

**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 Paola Priscilla Queen, a member of the Ontario College of Teachers.

PANEL: Darlene Mead, OCT, Chair
Robert Gagné
Hanno Weinberger, OCT

BETWEEN:	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Daniela De Bartolo,
	)	Litigation Paraprofessional
- and -)	
)	
PAOLA PRISCILLA QUEEN	)	Gary Hopkinson,
(CERTIFICATE #494912)	)	Green & Cherver, cover,
	)	for Paola Priscilla Queen
)	
)	
	)	Bernard LeBlanc,
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel
)	
	)	Heard: June 29, 2011

DECISION, REASONS FOR DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on June 29, 2011 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated June 29, 2010 was served on Paola Priscilla Queen, requesting her presence on July 26, 2010 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for June 29, 2011.

Paola Priscilla Queen was in attendance.

THE ALLEGATIONS

The allegations against Paola Priscilla Queen in the *Notice of Hearing*, (Exhibit 1) dated June 29, 2010, are as follows:

IT IS ALLEGED that Paola Priscilla Queen 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”), in that:

- (a) she failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) she abused a student or students physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) she failed to comply with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c) thereof or the Regulations made thereunder, contrary to Ontario Regulation 437/97, subsection 1(15);
- (d) she 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) she engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) she engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the *Act*.

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced a *Statement of Uncontested Facts and Plea of No Contest* (Exhibit 2), which provides as follows:

STATEMENT OF UNCONTESTED FACTS

1. Paola Priscilla Queen (the “Member”) was at all material times, 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. At all material times, the Member was employed by the Toronto District School Board as a secondary school teacher at a secondary school (the “School”) between the approximate dates of September 2005 to November 2007.
3. “A” is a male born on [XXX] (the “Student”).
4. Between the approximate dates of September 2003 and November 2006, the Student was a student at the School. The Student left the School on or about November 6, 2006 when he was in [XXX]. Attached as **Exhibit “B”** is a letter from the Student’s father to the School.
5. During the 2005-2006 academic year, the Member taught the Student [XXX]. During the first semester of the 2006-2007 academic year until on or about November 6, 2006, the Student was a [XXX] in the Member’s [XXX] class. In addition, during September and October 2006, the Student was a part of the [XXX] of which the Member was a coach.
6. From March 2006 onwards, the Member carried on an inappropriate consensual personal relationship with the Student. During the summer of 2006 and continuing into

the first semester of the 2006-2007 school year, the Member carried on an inappropriate consensual sexual relationship with the Student which included acts of sexual intercourse. Their relationship continued after the Student left the School and continues to this day.

7. The Member gave birth to a child with the Student in May 2007. They have subsequently had another child together. The Member and the Student are currently common-law spouses in an ongoing relationship.

8. The Member and the Student have subsequently both changed their surnames to a new, shared surname.

9. The Member was suspended by the Board on or about 7 March 2007 and resigned as a teacher with the Board on or about 3 December 2007.

10. The Member resigned her membership with the College on or about November 22, 2007. The Member's status on the Registry was changed to Cancelled-Resigned effective 3 December 2008.

PLEA OF NO CONTEST

11. By this document, the Member admits, for the purposes of this proceeding only, the truth of the facts and the exhibits referred to in paragraphs 1 to 10 above (the "Uncontested Facts").

12. The Member hereby acknowledges that the Uncontested Facts referred to in paragraph 6 above constitute conduct which is professional misconduct, and pleads no

contest to the allegations of professional misconduct against her, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7), 1(15), 1(18) and 1(19). The Member also acknowledges that she engaged in sexual abuse of a student or students of a nature defined in Sections 1 and 40(1.1) of the *Act*.

13. By this document the Member states that:

- (a) she understands fully the nature of the allegations against her;
- (b) she understands that by signing this document she is consenting to the evidence as set out in the Uncontested Facts being presented to the Discipline Committee;
- (c) she understands that by pleading no contest to the allegations, she is waiving the right to require the College to prove the case against her and the right to have a hearing;
- (d) she understands that depending on the penalty ordered by the Discipline Committee, the decision of the Committee and a summary of its reasons, including reference to her name, may be published in the official publication of the College;
- (e) she understands that any agreement between her counsel and counsel for the College with respect to the penalty proposed in this document does not bind the Discipline Committee;
- (f) she understands and acknowledges that she is executing this Agreement voluntarily, unequivocally, and with the advice of legal counsel.

