

ENGLISH TRANSLATION OF FRENCH DECISION

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

DECISION

*IN THE MATTER OF THE ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:*

AND IN THE MATTER OF discipline proceedings against Alain Poisson,

the Discipline Committee held a hearing on January 17, 2003

**BETWEEN:**

**THE ONTARIO COLLEGE OF TEACHERS**

**- and -**

**Alain Poisson**  
**Membership No.: 106382**

**PRESENT**

Members of the Panel

Marilyn Laframboise (Chair)

Guill Archambault

Pauline Demers

Paul Levay, Independent Counsel to the Panel

Christine Lonsdale, McCarthy Tétrault, Counsel for the Ontario College of Teachers,  
assisted by Trevor Evans, Senior Law Clerk.

A Notice of Hearing, dated July 19, 2002, was served on Alain Poisson, requesting attendance before the Discipline Committee of the College on January 17, 2003.

**IT IS ALLEGED THAT** Alain Poisson is guilty of professional misconduct or incompetence within the meaning of subsection 30(2) of the Act in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1 (5);
- (b) he failed to comply with the Act or the *Education Act*, Revised Statutes of Ontario, 1990, c.E2 and particularly, section 264(1)(c) thereof or the regulation made under those Acts, contrary to Ontario Regulation 437/97, subsections 1 (14) and (15);
- (c) he contravened one or more laws the contravention whereof is relevant to the member's suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1 (16);
- (d) he performed acts or omissions 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
- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1 (19).

The Notice of Hearing states that Alain Poisson is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On January 17, 2003, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether the member was guilty of professional misconduct.

Alain Poisson was not present and did not have counsel.

## AGREEMENT

The parties agreed on a settlement in accordance with the following terms and conditions:

1. Alain Poisson (“the member”) is a member of the Ontario College of Teachers.
2. At all material times, the member was employed as a teacher with the *Conseil scolaire du district du Grand Nord de l’Ontario*, at *École Carrefour Supérieur-Nord* in Wawa.
3. During September 2001, the member helped to harvest marijuana with an approximate resale value of \$260,000, in a field near Wawa, Ontario.
4. On or about September 19, 2001, the member was arrested and the following charges were brought against him:
  - a) on September 18, 2001, in the District of Michano, in Northeastern Ontario, did illegally produce a substance included in Schedule II of the *Controlled Drugs and Substances Act*; i.e. cannabis (marihuana), contrary to subsection 7(1) of the said Act, thereby committing an indictable offence under subsection 7(2)(b) of the said Act; and b) on or about September 18, 2001, in the District of Michano, in Northeastern Ontario, did illegally possess, for the purpose of trafficking, a substance included in Schedule II of the *Controlled Drugs and Substances Act*; i.e. cannabis (marihuana), contrary to subsection 5(2) of the said Act, thereby committing an indictable offence under subsection 5(3)(a) of the said Act.

5. The member was employed by the *Conseil scolaire du district du Grand Nord de l'Ontario* until the end of the 2002 school year. He has been on non-disciplinary suspension without pay since September 1, 2002.
6. On November 27, 2002, the member pleaded guilty and was sentenced under subsection 7(1) of the Act; i.e. the illegal production of a substance included in Schedule II of the *Controlled Drugs and Substances Act*. The Crown withdrew all other charges. The member was sentenced to a one-year suspended term of imprisonment and, as part of his sentence, agreed to donate \$1,500 to *École Carrefour Supérieur-Nord* in Wawa and to donate an additional \$1,500 to another charity. Please refer to Appendix A for a certified copy of the information, and to Appendix B for a copy of the transcript of the pleading, the facts and the sentencing before Judge Stortini.
7. Alain Poisson acknowledges that, as a teacher, it is his duty at all times to:
  - a) be a model of rectitude for his students;
  - b) instil respect for truth, justice and the law by means of precepts and example;
  - c) where necessary, warn students against the dangers of using illicit drugs and encourage them not to use them.
8. A copy of an article that appeared in the November 28, 2002 edition of the *Sault Star* is attached to these presents as Appendix C.
9. Alain Poisson acknowledges that his conduct, which led to the laying of the criminal charges referred to in paragraphs 1-8, and the resulting conviction, was inconsistent with the responsibilities that a teacher must discharge.
10. In signing this Decision, the member acknowledges that the actions referred to in paragraphs 1-8 constitute professional misconduct and pleads guilty to the

allegation of professional misconduct brought against him; i.e. the violation of subsections 1 (5), 1 (14), 1 (15), 1 (16), 1 (18) and 1 (19) of Ontario Regulation 437/97.

11. In view of the facts and circumstances that have been proven, the Ontario College of Teachers and the member concur that the Discipline Committee ought to find the member guilty of professional misconduct.

## **REASONS**

The Committee accepts the proposed agreement and finds that it protects the public interest.

## **DECISION AND ORDERS**

Based on the attached statement of facts and guilty plea, the Committee finds member Alain Poisson (Membership No. 106382) guilty of professional misconduct under subsection 30(2) [of the Act], subsections 1 (1), (14), (15), (16), (18) and (19) [of the Regulation], as alleged, and directs the Registrar to suspend the member's Certificates of Qualification and Registration for a period of two years, such suspension commencing September 1, 2002 and ending August 31, 2004. This suspension will be noted on the public register.

The Committee also orders that the member be reprimanded by the Committee in writing and that the fact of the written reprimand be noted on the public register.

The Committee directs the Registrar to attach a mandatory condition that the member inform the Registrar of any criminal charges brought against him in the next two years and that the fact of this condition be noted on the public register.

The Committee directs that the punishment imposed in the third paragraph not be imposed if the member submits within 30 days of this date a written undertaking that he will inform the Registrar of any criminal charges brought against him in the next two years.

The Committee orders that the decision of the Committee, as well as the name of the member, be published in the official publication of the Ontario College of Teachers, *Professionally Speaking/Pour parler profession.*

**DATED AT TORONTO, THIS 17th DAY OF MARCH, 2003  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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**Marilyn Laframboise, Chair**

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**Guill Archambault**

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**Pauline Demers**