

**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 Micheline Marie Jeanine Pelland-Lajoie, OCT, a member of the Ontario College of Teachers.

PANEL:            Hanno Weinberger, OCT, Chair  
                         Mel Greif  
                         Jacques Tremblay, OCT

BETWEEN:	)	
	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Jennifer Robinson,
	)	Law Clerk
- and -	)	
	)	
MICHELINE MARIE JEANINE	)	William Markle &
PELLAND-LAJOIE	)	James Tausenfreund,
(CERTIFICATE # 185153)	)	Markle & Phibbs LLP,
	)	for Micheline Marie Jeanine
	)	Pelland-Lajoie
	)	
	)	Julie Maciura,
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel
	)	
	)	Heard: November 23 & December
	)	15, 2009

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on November 23 and December 15, 2009 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated August 15, 2007, was served on Micheline Marie Jeanine Pelland-Lajoie, requesting her attendance before the Discipline Committee of the Ontario College of Teachers on September 12, 2007 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for November 23, 2009. Micheline Marie Jeanine Pelland-Lajoie was in attendance.

### **THE ALLEGATIONS**

The allegations against Micheline Marie Jeanine Pelland-Lajoie in the *Notice of Hearing*, (Exhibit 1) dated August 15, 2007 are as follows:

**IT IS ALLEGED** that Micheline Marie Jeanine Pelland-Lajoie is guilty of professional misconduct as defined in section 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 failed to comply with the *Act* and the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically sections 264(1)(c) and 265(1)(a) and (b) thereof or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (c) 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);

- (d) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (e) she displayed a lack of knowledge, skill or judgment of a nature or extent that demonstrates that she is either unfit to carry out her professional responsibilities or that her certificate should be made subject to terms, conditions or limitations.

At the conclusion of the hearing on December 15, 2009, College Counsel sought to withdraw the allegations of professional misconduct contained in paragraphs (a), (b), (d) and (e) above, being alleged breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15) and 1(19). Counsel also sought to withdraw the allegations of incompetence contained in paragraph (e) above. The Committee agrees that these allegations shall be withdrawn.

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced a *Statement of Uncontested Facts, Plea of No Contest and Joint Submission on Penalty* (SUF– Exhibit 2) which provides as follows:

#### **STATEMENT OF UNCONTESTED FACTS**

1. Micheline Marie Jeanine Pelland-Lajoie (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.

2. At all material times, the Member was employed by the Conseil scolaire public du Grand Nord de l'Ontario (the "Board") and was a Principal at École publique Hélène Gravel (the "School") in Sudbury, Ontario.

3. Commencing in or about early September 2005 and continuing through March 2006, the Member engaged in a number of incidents of inappropriate and unprofessional conduct that was unsettling to faculty and staff at the School. While the parties have not agreed completely on the precise conduct of the Member, it included:

- (a) On one occasion in her office, the Member raised her sweater in front of a teacher and an educational assistant, thereby exposing her brassiere;
- (b) Thereafter, the Member requested the teacher and the educational assistant who were present when she exposed herself as referred to in paragraph (a) above, to write a letter each about this incident and to give those letters to her without explaining the purpose of the letters. The teachers felt as if they had no choice but to write the letters;
- (c) On one occasion, after a staff member had asked the Member to be more organized, the Member said to the staff member words to the effect that "(I)f you were any more organized, it would come out your ass." The Member meant the comment in jest.
- (d) On one occasion, stated to a teacher that she had better be careful since the Member was her Principal and their husbands worked together. The comment intimidated the teacher. The Member intended the comment to be taken in jest and not to be intimidating;

- (e) On one occasion, following their attendance at a meeting of the AEFO Advisory Committee, the Member approached staff members to obtain confidential information from the meeting, when she knew or ought to have known it would have been improper for the staff members to make such a disclosure;
- (f) on one of the School's Professional Development days, the Member invited staff to the staff room to attend a sales presentation being made by a staff member, to view and buy jewellery; and
- (g) exclaimed, while in the staff lounge with a group of teachers, after a kindergarten teacher advised her colleagues present in the staff lounge that she and her husband planned to spend the coming weekend without their children – "Un weekend d'amoureux", which remark was regarded as offensive by some of those present.

4. The Member was assigned to home duty, with pay, on March 21, 2006 while the Board conducted an investigation into the Member's conduct. On June 8, 2006, the Member was notified of the Board's intention to seek her termination of employment.

