

**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: Don Cattani, Chair
 Gabrielle Blais
 Jacques Tremblay

BETWEEN:)	
	)	Brian Wasyliw,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
)	
PAUL RONALD LEO PRIMEAU	)	Cynthia Petersen,
(CERTIFICATE #438054)	)	Sack Goldblatt Mitchell,
	)	for Paul Ronald Leo Primeau
)	
)	
	)	Christopher Wirth,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: May 8, 2006

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on May 8, 2006 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated February 14, 2005 was served on Paul Ronald Leo Primeau (the “Member”), requesting attendance before the Discipline Committee of the Ontario College of Teachers on February 28, 2005 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for May 8, 2006.

Paul Ronald Leo Primeau was in attendance at the hearing.

THE ALLEGATIONS

The allegations against Paul Ronald Leo Primeau in the *Notice of Hearing, (Exhibit 1)* dated February 14, 2005 are as follows:

IT IS ALLEGED that Paul Ronald Leo Primeau is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the *Ontario College of Teachers Act, 1996* (the “Act”), and/or is incompetent as defined in Section 30(3) 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 abused a student or students physically, sexually, verbally, psychologically or emotionally contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the Act and the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c) thereof or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) he 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);

- (e) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19);
- (f) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1.) of the Act; and
- (g) he displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of his students of a nature or extent that demonstrates that the Member is either unfit to carry out his professional responsibilities or that the Member's certificate should be made subject to terms, conditions or limitations.

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 2, an Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty. (ASF – Exhibit 2)*

The *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* 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 is a copy of the Ontario College of Teachers Registered Member information of the Member. *(ASF – Exhibit 2, Tab A)*
2. The Member was employed during the 2002-2003 academic school year by the Durham District School Board (the "Board") as a full-time probationary elementary teacher at [REDACTED] (the "School").

3. During that time the Member taught French to students in Grades 5 through 8 at the School.

4. During the 2002-2003 academic school year, the Member acted inappropriately in his classroom at the School in that he:

- (a) shouted at students;
- (b) treated female students differently from male students;
- (c) touched female students inappropriately and made them feel uncomfortable in that he:
 - (i) ran his finger through one student's hair and told her it looked good when it was down;
 - (ii) touched the shoulders of a student;
 - (iii) touched the cheeks of a student;
 - (iv) touched their backs;
 - (v) rubbed a student's arm;
 - (vi) referred to them as "sweetie" or "honey";
 - (vii) stared at their breasts, and buttocks;
 - (viii) undid his shirt buttons revealing his chest during class;
 - (ix) tried to look down the shirt of a female student by positioning himself behind her;
 - (x) behaved inappropriately towards students and colleagues in that he *inter alia*;
 - (xi) told students they should get, "brain steroids", because they were, "stupid";
 - (xii) told a male student that the student was useless;

- (xiii) remarked in class about the lack of single ladies in the town;
- (xiv) remarked in class without intending any sexual innuendo, if there was a massage parlour in the town;
- (xv) told a female student that she was, “cute”, just like her sister;
- (xvi) singled out a male student who could not throw a ball well and commented in front of other students that the said student, “throws like a girl”;
- (xvii) made a negative comment about a homeroom teacher in that he told students they might be able to act like animals when that teacher (naming her) was around, but not when he was teaching; commented to another teacher that he had encountered problems at a previous school with high school students in his class who had “crushes” on him or who approached him;
- (xviii) stated to students in class that, “all women like to do is shop all the time and spend their husband’s money”;
- (xix) told students, “I can’t help it if you all have bad parents”;
- (xx) stated to another teacher that he could not wait until his probationary period was over so that he would not have to put up with, “all this garbage.” He also told that teacher that once he had a contract he would not have to impress people and he would be, “untouchable”;
- (xxi) swore routinely in class;

(xxii) on one occasion, asked the students in his class, “What the shit do you think you’re doing?”;

(xxiii) was observed by male and female students on a number of occasions with his hand inside the fly of his pants fondling himself;

(xxiv) while in the presence of a female staff member, had his hand inside his pants and stated to her that he was, “rearranging the boys”; and

(xxv) experienced difficulty with classroom management in that on occasion he had no control over his classroom.