14. The Member provides this plea of no contest 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, chapter 12, and for no other purpose. The Member's plea of no contest does not constitute an admission by the Member as to the facts or findings in any other civil, criminal or administrative proceeding.

15. In light of the uncontested facts and circumstances, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

DECISION

Having considered the evidence, onus and standard of proof, and the submissions made by Counsel for the College and Counsel for the Member, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Paola Priscilla Queen committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7), 1(15), 1(18) and 1(19). Further, the Committee finds that the Member engaged in sexual abuse of a student or students of a nature defined in Sections 1 and 40(1.1) of the *Act*.

JOINT SUBMISSION ON PENALTY

Counsel for the College advised the Committee that an agreement had been reached on the appropriate penalty and introduced a *Joint Submission on Penalty* (Exhibit 3), which provides as follows:

1. 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 the Register of the Ontario College of Teachers to immediately revoke the Certificate of Qualification and Registration of the Member, which Certificate the Member is to immediately surrender to the Registrar; and
- (b) directs that there be publication of the findings and Order of the Committee in summary form in the official publication of the College, *Professionally Speaking/Pour parler profession*. The parties have not agreed on whether or not the Member's name should be published and submissions will be made on that issue.

REASONS FOR DECISION

The Member admitted the truth of the facts and exhibits referred to in paragraphs 1 to 10 (the “uncontested facts”) of the *Statement of Uncontested Facts and Plea of No Contest* (Exhibit 2). She acknowledged that the uncontested facts referred to in paragraph 6 above constitute conduct that is unprofessional and pleaded no contest to the allegations of professional misconduct against her, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7), 1(15), 1(18) and 1(19). Further, the Member acknowledged that she engaged in sexual abuse of a student or students of a nature defined in Sections 1 and 40(1.1) of the *Act*.

The Committee accepted the Member's plea of no contest and the facts in the *Statement of Uncontested Facts and Plea of No Contest*.

The Committee finds that the Member engaged in an inappropriate consensual personal relationship with the Student, including sexual intercourse, culminating in the birth of a child. During the 2005-2006 academic year, the Member taught the Student the following subjects: [XXX]. During the first semester of the 2006-2007 academic year until on or

about November 6, 2006, the Student was a [XXX] in the Member's [XXX] class. In addition, during September and October 2006, the Student was a part of the [XXX] of which the Member was a coach.

From March 2006 onwards, the Member carried on an inappropriate consensual personal relationship with the Student. During the summer of 2006 and continuing into the first semester of the 2006-2007 school year, the Member carried on an inappropriate consensual sexual relationship with the Student which included acts of sexual intercourse. Their relationship continued after the Student left the School and continues to this day.

The Member gave birth to a child with the Student in May 2007. They have subsequently had another child together. The Member and the Student are currently common-law spouses in an ongoing relationship.

As a teacher, the Member was in a position of trust and authority over the Student. By engaging in an inappropriate relationship with the Student whom the Member taught and coached, the Member committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7), 1(15), 1(18) and 1(19). Further, the Committee finds that the Member engaged in sexual abuse of a student or students of a nature defined in Sections 1 and 40(1.1) of the *Act*. The fact that the relationship was consensual does not negate the fact that such behaviour constitutes professional misconduct and sexual abuse of a student.

SUBMISSIONS ON PUBLICATION

The Committee heard testimony from the Student and received submissions from Counsel for the College and Counsel for the Member with respect to publication of the Member's name in *Professionally Speaking/Pour parler profession*.

Evidence of the Student

The Student testified that he was the Student with whom the Member was involved. He indicated that they had two children, ages [XXX] and [XXX] and that they had legally changed their last name to a common family name a little over a year ago. He indicated the change of name was to protect the children and therefore he was very concerned about publication of the new name. He was less concerned about publication of the former name as the current birth certificates of the children reference the new family name. However, he indicated that his [XXX] year old knew her previous last name, was known by that name by some members of the community (i.e. doctors, daycare) [XXX]. He spoke against publication of either name as he did not want his daughter's self-esteem affected by allegations from others that she was a child of sexual abuse. He wanted the opportunity to tell her at an appropriate age that she was the product of a loving relationship, not abuse. He felt that publication would leave them vulnerable to someone digging into their lives and that possibly a member of the teaching profession might treat his daughter differently.

The Student also said that he was [XXX], had a great relationship with his employer and fellow workers and did not want his reputation tainted by publication of the Member's name.