5. On June 27, 2007, the Member entered into an agreement with the Board whereby the Member's employment with the Board was deemed a resignation.

**PLEA OF NO CONTEST**

6. By this document, the Member admits, for the purposes of this proceeding only, the truth of the facts and the exhibit referred to in paragraphs 1 to 5 above.

7. The Member hereby acknowledges that the facts referred to in paragraph 3 above constitute professional misconduct and pleads no contest to these allegations of professional misconduct against her, being more particularly a breach of Ontario Regulation 437/97 1(18 - unprofessional).

8. 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 consenting to the evidence as set out in paragraphs 1 to 5 above, including the referenced exhibit, being presented to the Discipline Committee at the hearing of this matter;
- (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 full hearing on these issues; and
- (d) she understands and acknowledges that she is executing this Agreement voluntarily, unequivocally and with the advice of legal counsel.

9. The Member provides this plea of no contest pursuant to Rule 3.02 of the Rules of Procedure of the Discipline Committee under protection of the *Evidence Act*, R.S.O. 1990, chapter E. 23, for the purpose of this proceeding under the *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.

10. In light of the admitted facts and circumstances, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

**JOINT SUBMISSION ON PENALTY**

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

- (a) requires the Member to appear before the Committee, immediately following the hearing of this matter, to be reprimanded, with the fact of the reprimand to be recorded on the Register for a period of one year;
- (b) directs the Registrar to impose a term or condition on the Member's certificate that the Member is to enrol in and complete, at her own expense, within sixty (60) days of the date of this Order, a course of instruction, pre-approved by the Registrar, regarding inter-personal relationships, and that the Member shall deliver directly to the Registrar, within ten (10) days of completion of the course, a written certificate from the course provider stating that the Member has successfully completed the course; and
- (c) directs that the findings and order of the Committee, without the Member's name, be published in the official publication of the College *Professionally Speaking/Pour parler profession.*

12. By this document, the Member acknowledges her understanding that any agreement between the College and the Member with respect to the penalty proposed in this document does not bind the Discipline Committee.

## **DECISION**

After College counsel presented the *Statement of Uncontested Facts and Joint Submission on Penalty*, the panel Chair administered the plea inquiry for plea of no contest to the Member. In this plea inquiry, the Member answered “yes” to the following five questions:

1. Do you understand the nature of the allegation(s) that has (have) been made against you?”
2. “Do you understand that by admitting the allegation(s), you are waiving the right to require the College prove the case against you and the right to have a hearing?”
3. “Did you voluntarily decide to admit the allegation(s) against you?”
4. “Do you understand that depending on the penalty ordered by the Discipline panel, that the panel’s decision and a summary of its reasons may be published in *Professionally Speaking*, including reference to your name?”
5. “Do you understand that any agreement between counsel for the College and your counsel with respect to the penalty proposed does not bind the Discipline panel?”

Having examined the Exhibits filed, and based on the plea of no contest, the *Statement of Uncontested Facts, Plea of No Contest and Joint Submission on Penalty*, 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 Micheline Marie Jeanine Pelland-Lajoie committed

acts of professional misconduct, being more particularly a breach of Ontario Regulation 437/97 subsection 1(18 - unprofessional).

## **REASONS FOR DECISION**

The Committee accepted the Member's plea of no contest and the facts as outlined in the *Statement of Uncontested Facts*.

The Member admitted the truth of the facts referred to in paragraphs 1 to 5 above and acknowledged that her conduct described in paragraph 3 of the Uncontested Facts constitutes professional misconduct and pleaded no contest to the allegations of professional misconduct, being more particularly, a breach of Ontario Regulation 437/97, subsection 1(18 - unprofessional).

The Committee's initial reaction to this joint submission was that it was lenient and perhaps inappropriate. The Committee asked counsel for further submissions as to why findings for 1(5) and/or 1(19) were not requested. Counsel was afforded an opportunity at a later scheduled date to do so. Upon hearing further submissions, the Committee agreed to find a breach of Ontario Regulation 437/97, subsection 1(18-unprofessional). For the purposes of this decision only, the Committee accepted submissions by both parties that 1(19 – conduct unbecoming) made reference to conduct that took place outside of the school setting. It should be noted that the Committee was reluctant to accept this definition but did so since it was supported by both counsel. The Committee will ask the Discipline Committee to further explore the nature of 1(19).

