

**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 Joanne Marie Sylvie Léger-Legault, OCT, a member of the Ontario College of Teachers

and

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 Joanne Marie Sylvie Léger-Legault, OCT, #2, a member of the Ontario College of Teachers

PANEL: Darlene Mead, OCT, Chair
 Danny Anckle
 Hanno Weinberger, OCT

BETWEEN:	)	Caroline Zayid and Eli Mogil,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Jennifer Robinson,
	)	Law Clerk
- and -)	
)	
JOANNE MARIE SYLVIE)	
LÉGER-LEGAULT	)	Joshua Phillips,
(CERTIFICATE #185327)	)	Green & Chercover,
	)	for Joanne Marie Sylvie
	)	Léger-Legault
)	
	)	Richard Steinecke (May 25, 2011)
	)	& Julie Maciura (September 27,
	)	2011)
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel
)	
	)	Heard: May 25, 2011 and
	)	September 27, 2011

DECISION, REASONS FOR DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on May 25 and September 27, 2011 at the Ontario College of Teachers (“the College”) at Toronto.

Two *Notices of Hearing*, one dated February 12, 2008 (Exhibit 2) and one dated July 14, 2010 (Exhibit 1) were served on Joanne Marie Sylvie Léger-Legault, requesting her presence on March 25, 2008 and July 27, 2010 respectively to set a date for a hearing, and specifying the charges. The hearing commenced on May 25, 2011 for the purpose of production of documents by a member of the Ottawa Police Services, and continued on September 27, 2011. Joanne Marie Sylvie Léger-Legault was not in attendance on May 25, 2011 or on September 27, 2011.

THE ALLEGATIONS

The allegations against Joanne Marie Sylvie Léger-Legault in the *Notice of Hearing*, (Exhibit 1), dated July 14, 2010, are as follows:

IT IS ALLEGED that Joanne Marie Sylvie Léger-Legault 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) 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 *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c) thereof or the

Regulations made thereunder, contrary to Ontario Regulation 437/97, subsection 1(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 ALLEGATIONS

The allegations against Joanne Marie Sylvie Léger-Legault in the *Notice of Hearing*, (Exhibit 2) dated February 12, 2008, are as follows:

IT IS ALLEGED that Joanne Marie Sylvie Léger-Legault is guilty of professional misconduct as defined in sections 30(2) and (3) 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 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 *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c) thereof or the Regulations made thereunder, contrary to Ontario Regulation 437/97, subsection 1(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); and
- (e) she engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19).

On September 27, 2011, Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced a *Statement of Uncontested Facts and Plea of No Contest* (Exhibit 3), which provides as follows:

STATEMENT OF UNCONTESTED FACTS

Joanne Marie Sylvie Léger-Legault (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 respecting the Member.

The Member is employed by the Ottawa-Carleton District School Board (the “Board”) and, during the 2001/2002, 2002/2003, 2003/2004, 2004/2005 and 2005/2006 academic years (the “material times”), was a teacher at a secondary school (the “School”), in Ottawa, Ontario.

STUDENT A

Student A¹ was a student at the School from September 2001 to March 2004. He was a student in classes taught by the Member. He did not graduate from high school. During the time he was a student at the School he had a troubled relationship with his family, and he used alcohol.

Student A confided in the Member about his personal situation and difficulties at home.

Student A and the Member met in the Member’s classroom and at coffee shops. From time to time, the Member also drove Student A in her car after school.

While Student A was a student at the School, the Member kissed him on the lips.

¹ Referred to in the Notice of Hearing dated February 12, 2008 as Student #4 and in the Notice of Hearing dated July 14, 2010 as Student #1.

STUDENT B

Student B² was a student at the School from September 2001 to June 2005. Student B was a student in classes taught by the member in his Grade [XXX] years. In Grade [XXX] he acted as a [XXX] for the Member.

During the time that Student B was a student at the School the Member met with Student B outside school at coffee shops and restaurants, and in her car. They also met regularly at school in her classroom to discuss personal matters. In addition, the Member and Student B went for walks after school along a bike path.

Beginning during the time that Student B was a [XXX] assigned to the Member, and continuing after he left the School in June 2005, the Member exchanged numerous text messages and emails of an inappropriate personal nature with Student B.

During the time that Student B was a student at the School, the Member engaged in an intimate sexual relationship with Student B.

STUDENT C

Student C³ was a student at the School from September 2001 to June 2005. He was a student in classes taught by the Member in each of Grade [XXX].

