

**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 Nyrton Louis Pierre-Antoine, OCT, Member of the Ontario College of Teachers.

PANEL: Hanno Weinberger, OCT, Chair  
Alexander Bass, OCT  
Mel Greif

BETWEEN:	)	
	)	
	)	Nadine Carpenter,
ONTARIO COLLEGE OF TEACHERS	)	Dispute Resolution Officer,
	)	Ontario College of Teachers
	)	
- and -	)	
	)	Stephanie Carey,
NYRTON LOUIS PIERRE-ANTOINE	)	Markle & Phibbs,
(CERTIFICATE #424200)	)	for Nyrton Louis Pierre-Antoine
	)	
	)	
	)	Richard Steinecke,
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel
	)	
	)	Heard: April 13, 2011
	)	

**DECISION, REASONS FOR DECISION AND ORDER**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on April 13, 2011 at the Ontario College of Teachers (the “College”) at Toronto.

Nyrton Louis Pierre-Antoine (the “Member”) was in attendance at the hearing.

A *Notice of Hearing* dated October 5, 2010 was served on the Member, requesting attendance before the Discipline Committee of the Ontario College of Teachers on October 25, 2010 for the hearing of this matter. The matter was subsequently set for hearing on April 13, 2011.

### **THE ALLEGATIONS**

The allegations in the *Notice of Hearing* (Exhibit 1), dated October 5, 2010 are as follows:

**IT WAS ALLEGED** that Nyrton Pierre-Antoine 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 committed an act 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); and
- (b) he engaged in conduct unbecoming of a member, contrary to Ontario Regulation 437/97, subsection 1(19).

### **MEMORANDUM OF AGREEMENT**

The Dispute Resolution Officer 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 a French-Second Language teacher in the junior-intermediate Divisions at St. Michael the Archangel Catholic School (the "School") with the Simcoe Muskoka Catholic District School Board (the "Board").
2. The Member, for the purpose of this proceeding only, admits that he acted inappropriately and unprofessionally when he engaged in conduct related to inappropriate physical contact with another teacher.
3. More specifically, the Member states that he breached his professional duties on January 30, 2009, when at the School, during work hours, gave a female colleague a push and jumped on her from behind in jest.
4. The Board issued a letter of discipline to the Member and suspended him without pay for one (1) day.
5. On February 24, 2009, the Barrie Police Service laid assault charges against the Member.
6. The Board reassigned the Member to alternate duties with pay, in a non-school location, for the duration of the criminal investigation.
7. On August 17, 2009, the criminal charge against the Member was withdrawn.
8. On August 17, 2009, the Member entered into a Recognizance to Keep the Peace agreement.

### Joint Submission on Resolution

9. For the purpose of this proceeding only, the Member does not contest that the facts described in paragraph 3 constitute professional misconduct, being more particularly breaches of *Ontario Regulation 437/97*:
  - (a) subsection 1(18): An act or omission that, having regard to all the circumstances, would reasonably be regarded by members as unprofessional,
  - (b) subsection 1(19): Conduct unbecoming a member.

10. By this document the Member states that:
  - (a) He understands fully the nature of the allegations against him;
  - (b) He understands that by pleading no contest to the allegations, he is waiving the right to require the College to prove the case against him and the right to have a hearing;
  - (c) He voluntarily decided to plead no contest; and
  - (d) He understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and with the advice of legal counsel.
11. The Member provides this plea 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 *Ontario College of Teachers Act 1996*, and for no other purpose.
12. The Member's plea of no contest for these proceedings does not constitute an admission by him as to the facts or findings in any other civil, criminal or administrative proceeding.
13. In light of the uncontested facts and the Member's plea of no contest, the College and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.
14. In light of the uncontested facts and the plea of no contest to the allegations above, and upon the Discipline Committee making the finding of professional misconduct requested by the parties, the College and the Member jointly submit that the appropriate order and penalty to be imposed by the Discipline Committee in this matter would be that the Committee:
  - (a) direct the Registrar of the College to impose the following terms, conditions or limitations on the Member's Certificate of Qualification and Registration, the fact of such terms and conditions and limitations to be recorded on the Register of the College until such time as they are fulfilled:
    - i) the Member shall enrol in and attend, at his own expense, within ninety (90) days of the date of the hearing of this matter, a course, pre-approved by the Registrar, with regard to Appropriate and Professional Relationships with Colleagues;
    - ii) the Member shall deliver directly to the Registrar proof of the successful completion of the course in (i) above within thirty (30) days of the completion of the course;

- (b) direct that there be publication of the findings and Order of the Committee in summary form, without the Member's name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.
15. The parties agree and undertake that upon ratification of this MOA, there shall be no further action taken, no appeal of any or all the terms of this agreement, and no application for judicial review, providing the terms of this MOA are adhered to.
16. The parties agree and understand that if any phrase or paragraph of this MOA is deemed null and void, such phrase or paragraph shall be replaced by a valid text achieving the objective originally sought. At all times the MOA shall remain in force and effect.

## **DECISION**

Having examined the Exhibits filed, and based on the *Memorandum of Agreement*, the plea of no contest, and the submissions made by the College's Dispute Resolution Officer and counsel for the Member, the Committee ratifies the *Memorandum of Agreement*. The Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Nyrton Louis Pierre-Antoine committed an act of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(18 -unprofessional) 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*. The Member does not contest that the facts described in paragraph 3 above constitute professional misconduct.

The Member, on one occasion, gave a female colleague a push and jumped on her from behind in jest. This action amounts to professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(18 -unprofessional) and 1(19).

## **PENALTY DECISION**

The Committee accepts the Joint Submission on Resolution and makes the following order:

1. The Registrar is directed to impose the following terms, conditions or limitations on the Member's certificate of qualification and registration, the fact of such terms, conditions or limitations to be recorded on the Register of the College until such time as they are fulfilled:
  - (i) the Member shall enrol in and attend, at his own expense, within ninety (90) days of April 13, 2011, a course pre-approved by the Registrar with regard to Appropriate and Professional Relationships with Colleagues;
  - (ii) the Member shall deliver directly to the Registrar proof of the successful completion of the course in (i) above within thirty (30) days of the completion of the course.
2. 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 Committee accepted the joint submission on resolution which included publishing the findings in the official publication of the College, *Professionally Speaking/Pour parler profession* without the name of the Member. The Member's behaviour, on this one occasion, was described by both Member's counsel and College counsel as being on the low end of the scale of matters that come before the Discipline Committee. The

Committee agrees. The behaviour did not have any bearing on the Member's teaching ability or his contact with students.

In reaching this decision, the Committee was guided by the nature of the misconduct and the terms imposed on the Member's certificate. The Committee expects that the course on Appropriate and Professional Relationships with Colleagues will address the issue that gave rise to this matter and will expand the Member's professional development. Completion of this course will serve as a specific deterrent to the Member.

Publication of the decision responds to the need for transparency and accountability and will serve the public interest as well as inform the profession. Publication of the findings and order, without the name of the Member, provides a general deterrent to the profession from engaging in similar behaviour.

The Committee is satisfied that this decision is appropriate in the circumstances and serves and protects the public interest.

Date: April 13, 2011

---

Hanno Weinberger, OCT, Chair  
Chair, Discipline Panel

---

Alexander Bass, OCT  
Member, Discipline Panel

---

Mel Greif  
Member, Discipline Panel