

MEMORANDUM OF AGREEMENT

BETWEEN :

Ontario College of Teachers

- and -

Neil Joseph Orlowsky

WHEREAS Neil Joseph Orlowsky is a member of the Ontario College of Teachers (Registry number 447001);

AND WHEREAS, W. Douglas Wilson, Registrar and Chief Executive Officer, initiated a complaint on September 9, 2005, with respect to the conduct or actions of Neil Joseph Orlowsky;

THE PARTIES to this agreement are the Ontario College of Teachers (the "College") and Neil Joseph Orlowsky (the "member"). The Registrar's signature on this Memorandum of Agreement (the "MOA") does not bind the Investigation Committee in its function to consider and dispose of this matter.

WHERE THE INVESTIGATION COMMITTEE requests modifications to this MOA, the Dispute Resolution Administrator will consult the parties as to whether the modifications are acceptable. If the parties accept the modifications, the revised MOA will become final and binding once ratified by the Investigation Committee.

WHERE THE INVESTIGATION COMMITTEE does not ratify the MOA or the parties do not accept the modifications, the complaint will proceed through the investigation process and will be considered by a differently constituted panel of the Investigation Committee. The second panel of the Investigation Committee will not be provided with nor will it consider this MOA.

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 Investigation Committee.

1. At all material times the member was employed by the York Region District School Board (the "Board") as a teacher at [REDACTED] School.
2. Between February 2002 and April 2003, the member:
 - (a) exchanged personal e-mail messages with a [REDACTED]-year-old female student prior to her graduation;
 - (b) following the student's graduation, exchanged e-mail messages and had telephone conversations with the [REDACTED]-year-old female;
 - (c) following the student's graduation, went on two dates with the [REDACTED]-year-old female which included affectionate, physical contact; and

- (d) following the student's graduation, engaged in affectionate, physical contact with the [REDACTED] year-old female while the member was chaperoning a school trip in Europe in April 2003.
3. In June 2003, the Board:
- (a) suspended the member for 5 days without pay;
 - (b) reprimanded the member; and
 - (c) directed the member to complete a course of instruction in maintaining professional relations with students.
4. The member voluntarily admits the above particulars and understands that by doing so he is waiving the right to require the College to prove the allegations against him and the right to a hearing.

Joint Submission on Resolution

In consideration of the action taken by the Board, the parties agree to resolve the complaint as follows:

5. the parties agree and undertake that upon ratification of this MOA, there shall be no further action taken, no appeal of any or all of the terms of this agreement, and no application for judicial review, providing the terms of this MOA are complied with;
6. the member agrees and understands that upon ratification of this MOA, the Investigation Committee shall admonish him, in writing, with respect to the above particulars. The admonishment will be recorded on the public register;
7. the member agrees and understands that upon ratification of this MOA, the public register maintained by the Registrar, in accordance with section 23 of the *Ontario College of Teachers Act, 1996*, shall include the following notation:
- On (insert date of ratification by Investigation Committee), the Investigation Committee admonished the member with respect to alleged breaches of the professional standards;
8. the member agrees and undertakes that within 30 calendar days of ratification of this MOA, the member shall provide the Registrar with written confirmation of his successful completion of a course of instruction in maintaining professional relations with students;
9. the member agrees and undertakes to immediately notify the Registrar of any additional complaints against him of a similar nature made to his employer;
10. the member agrees and understands that upon ratification of this MOA, the College shall maintain a copy of the Decision of the Investigation Committee, including this MOA, in the College's Margaret Wilson Library. The Decision will be available for review by the public;

- 11. 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;
- 12. the member agrees and understands that this MOA is the entire agreement between himself 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;
- 13. the member agrees and understands that, in the event he breaches a term of this MOA, the College may conduct an investigation or hearing into this matter as permitted under the *Ontario College of Teachers Act, 1996*;
- 14. the member agrees and understands that, in the event he breaches a term of this MOA, he is estopped from alleging, by way of defense, 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 that the College becomes aware of such a breach; and
- 15. the member agrees and understands that, in the event he 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.

Dated at TORONTO this 15 day of DECEMBER 2005
Town/City Day of mo. Month Year

J. Fernandes
 Witness

[Signature]
 Neil Joseph Orłowsky

JENNIFER FERNANDES
 Name of Witness - Please Print

Dated at Toronto this 22nd day of DECEMBER 2005
Day of mo. Month Year

N. Carpenter
 Witness

W. Douglas Wilson
 W. Douglas Wilson
 Registrar and Chief Executive Officer

Nadine Carpenter
 Name of Witness - Please Print