Submissions on Publication by College Counsel

Counsel for the College submitted that the Member's name should be published due to the severity of the misconduct. College Counsel contended that the Committee had two choices, to withhold the name or to publish the full name of the Member as publishing with initials was discontinued a decade ago due to possible harm caused other members with the same initials. Transparency is important in the most egregious cases and this is a serious act of professional misconduct and an appropriate case for publication with name, as the relationship developed in the spring, carried over to the next school year and led to a pregnancy. More serious misconduct requires more serious penalty.

College Counsel stated that parents have every expectation that their children will not be sexually abused by a teacher. Regardless of the age of the student, or whether the relationship is consensual and ongoing, this behaviour is a clear breach of that trust.

College Counsel advised the Committee to give very little weight to the testimony of the Student. College Counsel pointed out that although the Member's former name had had widespread media coverage, none of the concerns expressed by the Student have materialized. While concerns regarding harm to the children and the Student are truthfully held by the parents, College Counsel stated that these were based on speculation and fear and not based on fact.

College Counsel provided the Committee with two previous cases, with facts relatively similar to this case, where the Discipline Committee of the Ontario College of Teachers, ordered publication with the Member's name.

Submissions on Publication by Counsel for the Member

Counsel for the Member requested that the Committee not publish the Member's name in the official publication of the College. Counsel advised the Committee not to use the current or former name of the Member in its decision and summary but rather to keep the identity of the Member anonymous through the use of arbitrary, non-identifying initials. He also requested that the name of the specific school be withheld.

Counsel argued that publication of the Member's name will identify the victim. He cautioned the Committee to focus on the Student as a victim and not be distracted by the ongoing relationship. Counsel stated that the Student should not be held responsible for the Member's misconduct and is still worthy of protection even though the relationship continues. He cautioned the Committee to be careful not to create two classes of victims, one where there is no ongoing relationship and the victim is protected and one where the relationship is ongoing and unworthy of protection.

Counsel submitted that publication of the Member's name does not rule out the possibility of connections being made and could leave the Student and children subject to being stigmatized. Counsel stated that the public interest can still be protected by the summary publication and does not require publication of the name of the Member.

Counsel for the Member provided a Book of Authorities with twelve decisions related to cases of sexual misconduct heard by previous Discipline Committees of the These cases ranged from 1999 to 2010. In all of these cases the Committee ordered publication in *Professionally Speaking/Pour parler profession*, without the Member's name.

Reply of College Counsel

College Counsel cautioned the Committee that when considering the cases provided in the Member's Book of Authorities to take into account that most offered no analysis or explanation for why the decisions of assuring anonymity were made. In addition, some cases presented by Member's counsel involved court ordered bans where the decision not to publish the Member's name was to comply with these bans. According to College Counsel, the two cases he presented are more relevant to the present case than those offered by Member's counsel.

College Counsel initially suggested that both the old and current name of the Member be published. However as a result of further submissions, College Counsel ultimately agreed that if the name of the Member were to be published, it should be the name she had at the time of the misconduct.

PENALTY

The Committee makes the following order as to penalty:

The Registrar of the Ontario College of Teachers is directed to revoke the Member's certificate of qualification and registration; and

The Committee directs that there be publication of the findings and Order of the Committee in summary form, with the name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

The Committee finds that the Member engaged in sexual abuse of a student, the most serious breach of professional conduct. The Member abused the authority and trust vested in her without regard for the well being of the Student. The conduct of the Member was unacceptable, in conflict with the duty of a teacher and a breach of the public trust. The Member has forfeited the privilege of holding a teaching certificate and membership in the teaching profession. Revocation is the appropriate penalty for misconduct of this severity.

The Committee considered the Member's request to withhold publication of her name and the concerns expressed by the Student to the Committee, but determined that publication with the name of the Member is warranted in this case. In light of the fact that the name of the Member at the time of the misconduct is being published, that the family has since legally changed their last name, and that to date there have been no repercussions following previous media attention, the Committee determined that it was unlikely that publication of the Member's name in the official publication of the College would adversely affect the Student or his children.

The Committee orders publication of the findings and order with the name of the Member. The Member's actions comprised a serious breach of trust and therefore publication with name is warranted and appropriate. The Committee determined that publication with the Member's name will provide general deterrence to the membership and informs the profession that this serious misconduct will result in the most severe penalty. Publication informs the public that the College denounces this type of conduct.

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

Date: July 29, 2011

Darlene Mead, OCT
Chair, Discipline Panel

Robert Gagné
Member, Discipline Panel

Hanno Weinberger, OCT
Member, Discipline Panel