In September 2005, the Member had an email exchange with Student C of an inappropriate personal nature.

While a student at the School, Student C, along with several other students, had lunch with the Member at a restaurant.

² Referred in the Notice of Hearing dated February 12, 2008 as Student # 2

³ Referred in the Notice of Hearing dated February 12, 2008 as Student #3.

STUDENT D

Student D⁴ was a student at the School from September 2000 to September 2004. He was a student in classes taught by the Member. In his [XXX] year, he was a [XXX] for the Member.

During the time that Student D was a student at the School, the Member commenced an intimate sexual relationship with Student D.

PLEA OF NO CONTEST

The Member does not contest that the facts referred to in paragraphs 5, 6, 8, 9, 10, 12, 13 and 15 above are correct and constitute professional misconduct and pleads no contest to the allegations of professional misconduct against her, being more particularly breaches of Ontario Regulation 437/97 1(5), 1(7), 1(15), 1(18) and 1(19).

By this document the Member states that:

- (a) she understands fully the nature of the allegations against her;
- (b) she understands that by signing this document she is not contesting the presentation of the Uncontested Facts to the Discipline Committee as evidence;
- (c) she understands that by pleading no contest to the allegations, she is waiving the right to require the College to prove the case against her and the right to have a hearing;
- (d) she understands that depending on the penalty ordered by the Discipline Committee, the decision of the Committee and a summary of its reasons,

⁴ Referred to in the Notice of Hearing dated February 12, 2008 as Student #1

including reference to her name, may be published in the official publication of the College;

- (e) she understands that any agreement between her counsel and counsel for the College with respect to the penalty proposed in this document does not bind the Discipline Committee;
- (f) she understands and acknowledges that she is executing this Agreement voluntarily, unequivocally, and with the advice of legal counsel.

The Member provides this plea of no contest pursuant to Rule 3.02 of the *Rules of Civil Procedure of the Discipline Committee* under protection of the *Evidence Act*, R.S.O. 1990, chapter E. 23 and the *Evidence Act*, R.S.C. 1985, c. C-5 for the purpose of this proceeding under the *Ontario College of Teachers Act 1996*, chapter 12, and for no other purpose. The Member's plea of no contest does not constitute an admission by the Member as to the facts or findings in any other civil, criminal or administrative proceeding.

In light of the Member's plea and the uncontested facts herein, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

DECISION

Having considered the evidence, onus and standard of proof, and the submissions made by Counsel for the College and Counsel for the Member, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Joanne Marie Sylvie Léger-Legault committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7),

1(15), 1(18) and 1(19). Further, the Committee noted that the reference to section 1 and 40 (1.1) of the *Act* in paragraph (f) of Exhibit 1 was not pleaded to by the Member. Section 1 of the *Act* provides a definition of sexual abuse of a student by a member and subsection 40(1.1) of the *Act* allows for the definition of professional misconduct to include sexual abuse of a student by a member, which is included in the head of misconduct in subsection 1(7) of Ontario Regulation 437/97.

JOINT SUBMISSION ON PENALTY

Counsel for the College advised the Committee that an agreement had been reached on the appropriate penalty and introduced a *Joint Submission on Penalty* (Exhibit 5), which provides as follows:

The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this case would be that the Committee:

- (a) directs the Registrar of the Ontario College of Teachers to immediately revoke the Certificate of Qualification and Registration of the Member, which Certificate the Member is to immediately surrender to the Registrar, and
- (b) directs that there be publication of the findings and Order of the Committee in summary form, in the official publications of the College, *Professionally Speaking/Pour parler profession*. The parties have not agreed on whether or not the publication should include the Member's name and submissions will be made in that regard.

REASONS FOR DECISION

The Member did not contest that the facts referred to in paragraphs 5, 6, 8, 9, 10, 12, 13 and 15 in the *Statement of Uncontested Facts and Plea of No Contest* (Exhibit 3) are correct and constitute professional misconduct and pleaded no contest to the allegations of professional misconduct against her, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7), 1(15), 1(18) and 1(19).

The Committee accepted the Member's plea of no contest and the facts in the *Statement of Uncontested Facts and Plea of No Contest*.