5. On or about 6 March 2003, the Member’s employment was terminated by the Board for cause.

PLEA OF NO CONTEST

6. By this document, the Member, Paul Ronald Leo Primeau, accepts that the matters referred to in paragraph 4 above constitute conduct that is disgraceful, dishonourable and unprofessional and pleads no contest to the allegations of professional misconduct against him being more particularly, breaches of Ontario Regulation 437/97 subsections 1(5), (7), (14), (15), (18) and (19).

7. The Member states that:

(a) he understands fully the nature of the allegations that have been made against him;

- (b) he understands that by pleading no contest to the particulars as set out herein, he is waiving his right to require the College to prove the case against him and the right to have a hearing into those allegations;
- (c) he voluntarily decided to plead no contest ; and
- (d) he states that this plea of no contest was made voluntarily, unequivocally and with the benefit of independent legal counsel.

JOINT SUBMISSION ON PENALTY

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.

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 Discipline Committee:

- a) direct the Member to appear before the Committee to be reprimanded, and that the fact of the reprimand be recorded on the Register for a period of three years;
- b) impose the following terms and conditions on the Member's Certificate of Registration and Qualification, which terms and conditions are to be recorded on the Register until they are met:

- (i) 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;
- (ii) 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;
- (iii) 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;
- (iv) within twelve months of his return to the classroom, the Member shall provide a performance review, completed by his employer, to the Registrar;
- (v) if the Member does not provide the proof of completion of the courses referred to at paragraph 9(a)(i) above and/or the Performance Review referred to at paragraph 9(a)(iv) above, 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.

c) direct that the findings and Order of the Committee, including the Member's full name, be published in summary, 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.

PENALTY DECISION

The Committee accepts the Joint Submission on Penalty and makes the following order as to penalty:

1. The Member is required to appear before the Committee to be reprimanded, and the fact of the reprimand will be recorded on the Register of the Ontario College of Teachers for a period of three years.

2. The Registrar of the Ontario College of Teachers is directed to impose the following terms and conditions on the Member's Certificate of Registration and Qualification, which terms and conditions are to be recorded on the Register until they are met:

(i) 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;
- (ii) 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;
- (iii) 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;
- (iv) within twelve months of his return to the classroom, the Member shall provide a performance review, completed by his employer, to the Registrar;
- (v) if the Member does not provide the proof of completion of the courses referred to at paragraph 2(i) above and/or the Performance Review referred to at paragraph 2(iv) above, 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.

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

REASONS FOR DECISION

The Committee accepted the evidence contained in the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty. (Exhibit 2)*

The Member engaged in such activities as inappropriate touching of students, inappropriate verbal comments and negative characterization of colleagues. As well, he faced significant challenges in classroom management. Given the plea of no contest by the Member and given the admitted facts, the Committee finds that these facts support a finding of professional misconduct against the Member.

REASONS FOR PENALTY DECISION

In accepting the joint submission on penalty, the Committee acknowledged that the Member had been terminated from his employment and that he is not presently teaching. The Member is required to complete two courses of instruction, one in classroom management, and one course on the recognition of and adherence to professional boundaries. The Member is also required to provide the Registrar of the Ontario College of Teachers with proof of a performance appraisal within 12 months, should he return to teaching. These conditions, along with the reprimand, should enable the Member to acquire significant new skills and behaviours at the same time as providing him with a specific deterrent not to engage in similar activities in the future.

Publication of the findings and order of the Committee, along with the Member's name, will serve to advise the profession and the public that such behaviour as exhibited by the Member will not be tolerated.

Dated: May 8, 2006

Don Cattani
Chair, Discipline Panel

Gabrielle Blais
Member, Discipline Panel

Jacques Tremblay
Member, Discipline Panel