

**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 Nancy Ann MacGregor, a member of the Ontario College of Teachers.

PANEL:           Marilyn A. Laframboise, Chair  
                      Janet Cornwall  
                      Rosemary Fontaine

BETWEEN:	)	Caroline Zayid & Brian Wasyliw,
	)	McCarthy Tétrault,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Jennifer Robinson,
	)	Law Clerk
- and -	)	
	)	
	)	
NANCY ANN MACGREGOR	)	Nancy Ann MacGregor was not
(CERTIFICATE # 173988)	)	present, nor was she represented
	)	
	)	Paul Le Vay,
	)	Stockwoods,
	)	Independent Legal Counsel
	)	
	)	Heard: October 26, 2004 &
	)	January 13, 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 26, 2004 and January 13, 2005 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated June 21, 2004 and specifying charges of professional misconduct and incompetence was served on Nancy MacGregor. The Notice of Hearing requested attendance before the Discipline Committee of the Ontario College of Teachers on July 12, 2004 to set a date for a hearing. The hearing was subsequently set for October 26, 2004.

Nancy Ann MacGregor was not in attendance at the hearing. Although the Member was not present at the hearing, the Committee is satisfied that the Member was aware that a complaint had been filed against her and that it would proceed to a hearing. The Committee is also satisfied that the College made every reasonable attempt to contact the Member. (Affidavit of Jennifer Joyanne Robinson, Law Clerk with McCarthy Tétrault, Solicitors for the Ontario College of Teachers, Exhibit 2)

### **The Allegations**

**IT IS ALLEGED** that Nancy Ann MacGregor is guilty of professional misconduct as defined in section 30(2) of the *Ontario College of Teachers Act, 1996* (the “Act) and/or is incompetent as defined in section 30(3) of 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, and/or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);

- (c) she failed to keep records as required by her professional duties, contrary to Ontario Regulation 437/97, subsection 1(10);
- (d) she failed to supervise adequately students who were under her professional supervision, contrary to Ontario Regulation 437/97, subsection 1(11);
- (e) she 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);
- (f) 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);
- (g) she engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (h) she displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of students of a nature or extent that demonstrates that the Member is either unfit to carry out her professional responsibilities or that the Member's certificate should be made subject to terms, conditions or limitations.

At the hearing of this matter, Counsel for the College advised the Committee that the College would not be seeking a finding of professional misconduct against the Member in respect of paragraphs (b) and (g) of the *Notice of Hearing*, namely that she abused a student or students physically, sexually, verbally, psychologically, and/or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7) and

she engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19).

**PARTICULARS OF THESE ALLEGATIONS AS SET OUT IN THE NOTICE OF HEARING ARE AS FOLLOWS:**

1. Nancy Ann MacGregor (the “Member”) is a member of the Ontario College of Teachers. At all times material hereto, the Member was employed by the Simcoe County District School Board (“the Board”).
2. Between September 1999 and February 2000, while a teacher at the Robert Thompson Centre (“the Centre”), the Member:
  - (a) interfered with the treatment plan designed for a student suffering from an obsessive compulsive disorder (OCD), and contrary thereto, assigned an excessive amount of work to this student, thereby jeopardizing both the student’s mental health and the student’s chances of success; and
  - (b) failed to evaluate her students’ work or, in light of her many absences from the Centre, failed to make the necessary arrangements for her students’ work to be evaluated in a timely manner.
3. Following her transfer to Banting Memorial School (“the School”) in September 2000, the Member, during the course of the 2001/2002 academic year at the School:

- (a) failed, by reason of her frequent absences, to provide effective instruction, training and evaluation of her students' work in her Careers and Anthropology course;
  - (b) despite the classification of the film '*Hannibal*' as one for people over 18 years of age, showed this film to minor students in her Anthropology course, and following its conclusion, failed to relate its contents to the course requirements; and
  - (c) while a Special Education Resource Teacher, interfered with her students' learning and writing of tests, by engaging in personal conversations with nearby students during class time; requesting students to attend at the cafeteria to obtain food items for her; and by her frequent absences for several minutes at a time, during which absences she was unavailable to answer students' questions or to monitor their progress.
4. Between September 1999 and February 2000, the Member failed to provide adequate assessment or evaluation of student work or to provide feedback to students in a timely manner.
5. Between September 2001 and April 2002 the Member:
- (a) failed to properly plan curriculum as required;
  - (b) failed to establish an appropriate learning environment or instructional setting for students;

- (c) failed to work cooperatively and collaboratively with colleagues to enhance student learning;
- (d) failed to assess or evaluate student learning or provide timely feedback to students on their work;
- (e) failed to complete reports on student work as required;
- (f) disrupted the work of students and other teachers;
- (g) attended to her own personal matters during class time;
- (h) failed to organize time and space to enrich the learning environment; and
- (i) failed to use appropriate classroom management skills to enhance learning.

