

**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 Wanda Denise Maracle, Member of the Ontario College of Teachers.

PANEL:                    Brent Hamelin, Chair  
                                 Rosemary Fontaine  
                                 Mel Greif

BETWEEN:	)	
	)	
	)	Nadine Carpenter,
ONTARIO COLLEGE OF TEACHERS	)	Dispute Resolution Officer,
	)	for Ontario College of Teachers
	)	
- and -	)	Susan Ursel,
	)	Green & Chercover,
WANDA DENISE MARACLE	)	for Wanda Denise Maracle
(CERTIFICATE #248466)	)	
	)	
	)	Johanna Braden,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: October 28, 2008
	)	

**REASONS FOR DECISION, DECISION AND ORDER**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on October 28, 2008 at the Ontario College of Teachers (the “College”) at Toronto.

Wanda Denise Maracle (the “Member”) was in attendance at the hearing.

A *Notice of Hearing* dated June 1, 2007 was served on the Member, requesting attendance before the Discipline Committee of the Ontario College of Teachers on June 20, 2007 for the hearing of this matter. The matter was subsequently set for hearing on October 28, 2008.

## THE ALLEGATIONS

The allegations in the *Notice of Hearing* dated June 1, 2007 are as follows:

**IT WAS ALLEGED** that Wanda Denise Maracle is guilty of professional misconduct as defined in subsection 30(2) of the *Ontario College of Teachers Act* (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 *Education Act*, R.S.O. 1990, c. E.2 and specifically paragraph 264(1)(c) or the regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15); and
- (c) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

## MEMORANDUM OF AGREEMENT

Counsel for the College advised the Committee that subject to ratification by the Committee, agreement had been reached on the facts and introduced a *Memorandum of Agreement (MOA)*, (Exhibit 3) which provides as follows:

## Agreed Statement of Facts

The parties hereby agree to the truth and accuracy of the facts that are hereinafter expressed and agree to the receipt of this document by the Discipline Committee.

1. At all material times, the Member was employed by the Thames Valley District School Board (the “Board”) as a Grade 10 Civic teacher at Central Elgin Collegiate Institute (the “School”).
2. During November and December 2005, the Member:
  - (a) allowed students to move around the classroom during group activities, especially with respect to a blind student who needed to reorient himself to the classroom on a daily basis;
  - (b) from time to time, participated in light-hearted banter with students which she understood to be well-received;
  - (c) as part of teaching Ojibwa to certain students, taught the correct names of body parts in order to allow students to communicate properly in their own language. Other students may have overheard this and misunderstood;
  - (d) discussed with students the Columbine situation with students and the rights and responsibilities associated with owning a gun;
  - (e) engaged in light-hearted banter with a blind student in an attempt to normalize his disability;
  - (f) may have mispronounced a male student’s name but did not intend to be hurtful in doing so;
  - (g) intervened in a discussion among students regarding the School Vice-Principals’ sexuality;
  - (h) always attempted to provide appropriate answers to students’ questions regarding sex;
  - (i) joked to students that she needed her “hit of caffeine” and her “afternoon coke” while she sniffed a can of cola;
  - (j) told students to write a journal as an in-class assignment because she realized that they had not completed it in a manner that would allow her to pass any of them. This was done in order to give students a second chance with respect to their work;
  - (k) told students that it was okay to be confused because confusion is “part of learning and sorting things out”; and
  - (l) failed to give clear instructions to her students regarding marking schemes and failed to recognize that students did not understand her instructions.
3. In respect of these allegations, it should be noted that the Member was only briefly in the classroom and then left on a sick leave.
4. The Member is currently teaching at another School within the Board.

5. The Member voluntarily admits the above particulars against her and understands that by doing so, she is waiving the right to require the College to prove the case against her and the right to a contested hearing.

