

**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 Paul Ronald Leo Primeau, a member of the Ontario College of Teachers.

PANEL: Mel Greif, Chair
Robert Ryan, OCT
Jacques Tremblay, OCT

BETWEEN:	)	Erica Richler,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
)	
	)	Paul Ronald Leo Primeau,
	)	on his own behalf
PAUL RONALD LEO PRIMEAU)	
(CERTIFICATE #438054))	
)	
	)	Bonni Ellis,
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel
)	
	)	Heard: December 8, 2009

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on December 8, 2009 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated October 21, 2009 was served on Paul Ronald Leo Primeau, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on November 5, 2009 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for December 8, 2009.

Paul Ronald Leo Primeau was in attendance.

THE ALLEGATIONS

The allegations against Paul Ronald Leo Primeau in the *Notice of Hearing, (Exhibit 1)* dated October 21, 2009, are as follows:

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

- (a) he contravened terms, conditions or limitations imposed on 8 May 2006, by the Discipline Committee of the Ontario College of Teachers on his Certificate of Qualification and Registration, specifically that he:
 - (i) shall complete a course on classroom management;
 - (ii) shall complete a course on the recognition of, and adherence to, professional boundaries; and
 - (iii) within twelve months of 8 May 2006, provide to the Registrar of the Ontario College of Teachers, satisfactory proof of the successful completion of the courses referred to in (i) and (ii) above,

contrary to Ontario Regulation 437/97, subsection 1(9).

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced an *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty (ASF – Exhibit 2)*, which provides as follows:

AGREED STATEMENT OF FACTS

1. Paul Ronald Leo Primeau (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. On or about 8 May 2006, the Discipline Committee of the Ontario College of Teachers directed the Registrar of the Ontario College of Teachers (the “Registrar”) to impose the following terms and conditions on the Member’s Certificate of Registration and Qualification, which terms and conditions were to be recorded on the Register until they shall have been met:

- (a) the Member shall complete the following courses which are to be approved by the Registrar, prior to the commencement of the courses:
 - one course of classroom management; and
 - one course on the recognition of and adherence to professional boundaries;
- (b) within twelve months of the date of the Hearing, the Member shall provide proof satisfactory to the Registrar of the successful completion of both courses;
- (c) the Member shall, no less than thirty days prior to doing so, advise the Registrar of the date of his return to the classroom and the nature and location of the position he has accepted;

- (d) within twelve months of his return to the classroom, the Member shall provide a performance review, completed by his employer, to the Registrar;
 - (e) if the Member does not provide the proof of completion of the courses referred to above and/or a Performance Review, also referred to in the Decision, within the time limits stipulated above, the Member will be in breach of these terms, conditions and limitations and the fact of that breach will be referred to a panel of the Discipline Committee to be dealt with.
3. The terms, conditions and limitations referred to in paragraph 2 were contained in an Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty which had been agreed to by the Member.
4. The Member has failed to comply with the following terms and conditions referred to in paragraph 2 above:
- (a) that he shall complete a course on classroom management;
 - (b) that he complete a course on the recognition of and adherence to professional boundaries; and
 - (c) that he provide to the Registrar within twelve (12) months of 8 May 2006 with satisfactory proof of the successful completion of the courses referred to in 4(a) and 4(b) above.

GUILTY PLEA

5. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 4 above (the “Admitted Facts”).
6. The Member hereby acknowledges that the Admitted Facts referred to in paragraph 4 above constitute conduct which is unprofessional. The Member hereby

pleads guilty to the allegations of professional misconduct against him, being more particularly breaches of Ontario Regulation 437/97 1(9).

7. By this document the Member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) he understands that by pleading guilty to the allegations he is waiving his right to require the College to prove the case against him and the right to have a hearing;
- (c) he voluntarily decided to plead guilty; and
- (d) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and without the benefit of legal counsel.

8. 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

9. 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) directs that the Member appear before the Committee to receive a reprimand, and the fact of the reprimand is to be recorded on the Register of the Ontario College of Teachers;
- (b) directs the Registrar of the Ontario College of Teachers to suspend the Certificate of Qualification and Registration of the Member for a period of three (3) months commencing on the date of the hearing of this matter, and the fact of this suspension be recorded on the Public Register of the College;

(c) directs the Registrar of the Ontario College of Teachers to impose the following terms, conditions or limitations on the Member's Certificate of Qualification and Registration, the fact of such terms, conditions and limitations to be recorded on the Register of the College until such time as they are fulfilled:

(i) prior to any return to a teaching position in Ontario for which a Certificate of Qualification and Registration is required, the Member shall enrol in and successfully complete at his own expense, courses on:

A. classroom management;

B. on the recognition of and adherence to professional boundaries;

(ii) within 30 days of his completion of the courses referred to at paragraph 9(c) above, the Member shall deliver directly to the Registrar, a written Certificate from the provider or providers of those courses stating:

A. that he or she has reviewed a copy of the Agreed Statement of Facts document made an exhibit at the hearing of this matter and the Decision and Reasons of the Discipline Committee relating to this matter and;

B. that the Member has successfully completed the referenced courses.

and

(d) directs that there be publication of the findings and order of the Committee in summary form, with the Member's name, in the official publication of the College *Professionally Speaking/Pour parler profession*.

10. By this document, the Member acknowledges his 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

Having examined the Exhibits filed, and based on the guilty plea, the *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty*, and the submissions made by counsel for the College and the Member, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Paul Ronald Leo Primeau committed acts of professional misconduct, being more particularly a breach of Ontario Regulation 437/97 subsection 1(9) as set out in the *Notice of Hearing*.