### **Member's Plea**

As the Member was not present, the Committee proceeded on the basis that the Member denied the allegations set out in the *Notice of Hearing*. The Chair, on behalf of the Member, entered a plea of not guilty to the allegations.

### **The Evidence**

The College called five witnesses, Frank Camicata (“Camicata”) of the Ontario College of Teachers, as well as Lorraine O’Halloran (“O’Halloran”), Terry Arnio (“Arnio”), Muriel Jackson (“Jackson”) and Mary Hay (“Hay”), all employees or former employees of the Simcoe County District School Board.

*Evidence of Cimicata*

Cimicata, a Membership Records Officer with the Ontario College of Teachers testified that MacGregor was a member of the College and that her current status was “Suspended – Non-payment of fees”, as of April 30, 2003. He reviewed the Member’s qualifications and noted that she holds Intermediate and Senior Division qualifications in Business and Home Economics and holds a number of additional qualifications, including Special Education, Part 2. (Registered Member Information – Exhibit 3)

*Evidence of O’Halloran*

O’Halloran was principal of the Bradford District High School and was responsible for the Robert Thompson Centre (“Centre”) at all material times. She explained that the Centre is a treatment facility dealing with students with mental health issues. Many of the students were residents of the Centre. She testified that there were two teachers, an educational assistant, and two child and youth care workers for the 18 to 20 students at the Centre and that mental health issues and treatment took precedence over educational issues. Each student had an Individual Education Plan (“IEP”).

The Member was hired in September 1999 as a probationary teacher at the Centre. A great deal of support was available to the Member from the experienced educational assistants and child and youth care workers.

O'Halloran testified that two to three weeks after she commenced employment, the Member stated that she had fallen and hurt her back. The Member missed "a tremendous number of days" of work. O'Halloran explained that the teacher performance appraisal process used by the Simcoe County District School Board: "Expectations – A Model for Teacher Professional Growth" (Exhibit 5) was provided to the Member upon employment. She confirmed that a pre-conference was held with the Member November 29, 1999. (Exhibit 4) The Performance Appraisal report was based on observations and case conferences - December 1, 1999 to January 21, 2000, but was not signed until February 4, 2000. The Member's performance was rated as satisfactory, but the following concerns were noted:

- The students' work was not marked quickly and not returned with the appropriate feedback.
- There was an obstacle in the communication process with the staff of the Centre.
- She (MacGregor) needed to be reminded that the treatment issues of the students took precedence over their educational needs.

Recommendations for improvement were also provided to the Member.

O'Halloran also sent a letter, dated February 4, 2000 to the Member. (Exhibit 7) The letter described a meeting held on January 28, 2000 which included the Member, Fred Larson from Ontario Secondary School Teachers' Federation ("OSSTF"), Jan Tweedy, the Vice-Principal as well as the Principal. The meeting was held at the request of the Member. The letter stated that the Member acknowledged several areas of conflict with

staff and that she did not agree with the treatment plans that staff had in place. O'Halloran reinforced the point that educators were not to interfere with the treatment plans. The letter further stated that the Member expressed concern in respect of the fact that other staff had marked her student assignments. In the letter, O'Halloran clarified that the Member did not necessarily have to do the marking but was responsible for it. Due to the Member's frequent absences, other staff had marked some student work. The letter also noted that unmarked student work dating back to the previous November had recently been found in the classroom.

The letter also addressed a situation that occurred on January 31, 2000. The Member had given a student a voluminous assignment, which was in direct contravention of the program plan for the student set out by mental health professionals and therefore interfered with the mental health treatment of the student. The Member acknowledged that rather than consulting with the treatment team at the Centre, she had consulted with a former colleague, whom O'Halloran testified did not know the student or the programs of the treatment facility.

