

**DISCIPLINE COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS**

IN THE MATTER OF *the Ontario College of Teachers Act, 1996, S.O. 1996,
c. 12 and the Regulation (Ontario Regulation 437/97) thereunder;*

AND IN THE MATTER OF discipline proceedings against
Carol Susan Minaker, a member of the Ontario College of Teachers.

PANEL: Ted Coulson (Chair)
 Audrey Hadfield
 Lou Watson

BETWEEN:)	
)	
	)	Heather Meredith,
ONTARIO COLLEGE OF TEACHERS	)	McCarthy Tétrault,
	)	for Ontario College of Teachers,
	)	assisted by Trevor Evans,
- and -	)	Senior Law Clerk
)	
CAROL SUSAN MINAKER	)	David Matheson,
(CERTIFICATE #207947)	)	Cavalluzzo Hayes Shilton McIntyre
	)	& Cornish,
	)	for Carol Susan Minaker
)	
	)	Johanna Braden, Stockwoods
	)	Independent Legal Counsel
)	
	)	Heard: February 3, 2005

REASONS FOR DECISION AND DECISION ON MOTION

Counsel for the College and Counsel for the Member brought a motion to seek leave from the Committee to withdraw the allegations set out in the Notice of Hearing dated July 8, 2004.

Independent legal counsel advised the Committee that the Committee had jurisdiction to make the order requested, pursuant to section 4.1 of the *Statutory Powers Procedure Act*, which provides that if the parties consent, a proceeding may be disposed of by a decision of the Committee without a hearing.

The Committee considered the submissions of College counsel and counsel for the Member. Upon the consent of the parties, the Committee authorizes the College to accept the *Written Undertaking and Agreement* of the Member and withdraw the allegations of professional misconduct and incompetence against Carol Susan Minaker set out in the Notice of Hearing, on the agreed upon terms outlined in the *Written Undertaking and Agreement* as follows:

1. That the Member shall, within one (1) year from November 25, 2004, enrol, at her own expense, a program of study and counselling, approved by the Registrar, in classroom management for special education students.
2. That, upon completion of the program, the Member shall provide to the Registrar evidence of the successful completion thereof. The Registrar shall have sole discretion to determine whether the program has been successfully completed.
3. That the Member shall advise the College, if and when she accepts a position of employment as a classroom teacher, of the name of her employer and the start date of such employment.
4. That, within one year from the date of commencement of any employment as referred to in paragraph 3 above, the Member shall submit to a Teacher Performance Appraisal, and a report of such appraisal shall be provided to the Registrar immediately following its completion.

The Member acknowledges and understands that if she breaches any term of this written *Undertaking and Agreement*, or the Teacher Appraisal referred to in (4) above is unsatisfactory, the Ontario College of Teachers will be at liberty to initiate a complaint regarding said breach(es), pursuant to s. 24 of Ontario Regulation 437/97 made under the *Ontario College of Teachers Act, 1996*.

The Member acknowledges that a notation of the terms of this undertaking will appear on the Register of the College.

The Member acknowledges that she has obtained advice from her legal counsel about the scope, purpose and effect of her execution of this *Written Undertaking and Agreement*.

The Committee concludes that the agreement is reasonable and serves and protects the public interest. It also will assist the Member in the acquisition of suitable classroom management skills.

Date: February 3, 2005

Ted Coulson
Chair, Discipline Panel

Audrey Hadfield
Member, Discipline Panel

Lou Watson
Member, Discipline Panel