REASONS FOR DECISION

The Member admitted the truth of the facts and exhibits referred to in paragraphs 1 to 4 (the “admitted facts”) of the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty* (ASF - Exhibit 2). He acknowledged that these admitted facts constitute conduct which is unprofessional and pleaded guilty to the allegations of professional misconduct. The Committee accepted the Member’s guilty plea and the facts in the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty*. Both parties agreed to the ASF but the Committee did not accept or agree with some of the elements of the joint penalty in the ASF.

On May 8, 2006, the Discipline Committee directed the Registrar to impose certain terms and conditions on the Member’s certificate as detailed herein. By not fulfilling the

obligations imposed by the terms and conditions of the 2006 Decision, the Member acted contrary to Ontario Regulation 437/97, subsection 1(9) and this constitutes professional misconduct.

PENALTY DECISION

The Committee agreed with the nature and intent of the joint submission on penalty, but had reservations on some elements.

The Committee makes the following order as to penalty:

- (a) the Registrar is directed to suspend the certificate of qualification and registration of the Member for a period of three (3) months commencing on December 8, 2009, and the fact of this suspension shall be recorded on the public register of the College;
- (b) the Registrar of the Ontario College of Teachers 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 and limitations to be recorded on the Register of the College until such time as they are fulfilled:
 - (i) prior to any return to a teaching position in Ontario for which a Certificate of Qualification and Registration is required, the Member shall enrol in and successfully complete at his own expense, courses on:
 - A. classroom management;
 - B. on the recognition of and adherence to professional boundaries;
 - (ii) within 30 days of his completion of the courses referred to at paragraph (b) above, the Member shall deliver directly to the

Registrar, a written Certificate from the provider or providers of those courses stating:

- A. that he or she has reviewed a copy of the Agreed Statement of Facts document made an exhibit at the hearing of this matter and the Decision and Reasons of the Discipline Committee relating to this matter and;
- B. that the Member has successfully completed the referenced course.

- (c) 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

Both parties agreed to the joint submission on penalty. The Member is guilty of professional misconduct and therefore a general and specific penalty is required. A three month suspension is appropriate in this case to serve as a specific deterrent. The remedial courses address the rehabilitation needs of the Member before any return to a teaching position in Ontario for which a Certificate of Qualification and Registration is required. Completion of two courses will assist the Member in a return to the classroom and respect the original intention of the May 2006 Discipline Decision. To protect the public interest, the Member must complete the required courses prior to return to the profession.

Publication of the matter without the name of the Member serves to inform and protect the public, demonstrates transparency and acts as a general deterrent to the profession.

Since there is no presumption of publication with name, and College counsel did not argue convincingly that it was appropriate to publish with name in this case, the Committee opted to publish without name. The Member argued that publication without his name was appropriate. The Committee also took into account the gravity of the misconduct, the fact that this was an isolated incident and that there was no risk of repetition since the obligation for the Member to take courses will apply only if he intends to return back in the teaching profession. A return to teaching is conditional on the completion of the prescribed courses. This condition of course completion before a return to teaching precludes any further breach of the order of the Discipline Committee.

In the matter of the joint submission on penalty, the Committee had the following concerns. The Member was not represented by counsel and the Committee felt that he was not adequately conversant with the consequences of the joint agreement on penalty, particularly regarding the publication with name. The Member, in his submissions, raised concerns regarding the consequences of the publication of his name for his career prospects and standing in his community. The Member is currently employed in a field outside of education but which requires that he maintain a respectable status in his community. The Committee did take into consideration the fact that the Member, in his submissions, indicated that he is not currently teaching and has no present intention to return to the classroom. As a result of comments made by the Member during the hearing to state his position on the process and exchanges with the College in general, the Committee had a concern that the Member did not have an adequate opportunity or the information to reflect on the meaning of the conditions of the joint submission on penalty. College counsel, on several occasions, indicated in their submissions that there

had been communication between College counsel and the Member regarding reaching an agreement. The Member stated there were no active negotiations in the process, but that there was only a summation presented to him. He was under the impression that there was no room for further negotiation about the penalty and therefore reluctantly, according to him, accepted it. Throughout the process, because he was not an active teacher and a member of a teacher federation, the Member did not have the benefit of counsel and could not afford the expense of retaining trained legal assistance. There was no documentation presented to the Committee to verify that there was sufficient correspondence between the Member and College counsel regarding the joint submission on penalty. The Committee can only suggest that a reasonable provision of correspondence between the parties would have been helpful in decision making.

The Committee could not reconcile the usefulness of a reprimand in this particular case since we accept the Member's contention that there was no intention to disregard the order of the Discipline Committee. In fact, it is the general pattern in penalty agreements where courses are prescribed to require that they be completed prior to a return to teaching and there is not a time limit on their completion. In the case of this Member there seems to have been an inclusion of a time limit in the original penalty which perhaps was not fully understood by the Member, nor was it, according to the Member explained to him as to its impact. It is the purpose of reprimands to address, in camera, and through the voice of the Member's peers, the level of failure of a member. In this instance, a reprimand was not warranted.

The Committee is confident that the decision rendered in this case meets the interests of protecting the public and maintaining the high level of professionalism of teachers in Ontario.

Date: January 12, 2010

Mel Greif
Chair, Discipline Panel

Robert Ryan, OCT
Member, Discipline Panel

Jacques Tremblay, OCT
Member, Discipline Panel