O'Halloran's letter concluded that had she had the above information regarding the marks and interference with the treatment plans when she drafted the Performance Appraisal report, she would have been unable to state that the Member's performance was satisfactory. O'Halloran testified that the February 4<sup>th</sup> letter served to document information that surfaced following the formal Performance Appraisal process.

O'Halloran testified that the Member did have the required qualifications, and in fact was "well qualified" for the position. She stated that, in assigning a voluminous amount of work to a student, the Member had done harm to that student and set back her treatment. O'Halloran indicated that although the Member had provided active learning opportunities to students, she was unable to meet and understand individual student needs. She did not provide positive reinforcement by failing to mark student work in a timely manner. The Member was unable to work with staff in the delivery of student treatment plans.

O'Halloran testified that the Member had not complied with the *Education Act* regarding the evaluation of students. She also stated that she did not believe that the Member was suitable to teach.

#### Evidence of Arnio

Arnio was Principal at Banting Memorial High School ("Banting") at all material times. The Member was first placed at Banting in September 2000. (Exhibit 8) Within one month the Member began a sick leave that extended to the end of the school year. Therefore no performance appraisal was completed for the 2000-2001 academic year. The Member returned for the 2001-2002 academic year to teach Family Studies (Careers) and Anthropology, for which she held the appropriate qualifications.

The Member was absent 47 of the 95 days of the first semester. Arnio testified that he sent the Member numerous memos requesting medical certificates and reminding her of the need to use the school board absence system (“SCARRI”) appropriately. Numerous exhibits were provided to support this testimony.

Arnio further testified that the Member had not been supplying appropriate lesson plans during her absences and that when she was in the classroom, she was not providing adequate instruction. Arnio testified that he had received numerous complaints from students and parents (Exhibit 15) detailing the negative impact of the Member’s teaching on the students’ learning. The numerous letters refer to the students’ frustration, the poor quality of the Member’s teaching and her numerous absences and unmarked assignments.

Arnio testified to the Member’s inappropriate use of the video “Hannibal” which was not included on the list of resources for the course she was teaching. He was concerned that the rating of the video was not appropriate to the age group and that apparently there was no follow up discussion to link the video to the course content.

Arnio testified that he had attempted to set a number of pre-conference meetings to discuss the Member’s Performance Appraisal. A meeting did occur on March 6, 2002 at which time proposed dates of in class observation were scheduled between March 27 and April 8, 2002. However, he testified that the Member was reassigned to the position of Special Education Resource Teacher (SERT) on March 28, 2002. (Exhibit 24)

The transition proved difficult. Despite numerous requests from Arnio, the Member did not return requested materials, student tests and assignments as well as attendance records, and did not provide a complete, current course status. As the semester was coming to an end, it was important that students' marks be submitted in time for their April report cards. The Member was also reminded of her duty under the *Education Act*, Regulation 298.

Arnio testified that the complaints regarding the Member's performance continued following her placement in the Resource Centre. Letters were received from students indicating that they were dissatisfied with the Member's behaviour. The Member would distract students with topics unrelated to the work they were trying to complete. Arnio also testified that the Member was uncooperative and almost argumentative with other teachers and did not follow the direction given by the Department Leader.

Arnio testified to the Performance Appraisal dated June 10, 2002. (Exhibit 31) This report was based on Arnio's knowledge of facts, as well as two observations of the Member's role as a SERT. He further testified to the following concerns with respect to the Member:

- long range curriculum plans were not completed;
- the Member planned in isolation without consultation with program leaders;
- there were no modifications provided for students with special needs;

- the Member's lessons consisted of telling students to read a section of the book and answer questions in the text;
- the Member displayed a confrontational and antagonistic demeanour towards her students;
- the Member admitted to a lack of knowledge regarding assessment;
- students' work from Semester 2 was returned to them April 17, 2002, only days before the end of the semester;
- the Member did not work co-operatively and collaboratively with other staff and displayed a condescending attitude towards non-teaching support staff;
- the Member was unreliable in her use of the SCARRI system and used school voice mail in an unprofessional manner.

In her role as a SERT:

- the Member alienated special education students;
- the Member frequently and inappropriately disturbed classroom teachers as they conducted classes in order to resolve her own problems;
- the Member continually disturbed students who were completing assignments or tests.

The Member's professional growth plan had been revised as a result of a meeting on March 6, 2002 with the local OSSTF President, the Principal and a Superintendent. The revised professional growth plan included appropriate goals but did not contain the

necessary strategies to meet professional and educational concerns. The Member did not avail herself of the professional support that was offered to her.