The Member was employed as a teacher at the School, during the 2001/2002 to the 2005/2006 academic school years. Students A, B, C & D were male students who attended the school and were taught by the Member at various times from 2001 to 2005. The Committee finds that during this period, the Member engaged in inappropriate relations with these students. By her own admission, the Member violated student/teacher boundaries by engaging in inappropriate conduct that included transporting students in her car, meeting with students outside of the school setting, discussing personal issues, exchanging text messages and e-mails of an inappropriate personal nature, kissing one of the students on the lips, and having an intimate sexual relationship with two of the students.

As a teacher, the Member was in a position of trust and authority over these students. By engaging in inappropriate relationships with, and sexual abuse of students whom she taught, the Member committed acts of professional misconduct as alleged. The Member failed to maintain the standards of the profession, committed acts that would be regarded

by members as disgraceful, dishonourable or unprofessional and engaged in conduct unbecoming a Member, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7), 1(15), 1(18) and 1(19).

SUBMISSIONS ON PUBLICATION

Submissions on Publication by College Counsel

Counsel for the College submitted that the Member's name should be published due to the very serious nature of the misconduct.

Transparency is important in the most egregious cases and this is a serious act of professional misconduct and an appropriate case for publication with name. The conduct involved four different students during the period of 2001 to 2005 and illustrated a pattern of conduct. More serious misconduct requires more serious penalty. College counsel stressed that publication of the Member's name was important for general deterrence and sends a clear message to the profession and the public that this type of behaviour will not be tolerated and will receive the strongest sanction possible.

College Counsel provided the Committee with three recent cases, with facts relatively similar to this case, where the Discipline Committee of the Ontario College of Teachers, ordered publication with the Member's name. College counsel submitted that the facts of this case are so egregious that the Member's name must be published even though she has made an undertaking to the Registrar not to apply for reinstatement of her Certificate of Qualification and Registration.

Submissions on Publication by Counsel for the Member

Counsel for the Member requested that the Committee not publish the Member's name in the official publication of the College. He also requested that the name of the specific school be withheld. Counsel indicated that there was no presumption that the name be published and that the Committee had the discretion to publish or not publish the Member's name. Counsel encouraged the Committee to consider what aspect of the public interest is being served by publication of the name beyond mere sentencing principles. Counsel indicated that publication without the name provides general deterrence, and as the Member's certificate will be revoked and she has agreed not to apply for reinstatement, there is no risk of harm to the public, no risk of repetition and no risk of the school system being brought into disrepute. Counsel suggested that by identifying the Member and the School the students involved could be implicated. He suggested that there was no reason other than punishment to publish the Member's name.

Counsel for the Member submitted two cases for consideration. One was before the Discipline Committee of the Ontario College of Teachers in 1999 where the name of the Member was not published. The other case presented was an appeal before the British Columbia Supreme Court in 2003 of a decision by the British Columbia College of Teachers where the Court reversed a decision to publish with the Member's name.

PENALTY

The Committee makes the following order as to penalty:

The Registrar of the Ontario College of Teachers is directed to revoke the Member's certificate of qualification and registration; and

The Committee directs that there be publication of the findings and Order of the Committee in summary form, with the name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

The Committee finds that over a period of four years, the Member engaged in inappropriate behaviour involving four students, including sexual abuse of three of those students. The Committee considers this to be the most serious breach of professional conduct. The Member abused the authority and trust vested in her without regard for the well being of the students. The conduct of the Member was unacceptable, in conflict with the duty of a teacher and a breach of the public trust. The Committee finds the Member's conduct was disgraceful and unbecoming a member of the profession. The Member has forfeited the privilege of holding a teaching certificate and membership in the teaching profession. The Committee is satisfied that, given the circumstances of this case, revocation is the appropriate penalty.

The Committee orders publication of the findings and order in summary, with the name of the Member. In deciding to publish with the Member's name, even though the Member's certificate of qualification has been revoked, the Committee considered the egregious nature of the conduct; the serial pattern of inappropriate interactions with students; the number of students involved; and the period of time over which this misconduct occurred. Although the Committee considered the two cases presented by Member's counsel, they did not find enough detail or similarities in these cases to support publication without name.

The Member's misconduct is a serious breach of trust, both for the profession and the public and therefore publication with name is warranted and appropriate. The Committee determined that publication with the Member's name will provide general deterrence to members of the teaching profession and informs them that this type of serious misconduct will result in the most severe penalty. Publication ensures transparency by informing the public that the College denounces this type of misconduct.

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

Date: September 27, 2011

Darlene Mead, OCT
Chair, Discipline Panel

Danny Anckle
Member, Discipline Panel

Hanno Weinberger, OCT
Member, Discipline Panel