The Member displayed the following behaviours and these support a finding of misconduct, more specifically a breach of (18-unprofessional). The Member raised her

sweater in front of two teaching professionals and exposed her brassiere. Subsequently realizing the inappropriate behaviour indicated above, the Member requested these two staff members to write about the specific incident and to leave the letters with her. These two persons wrote the letters under duress but did so because it was requested by their superior, the principal.

On one occasion the Member, in jest, made inappropriate reference to a staff member about a specific body part of that staff member.

On another occasion, again in jest, and fully stating that she was the principal, the Member made a comment that intimidated one of her staff.

On one occasion, the Member in her role as a principal, attempted to obtain confidential information from staff members following an AEFO Advisory Committee meeting, when she ought to have known this request was highly improper.

Finally, during a discussion in the staff lounge with a group of teachers, the Member made comments about another teacher which were construed to be of a sexual nature and which therefore caused offence among some of the persons who were present.

The Member entered into an agreement with the Board whereby the Member's termination of employment with the Board was deemed a resignation.

## **PENALTY DECISION**

The Committee makes the following order as to penalty:

1. The Member is required to appear before the Committee to be reprimanded, with the fact of the reprimand to be recorded on the Register of the College for a period of one year from December 15, 2009.

2. The Registrar is directed to impose a term or condition on the Member's Certificate that the Member is to enrol in and complete, at her own expense, within sixty (60) days of December 15, 2009, a course of instruction, pre-approved by the Registrar, regarding inter-personal relationships, and that the Member shall deliver directly to the Registrar, within ten (10) days of completion of the course, a written certificate from the course provider stating that the Member has successfully completed the course.
3. Pursuant to Section 30 (5) (3) of the Ontario College of Teachers Act, the findings and order of the Committee shall be published in summary, without the name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

## **REASONS FOR PENALTY DECISION**

The reprimand of the Member acts as a specific deterrent to the Member. The fact that the reprimand of the Member took place and will be recorded on the Register for a period of one year is both a specific and general deterrent.

The Committee determined that the course of instruction in inter-personal relations is appropriate as it addresses the rehabilitation of the Member, provides an opportunity for further education and serves to protect the public interest.

Publication of the findings and order of the Committee, in summary, without the name of the Member, in *Professionally Speaking/Pour parler profession* acts as a general deterrence to the profession. In the matter of publication without name, the Committee had reservations. In a balancing of mitigating and aggravating factors, initially the

Committee would have preferred to publish with name and invited both counsel to present further submissions. College Counsel presented a number of cases which could act as precedents in this matter. The Committee could see no benefit in challenging the selection of these precedents and therefore albeit reluctantly, agreed to move forward and accept the joint submission on penalty. The Committee also took into account that the following questions were not included in the *Statement of Uncontested Facts and Joint Submission on Penalty* (Exhibit 2). The Committee was troubled by this omission.

“Do you understand that depending on the penalty ordered by the Discipline panel, that the panel’s decision and a summary of its reasons may be published in *Professionally Speaking*, including reference to your name?” and “Do you understand that any agreement between counsel for the College and your counsel with respect to the penalty proposed does not bind the Discipline panel?”

The Committee appreciated its obligation to give serious consideration to a joint submission on penalty but did so with reservations. The Committee considered the joint submission on penalty to be at the lower end of what might be considered appropriate, given the nature of the misconduct. However, having regard to the legal principles applicable to a joint submission, concluded that the joint submission should be accepted by the Committee.

The proposed one-year length of time that the fact of a reprimand was to appear on the Register was specifically a matter of concern to the Committee. The Committee was mindful of the fact that the adversaries in this matter had agreed to this length of time. It

was also mindful of the applicable legal principles it must follow in considering a joint submission.

The Committee was extremely cognizant of the need to balance the protection of the public interest against the serious possibility of counsel challenging a rejection by the Committee of the joint submission on penalty before the courts. Therefore, at the end of the day, the Committee accepted the joint submission on penalty.

The Committee concluded that the joint submission on penalty provided a tolerable level of protection of the public interest.

Date: January 7, 2010

---

Hanno Weinberger, OCT  
Chair, Discipline Panel

---

Mel Greif  
Member, Discipline Panel

---

Jacques Tremblay, OCT  
Member, Discipline Panel