In light of all the concerns outlined, Arnio recommended termination of the Member's probationary contract on June 10, 2002. On July 3, 2002, the Board terminated the Member's probationary contract effective August 31, 2002 and directed the Director of Education to express its concern to the Ontario College of Teachers. (Exhibit 39)

Arnio testified that the Member had not met the needs of the students and had not complied with the *Education Act*. In his opinion, the Member was not competent to teach and had not demonstrated the knowledge, skills and judgment required of a teacher.

#### *Evidence of Jackson*

Jackson was the Social Science/Family Studies Department Leader at Banting at all material times. As such, Jackson was responsible for the overall functioning of that department, including the orientation of new teachers assigned to that department. Jackson testified that there were difficulties in determining a suitable subject placement for the Member. The Member was offered a parenting class and a food course, both of which she was qualified to teach, but gave excuses as to why she was unwilling to teach these courses. She was assigned a Grade 9 Family Studies course.

Jackson testified that the Member taught for two weeks in September 2001 and did not return for the rest of the semester. Jackson believed the Member had been involved in a car accident. When the Member returned to the Department in February 2002, she was assigned to the grade 9 Family Studies course as well as to the only remaining course available, a single section of an anthropology course, for which she held the appropriate qualifications.

Jackson testified that the Member made several demands regarding the course of study and her working environment. (Exhibit 32) She developed a reputation as being confrontational and never seemed to fit in with the rest of the Department.

Jackson further stated that the Member had difficulties meeting her responsibilities during her absences. In particular, no written lesson plans, seating plans or attendance lists were provided on any of these days. Jackson testified that usually the Member would provide instructions for the students to read the textbook and answer any related questions in the text. When this occurred early in the semester, not all of the students had been assigned textbooks because the Member had not been present to complete the work necessary to distribute the texts. (Exhibit 33)

Jackson testified that the Member was requested to provide 3 days of lessons that could be used at any time. The Member was unwilling to comply with this request until her demands regarding a suitable work environment had been met. Jackson further testified

the Member stated she did not want to teach the course assigned and did not feel that she had been given the necessary assistance. Jackson testified that she had provided the Member with the course profile, the course mark breakdown, a list of resources for the course, a list of videos, a resource list and a key to the locked cupboard where she could find supplementary materials. (Exhibit 33)

Jackson outlined the difficulties retrieving a large volume of resource materials signed out all at once by the Member for extended periods of time. These materials needed to be at the school and available to all teachers. After the Member had been assigned as a Special Education Resource Teacher on March 28, 2002, there remained a number of unreturned resources as at April 2, 2002. (Exhibit 34)

Jackson testified that the Member did not act professionally. She was not co-operative and did not work collaboratively with other staff or with Jackson. In her opinion, the Member did not uphold the standards of the profession.

#### *Evidence of Hay*

Hay was the Superintendent of Employee Services for the Simcoe County District School Board at all material times. Her responsibilities included effecting transfers, appointments, hiring and dismissals of all employees. Hay confirmed that the Board first employed the Member in September of 1999. Hay testified that she had arranged for the Member's transfer from Bradford District High School (Robert Thompson Centre) to

Barrie Central Collegiate effective February 16, 2000. She further stated that it was unusual for a teacher to be transferred early in the semester. (Exhibits 35 & 36) She testified that a supernumerary position was created for the Member in a regular school setting as a SERT. Concerns were subsequently raised at Barrie Central Collegiate in respect of her lack of attendance and working relationships.

Hay testified that at the end of June 2000, the Member's probationary period was extended. Hay indicated that it was a Board requirement that two performance appraisals be conducted before a permanent contract could be awarded. Due to the Member having been absent for "almost the whole year", only one performance appraisal had been conducted. (Exhibit 6) As a result, the Member's probationary period was extended to the academic year 2000-2001.

Hay further stated that at the end of June 2000, the Member was declared surplus to the staffing model at Barrie Central Collegiate and placed at Banting for September 2000.

Hay testified that the Member was absent for most of the 2000-2001 school year. As a result, the Member's probationary period was extended to the academic year 2001-2002.

