

**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 Ronald Wilfred Petro, a member of the Ontario College of Teachers.

PANEL: Ted Coulson, Chair
Janet Ouellette
Eileen Walker

BETWEEN:)	
)	
ONTARIO COLLEGE OF TEACHERS)	Nadine Carpenter, Dispute Resolution Administrator, for Ontario College of Teachers
- and -)	
RONALD WILFRED PETRO (CERTIFICATE #185346))	Maureen Forestell, Cavalluzzo Hayes Shilton McIntyre & Cornish, for Ronald Wilfred Petro
)	
)	Johanna Braden, Stockwoods, Independent Legal Counsel
)	
)	Heard: September 21, 2005

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on September 21, 2005 at the Ontario College of Teachers (the “College”) at Toronto.

A *Notice of Hearing* dated April 29, 2005 was served on Ronald Wilfred Petro, requesting attendance before the Discipline Committee of the Ontario College of Teachers on September 21, 2005 to hold a hearing, and specifying the charges.

Ronald Wilfred Petro was in attendance at the hearing.

The Allegations

The allegations in the *Notice of Hearing* dated April 29, 2005 are as follows:

IT IS ALLEGED that Ronald Wilfred Petro is guilty of professional misconduct as defined in subsection 30(2) of the *Ontario College of Teachers Act, 1996* (the “Act”), in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5); and
- (b) he 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)*, which incorporated an *Agreed Statement of Facts and Joint Submission on Penalty* 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. Ronald Wilfred Petro is a member of the College.

2. At all material times, the Member was employed by the Thames Valley District School Board (the “Board”) as a teacher at Plattsville and District Public School (the “School”).
3. During the 2002/2003 academic school year, the Member:
 - (a) moved the chair of a student while the student was sitting in the chair;
 - (b) tapped the classroom cupboard and bookshelf, using significant force, as a means of getting students’ attention; and
 - (c) walked around the classroom carrying a baseball bat.
4. During the 2002/2003 academic school year, the Member told a student to be quiet. The student replied, “Are you telling me to shut my hole?” The Member responded, “Yes, shut it”.
5. During the 2002/2003 school year, the Member videotaped the class entering the classroom in order to demonstrate to them the disorderly nature of their entry. The Member did not have the consent of the students or their parents to videotape them.
6. By this document, the Member pleads guilty to professional misconduct as alleged in the Notice of Hearing, with respect to the acts set out above.
7. The Member voluntarily admits the above particulars against him and understands that by doing so, he is waiving the right to require the College to prove the case against him and the right to a hearing.

Member’s Plea

The Member Ronald Wilfred Petro admits that the matters referred to in the *Notice of Hearing* dated April 29, 2005, with respect to the facts set out above, constitute professional misconduct and pleads guilty to the allegations of professional misconduct

against him, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5) and 1(19) of the Act.

Decision

Having examined the Exhibits filed, and based on the *Memorandum of Agreement*, the guilty plea therein, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Ronald Wilfred Petro committed acts of professional misconduct as alleged, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5) and 1(19).

Joint Submission on Penalty

The parties agree to resolve the matter as follows:

1. The Member agrees that upon ratification of this *MOA*, the Discipline Committee shall admonish him, in person, with respect to the above particulars.
2. The Member agrees and undertakes that within 6 months of ratification of this *MOA*, he shall complete a course of instruction, approved by the Registrar, regarding positive classroom management strategies.
3. The Member agrees and undertakes that within 8 months of ratification of this *MOA*, he shall provide the Registrar with written proof of successful completion of the course of instruction regarding positive classroom management strategies.
4. The Member agrees and understands that any cost related to the classroom management course will not be borne by the College.
5. The Member agrees and understands that for the purpose of considering this matter, the Discipline Committee will be provided with the *MOA* and the Notice of Hearing

which will be marked as Exhibits and will constitute the evidence upon which the guilty plea is accepted, the finding of guilt is made, and the penalty is imposed.

6. 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.
7. 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*.
8. 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.
9. 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*.

Penalty Decision

The Committee accepts the joint submission as to penalty as set out in the *Memorandum of Agreement* and accordingly:

- (a) requires that the Member, Ronald Wilfred Petro, appear before the Committee to be admonished;
- (b) requires that within 6 months, the Member complete a course of instruction, approved by the Registrar, regarding positive classroom management strategies;

(c) requires the Member to provide to the Registrar, within 8 months, written proof of successful completion of the course of instruction regarding positive classroom management strategies.

Publication

The *MOA* did not speak to the issue of publication.

Counsel for the Member submitted that the Committee had discretion on whether to identify the Member in the publication of the summary. Counsel argued there would be no benefit to the public and it would cause undue hardship to the Member, who was from a small community. Counsel further submitted that deterrence would be minimal and rehabilitation had already been affected.

Counsel for the College submitted that the Committee should decide whether or not publication of the Member's name in *Professionally Speaking/Pour parler profession* was in the public interest.

Independent Legal Counsel informed the Committee that publication with the Member's full name is the general rule and shows that the process is open and transparent.

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, with the Member's full name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

Reasons for Decision and Order

Ronald Wilfred Petro accepted responsibility for his actions. He co-operated with the College by agreeing to the facts and the proposed penalty,

In the *Joint Submission on Penalty*, the Member has agreed to take a course of instruction regarding positive classroom management strategies. In addition, the Committee admonished the Member.

The Committee concluded that the public interest and the requirement for general and specific deterrence are best served by the publication of the Member's full name. The Committee found no compelling reasons to omit the Member's name from publication.

The Committee is satisfied that the penalty serves to remediate the Member and protects the public interest.

Date: September 21, 2005

Ted Coulson
Chair, Discipline Panel

Janet Ouellette
Member, Discipline Panel

Eileen Walker
Member, Discipline Panel