#### Joint Submission on Resolution

The parties agree to resolve the matter as follows:

6. By this document, the Member pleads no contest to professional misconduct as alleged in the Notice of Hearing, attached as Appendix "A", and in so doing, accepts as true the particulars set out in this MOA.
7. The Member agrees and understands that for the purpose of considering this matter, the Discipline Committee will be provided with this MOA and the Notice of Hearing, which will be marked as Exhibits and will constitute the evidence upon which the no contest plea will be accepted, the finding of professional misconduct will be made, and the penalty will be imposed.
8. The parties agree and understand that if any phrase or paragraph of this MOA is deemed null and void, the MOA shall be read as though the phrase or paragraph was stricken from the MOA and the amended MOA shall remain in force and effect.
9. The Member agrees and understands that this MOA is the entire agreement between herself and the College and that there have been no oral or written representations made by the College as an inducement or threat to enter into this MOA.
10. The Member agrees that upon ratification of this MOA, the Discipline Committee shall counsel her, in person, with respect to the above particulars.
11. The Member agrees and understands that within 90 calendar days of ratification of this MOA, she shall complete a course of instruction, pre-approved by the Registrar, regarding maintaining appropriate boundaries with students.
12. The Member agrees and undertakes that within 120 calendar days of ratification of this MOA, to provide the Registrar with written confirmation, prepared by the course practitioner, regarding the Member's successful completion of the above-mentioned course of instruction.
13. The Member agrees and understands that upon ratification of this MOA, a notation on the public register maintained by the Registrar, in accordance with section 23 of the *Ontario College of Teachers Act, 1996*, shall include the following information:

On October 28, 2008, Member found guilty of professional misconduct.  
Counselled.

14. The Member agrees and understands that upon ratification of this MOA, the College shall make the Discipline Committee Decision, including this MOA, available to the public.
15. The Member agrees and understands that, in the event she breaches a term of this MOA, she is estopped from alleging, by way of defence, that the College failed to investigate or dispose of the complaint in a timely manner with respect to the period between the resolution of the complaint and the date on which the College became aware of such a breach.
16. The Member agrees and understands that, in the event she breaches a term of this MOA, the College may provide the Investigation, Executive, Discipline or Fitness to Practise Committee with all the information necessary to fulfil its statutory mandate.
17. The parties agree and undertake that upon ratification of this MOA, there shall be no further action taken, no appeal to any forum, and no application for judicial review of the terms of the MOA.

## DECISION

Having examined the Exhibits filed, and based on the *Memorandum of Agreement*, the plea of no contest, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Wanda Denise Maracle committed acts of professional misconduct as alleged, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(15), and 1(19).

## REASONS FOR DECISION

The Committee accepts the Member's plea of no contest and the agreed facts contained in the *Memorandum of Agreement*. (*Exhibit 3*)

The Member showed a lack of understanding of the appropriate boundaries between teachers and students. By engaging students in inappropriate topics of discussion, the

member failed to comply with the Education Act, contrary to Ontario Regulation 437/97, subsection 1(15). The Member failed to maintain what is considered to be generally accepted tone and behaviours in a classroom setting. This is conduct unbecoming a member and does not meet the standards of the profession, contrary to Ontario Regulation 437/97, subsections 1(5) and 1(19).

## PENALTY DECISION

The Committee makes the following order as to penalty:

1. The Member is directed to appear before the Committee immediately following the hearing of this matter to receive counselling, and the fact of the counselling is to be recorded on the Register of the Ontario College of Teachers;
2. The Registrar is directed to impose the following conditions on the Member's Certificate of Qualification and Registration, the fact of such conditions to be recorded on the Register of the College until such time as they are fulfilled:
  - (i) the Member shall, within 90 calendar days of the date of the hearing of this matter, complete a course of instruction pre-approved by the Registrar, regarding maintaining appropriate boundaries with students;
  - (ii) the Member shall, within 120 calendar days of the date of the hearing of this matter, deliver written confirmation, prepared by the course practitioner to the Registrar regarding the successful completion of the above-mentioned course of instruction.

## REASONS FOR PENALTY DECISION

The Committee determined that counselling the Member and a requirement that she complete a course regarding maintaining appropriate boundaries with students would serve to improve her teaching skills and to help her understand that a teacher's behaviour in a classroom has significant ramifications for the profession. The Member continues to be in the classroom and by successful completion of this course, there is an assurance that the public interest will be protected.

Date: October 28, 2008

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Brent Hamelin  
Chair, Discipline Panel

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Rosemary Fontaine  
Member, Discipline Panel

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Mel Greif  
Member, Discipline Panel