Hay testified that a meeting was held on February 1, 2002 involving the Member, the OSSTF President, the Superintendent of Schools, the Principal of Banting (Arnio) and Hay. (Exhibit 12) The meeting clarified the Board's expectations of the Member for the semester and included:

- Member's request for physical accommodations - appropriate medical documentation must accompany any requests;
- Absences
  - expectation that attendance would improve;
  - medical documentation to be provided for absences due to illness;
  - recording of absences with the SCARRI system in advance;
  - notice of lateness to the school office.
- Professional Practices
  - display evidence of subject knowledge.
  - access assistance if required;
- Annual Professional Growth Plan
  - review with Principal and update on a regular basis.

Hay confirmed Arnio's testimony that the Member was unreliable in her use of the SCARRI system and provided the Committee with a Voice Information Platform report for the Member from the period February 2, 2000 to January 28, 2002. (Exhibit 37) This report recorded only those times when the Member reported an absence via the SCARRI system and totalled 112 days of absences during this period. It does not reflect all of the Member's absences. Although the report indicated that the Member had claimed Workers Compensation on 28 occasions, Hay indicated that no documentation had been provided to substantiate these claims.

Hay testified that she received feedback on a regular basis from the Superintendent and the Principal expressing concerns regarding the Member. Her level of instruction was not satisfactory; attendance had not improved; and there had been numerous complaints from students, parents and fellow teachers. A supernumerary position was created for the Member. She was assigned to a SERT position where there would be no disruption to timetabling.

On June 26, 2002, the Superintendent of Schools provided a report to the Board that recommended the termination of the Member's contract effective August 31, 2002. (Exhibit 38) Hay testified that this report was a collaborative effort of Principals Arnio and O'Halloran, the Superintendent of Schools, and Hay. The report provided background information, including the Member's performance. The subsequent administrative recommendations were termination of the Member's probationary teaching contract and notification to the Ontario College of Teachers regarding the professional competence of the Member. Hay testified that she agreed with the recommendations.

The Simcoe County District School Board approved the recommendations. The College was notified of the recommendations by letter dated July 4, 2002, from Sharon Bate, Director of Education. (Exhibit 39)

## **Decision**

### **(i) Onus and Standard of Proof**

The College bears the onus of proving the allegations in accordance with the standard of proof with which the Committee is familiar as set out in *Re Bernstein and College of Physicians and Surgeons of Ontario* (1977) 15 O.R. (2d) 477. The standard of proof applied by the Committee, in accordance with the *Bernstein* decision, is a balance of probabilities with the qualification that the proof must be clear and convincing and based upon cogent evidence accepted by the Committee. The Committee also recognizes that the more serious the allegations to be proved, the more cogent must be the evidence. The Committee considered the allegations in this case to be very serious.

### **(ii) Decision**

Having considered the evidence and onus and standard of proof, and the submissions made by Counsel for the College, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Nancy Ann MacGregor committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1 (10), 1(11), 1(14), 1(15), and (18) in that she committed acts that having regard to all the circumstances would reasonably be regarded by members as disgraceful and unprofessional.

The Committee further finds that the Member is incompetent in that she displayed a lack of skill and judgment and a disregard for the welfare of students of a nature or extent that

demonstrates that the Member is unfit to carry out her professional responsibilities and that the Member's certificate should be made subject to terms, conditions and limitations.

### **Reasons for Decision**

In reaching its decision, the Committee considered the evidence of five witnesses and Exhibits 1 through 39. The Committee deemed all of the witnesses to be credible. Each of the witnesses testified in a forthright and consistent manner. There was no conflicting evidence from the witnesses. The testimony of one witness served to corroborate the testimony of other witnesses on the same conduct. Their testimony confirmed the evidence contained in the Exhibits which were as follows:

<b>NO.</b>	<b>EXHIBIT</b>
1	Notice of Hearing dated June 21, 2004
2	Affidavit of Jennifer Robinson, sworn October 25, 2004
3	Registered Member Information
4	Performance Appraisal – Record of Pre-Conference dated November 29, 1999
5	Expectations – A Model for Teacher Professional Growth, Simcoe County District School Board
6	Performance Appraisal – Summary Report dated February 4, 2000
7	Letter to Nancy MacGregor from Lorraine O'Halloran dated February 4, 2000
8	Letter to Nancy MacGregor from Terry Arnio dated April 27, 2000
9	Letter to Nancy MacGregor from Terry Arnio dated January 29, 2002
10	Memo to John Fallis from Nancy MacGregor dated January 31, 2002

