluation referred to at paragraphs 6 and 7 above, the member became agitated, angry, and upset, and shouted at the principal. When she was asked to leave because it was clear that she was out of control, the member returned repeatedly to the principal’s office, crying and displaying her upset. The school secretary feared for the principal’s safety.
9. On December 8, 1999, another teacher at the school overheard the member threatening the principal. The member’s threats included:

- (a) "I want to kill that fucking bitch";
 - (b) "I just want to smash her head into this wall";
 - (c) "I want to put my hands around her neck and ..." (while acting out a strangulation using her hands); and
 - (d) "I'm going to get her - get her real good."
10. On December 10, 1999, the member called the office of the Superintendent of the Peel District School Board and left the following message for the Superintendent: "If a certain principal wants to play hardball, I'll nail her."
 11. On December 14, 1999, the member was charged by the Peel Regional Police, 12 Division, with uttering death threats, contrary to the *Criminal Code of Canada*.
 12. On February 1, 2000, the member entered into a Recognizance requiring her to keep the peace; to be of good behaviour; and not to have any contact directly or indirectly with the principal for a period of one year.
 13. A TER was carried out at Elmcrest Public School during the 2000/01 school year by the principal of said school, Ms Debra Powell. Ms Powell visited and observed the member's classroom on February 7, 8, 12 and 14, 2001. Ms Powell found that the member did not demonstrate the expectations of effective teaching in the areas of learning environment, planning for instruction and assessment, assessment and evaluation for student achievement, teaching and learning strategies, contributions to school success, and interpersonal skills and attitudes.
 14. Attached as Exhibit "E", in the Agreed Statement of Facts and Guilty Plea, is a copy of the member's response to her TER of March 9, 2001.

15. A further TER was prepared following classroom visitations May 1 and 2, 2001. Based on the observations of the Principal, Ms Powell, during this evaluation, it was found that the member did not demonstrate the expectations of effective teaching in the areas of planning for instruction and assessment, assessment and evaluation for student achievement, teaching and learning strategies, contributions to school success, and interpersonal skills and attitudes. Ms Powell found the member's performance continued to be unsatisfactory and that the evaluations conducted at Elmcrest were consistent with employment with those completed at Fairview Public School. It was recommended that the member's employment with the Board be terminated.
16. Based on the evaluations described above, the member's employment was terminated by the Board on May 23, 2001.

DECISIONS AND ORDERS:

Based on the Agreed Statement of Facts and Guilty Plea, and having examined the exhibits filed, the Committee finds Tina Concepita Kovacs guilty of professional misconduct under subsections 1 (5), (7), (14), (15), (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to suspend the member's Certificate of Qualification and Registration until September 1, 2003.

The Committee also directs the member to appear before the Committee to be reprimanded at a future date to be determined, and the fact of that reprimand be

recorded on the Register. The member was reprimanded by the Committee on June 6, 2002.

The Committee also directs the Registrar to impose the following terms, conditions and limitations on the member's Certificates:

- (i) that the member shall attend for psychiatric assessment upon a psychiatrist acceptable to the Registrar, at no cost to the Ontario College of Teachers.
- (ii) that such attendance shall be for whatever length of time and for whatever therapy or course of treatment as prescribed by the said psychiatrist, until such time as, in the opinion of the psychiatrist, the member has successfully completed the recommended course of treatment or therapy;
- (iii) that the psychiatrist shall report to the Registrar every four months respecting the member's required attendance at and upon successful completion of the prescribed therapy, course, or treatment, at no cost to the College;
- (iv) that the member shall successfully complete a course in anger management which is satisfactory to the Registrar, at no expense to the College;
- (v) that the member shall, provide evidence every four months from the date of this order, in a form satisfactory to the Registrar, of attendance at and the successful completion of, such anger management course.

Failure to abide by or comply with any of the above conditions will result in an immediate referral to the Discipline Committee.

The Committee also directs that the finding and order of the Committee be published, with the name of the member, in the official publication of the College, "*Professionally*

Speaking/Pour parler profession." The Discipline Committee will direct the Registrar to postpone publication until such time as the conditions, as set out by the Discipline Committee, have been met.

**DATED AT TORONTO, THIS 27th DAY OF JUNE, 2002
BY ORDER OF THE DISCIPLINE COMMITTEE**

Bernard Adam, **Chair**

Sterling Campbell

Karen Mitchell