- 11 Memo to Terry Arnio from Nancy MacGregor dated January 31, 2002 re: Medical Needs
- 12 Letter to Nancy MacGregor from Mary Hay dated February 5, 2002
- 13 Memo to Nancy MacGregor from Terry Arnio dated February 13, 2002 re: Absence from Work
- 14 Memo to Nancy MacGregor from Terry Arnio dated February 13, 2002 re: Absences from Work
- 15 Brief of Student Complaints
- 16 Memorandum dated March 18, 2002 to Nancy MacGregor from Terry Arnio Re: Use of Video Resources
- 17 Memorandum dated February 18, 2002 to Nancy MacGregor from Terry Arnio Re: Probationary Evaluation
- 18 Handwritten note dated February 25, 2002 on Banting Memorial High School letterhead to Nancy from Terry
- 19 Memorandum dated February 26, 2002 to Nancy MacGregor from Terry Arnio Re: Date for Pre-Conference
- 20 Memorandum dated March 1, 2002 to Nancy MacGregor from Terry Arnio Re: Performance Appraisal Process
- 21 Professional Growth Plan for Nancy MacGregor, Banting Memorial High School, 2001-2002
- 22 The Simcoe County Board of Education Performance Appraisal – Record of Pre-Conference for Nancy MacGregor, Banting Memorial High School, 2001-2002
- 23 Memorandum dated March 22, 2002 to Nancy MacGregor from Terry Arnio Re: Absences from Work
- 24 Letter dated March 22, 2002 to Nancy MacGregor from Terry Arnio
- 25 Memo dated March 28, 2002 from Nancy MacGregor to Melanie, Buckler, Terry Arnio and Terry Brooks Re: Resource Materials
- 26 Letter dated March 29, 2002 to Nancy MacGregor from Muriel Jackson

- 27 Current Course Status dated April 2, 2002 outlining Nancy MacGregor's previous timetable
- 28 Memorandum dated April 5, 2002 to Nancy MacGregor from Terry Arnio Re: Submission of Attendance and Marks
- 29 Memorandum dated April 11, 2002 to Nancy MacGregor from Terry Arnio Re: Progress of Pupils
- 30 Memorandum dated April 25, 2002 to Nancy MacGregor from Steve Maehder Re: Communication re: Students Working in Resource
- 31 The Simcoe County Board of Education Performance Appraisal – Summary Report for Nancy MacGregor, Banting Memorial High School, 2001-2002
- 32 Letter dated January 14, 2002 to Nancy MacGregor from Muriel Jackson
- 33 Letter dated February 8, 2002 to Terry Arnio from Muriel Jackson with enclosures
- 34 Memo dated April 2, 2002 to Melanie Buckler from Muriel Jackson
- 35 Payroll Change Notice for Nancy Ann MacGregor dated September 7, 1999
- 36 Payroll Change Notice for Nancy Ann MacGregor dated February 18, 2000
- 37 Voice Information Platform – Job Report
- 38 Memo dated June 26, 2002 to Chairperson and Members of Simcoe County District School Board Committee of the Whole from Superintendent of School Services – South Simcoe Re: Termination of Probationary Contract Teacher
- 39 Letter dated July 4, 2002 from Sharon Bate to Joe Atkinson Re: Nancy Ann MacGregor

The Committee finds that the Member failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5). The testimony and/or exhibits showed, but was not limited to the following: The Member did not demonstrate care or respect for the individual needs of the students at the Centre and in particular interfered

with the treatment of a student by assigning a voluminous amount of work; did not demonstrate knowledge of the subject matter, curriculum and teaching practice in any of the teaching assignments; and failed to provide an adequate learning environment.

The Committee finds that the Member failed to keep records as required by her professional duties, contrary to Ontario Regulation 437/97, subsection 1(10). The testimony and/or exhibits showed, but was not limited to the following: The Member failed to provide adequate assessment or evaluation of student work, failed to provide feedback to students in a timely manner and in her many absences, failed to make the necessary arrangements for her students' work to be evaluated in a timely manner and failed to provide attendance records as required.

The Committee finds that the Member failed to supervise adequately students who were under her professional supervision, contrary to Ontario Regulation 437/97, subsection 1(11). The testimony and/or exhibits showed, but was not limited to the following: The Member interfered with her students' learning and writing of tests and left the students in her charge for brief periods, during which she was unavailable to answer their questions or monitor their progress.

The Committee finds that the Member 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). The testimony and/or exhibits showed, but was not limited to the following: The Member failed to provide lesson plans, and failed to notify the Board, as required, of her absences and showed the film “Hannibal” to minor students, without authorization, and failed to relate the contents to the course requirements.

The Committee finds that the Member committed acts, that having regard to all the circumstances, would reasonably be regarded by members as disgraceful and unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18). The testimony and/or exhibits showed, but was not limited to the following: The Member failed to work cooperatively and collaboratively with colleagues to enhance student learning and attended to her own personal matters during class time.

The Committee finds that the Member is incompetent in that she displayed a lack of skill and judgment and a disregard for the welfare of students of a nature or extent that demonstrates that the Member is either unfit to carry out her professional responsibilities or that the Member’s certificate should be made subject to terms, conditions and limitations. The testimony and/or exhibits showed, but was not limited to the following concerns as documented in the Member’s performance appraisal dated June 10, 2002 as well as two observations of the Member’s role as a SERT as follows:

- long range curriculum plans were not completed;
- the Member planned in isolation without consultation with program leaders;
- there were no modifications provided for students with special needs;

- the Member's lessons consisted of telling students to read the section of the book and answer questions in the text;
- the Member displayed a confrontational and antagonistic demeanour towards her students;
- the Member admitted to a lack of knowledge regarding assessment; and
- students' work from Semester 2 was returned to them April 17, 2002, only days before the end of the semester.

In her role as a SERT:

- the Member alienated special education students;
- the Member frequently and inappropriately disturbed classroom teachers as they conducted classes in order to resolve her own problems.

Numerous attempts were made to support the Member in her teaching practice, in developing her professional growth plan to address professional learning goals. The Member did not avail herself of any professional support that was offered to her and did not use the performance appraisal process to improve her practice.

This conduct was evident in both her places of employment and occurred over a three-year period.

It is the Committee's opinion that the Member's conduct is deficient and sufficiently serious that the Member's certificate should be subject to terms, conditions and

limitations.

### **Penalty Decision**

The Committee makes the following order as to penalty:

1. The Member is required to appear before the Committee to be reprimanded by the Committee, and that the fact of the reprimand is to be recorded on the Register.
2. The Registrar is directed to suspend the Member's certificate of qualification ("certificate") for a period of 12 months from the date of January 13, 2005.
3. The Registrar is directed to impose the following specified terms, conditions and limitations on the Member's certificate:
  - (a) that the Member shall not return to teaching or to any position for which a certificate under the *Ontario College of Teachers Act, 1996* is required (together hereinafter referred to as "a teaching position") until she has received the reprimand referred to in paragraph 1;
  - (b) that the Member shall not return to a teaching position until she has:
    - (i) attended at her own expense at a course on curriculum planning and a course on classroom management approved by the Registrar, and has provided such evidence as the Registrar requires of successful completion of same; and
    - (ii) attended at her own expense for an assessment by a medical physician designated by the Registrar and complied with any

treatment and/or further assessment recommended by the physician, all of which to be completed to the satisfaction of the Registrar;

(c) following completion of the requirements set out in paragraphs 3(a) and (b) above, the Member shall only return to a teaching position if, within 15 days of the commencement of the Member's employment, the Member provides to the Registrar evidence, satisfactory to the Registrar:

(i) of the date the Member commenced or resumed employment with the employer;

(ii) that the employer has received a copy of the Discipline Committee's decision and reasons in this matter;

(iii) that the employer agrees to complete two teacher performance appraisals per school year and promptly provide same to the Registrar; and,

(iv) that the employer is aware of the terms, conditions and limitations on the Member's certificate.

(d) that the requirements set out in paragraph 3(c) above shall remain in effect until the Member has provided evidence satisfactory to the Registrar that she has received two satisfactory teacher performance appraisals in each of two consecutive school years.

4. Direct that the findings of professional misconduct and order of the Committee, including the Member's full name, be published in summary, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

**Reasons for Penalty Decision**

- (a) The order meets the objectives of general deterrence, that is a statement to the profession to deter members of the profession from engaging in similar misconduct;
- (b) The order meets the objectives of specific deterrence to the Member; and
- (c) The order will remediate the Member should she wish to return to teaching.

Date: June 23, 2005

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Marilyn A. Laframboise  
Chair, Discipline Panel

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Janet Cornwall  
Member, Discipline Panel

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Rosemary Fontaine  
Member, Discipline Panel