

**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 Ellen Irene Rice, a member of the Ontario College of Teachers.

PANEL:           Brent Hamelin, Chair  
                      Danny Anckle  
                      Hanno Weinberger

BETWEEN:	)	Caroline Zayid,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans
	)	Senior Law Clerk
- and -	)	
	)	David Bloom,
ELLEN IRENE RICE	)	Cavalluzzo Hayes Shilton McIntyre
(CERTIFICATE # 171677)	)	& Cornish, LLP
	)	for Ellen Irene Rice
	)	
	)	Luisa Ritacca,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: June 16, 2009

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on June 16, 2009 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated December 12, 2006 (Exhibit 1) was served on Ellen Irene Rice (the “Member”), providing her with notice that the Discipline Committee of the Ontario College of Teachers would meet on January 15, 2007 to set a date for a hearing, and specifying the charges. The Discipline Committee subsequently set June 16, 2009, as the date for the hearing on the merits.

The Member was in attendance at the hearing.

### **THE ALLEGATIONS**

The *Notice of Hearing* sets out the following allegations:

**IT IS ALLEGED** that Ellen Irene Rice is guilty of professional misconduct as defined in section 30(2) 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 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);
- (c) 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); and
- (d) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

At the hearing on June 16, 2009, College counsel sought to withdraw the allegations in paragraphs (a) and (d) of the *Notice of Hearing* being alleged breaches of Ontario

Regulation 437/97, subsections 1(5), and 1(19). The Committee agrees that these allegations shall be withdrawn.

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)* which provides as follows:

### **AGREED STATEMENT OF FACTS**

1. Ellen Irene Rice (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. At all material times the Member was employed by the Dufferin-Peel Catholic District School Board (“the School Board”) and taught junior level classes at an elementary school under the jurisdiction of the School Board.

3. In October 2004, the Member:

(a) Requested a meeting with the Principal at which she handed him a note stating “Those that have get more. The masses with nothing pay the price ... my son is an abortion under your leadership father”.

(b) Upon entering the Principal’s office, at his request, stated in a loud and assertive voice: “Do you know I Am? Do you know who I am?” and then “Do you know Yahweh”.

(c) Stated to the school Principal “figuratively speaking you have raped me”.

- (d) Stated to the school Principal “you make me sick working with you as leader of the school”.

The Member later apologized to the Principal for these remarks, which were made at a time when the Member was concerned about what she considered to be the overly favourable treatment of elite athletes in the school.

4. During the 2004/2005 school year, the Member, in the school hallway, called a fellow female teacher a “rapist”. The Member’s conduct occurred at a time when she felt that the other teacher had violated the Member’s trust by personal comments the teacher made to the Member. There were no students present in the hallway at the time. The Member subsequently apologized to the female colleague for the strong language used.

5. During the 2004/2005 school year, the Member engaged in a course of conduct which a male colleague perceived to be harassing. This conduct included:

- (a) The Member announcing in the staff room, in front of other colleagues, that she had the male colleague’s picture under her pillow;
- (b) Placing a Reisen candy and a greeting card in the male colleague’s mailbox. The card bore a handwritten note from the Member stating “I was thinking of you. Does there need to be a reason?”
- (c) Placing a photograph of the male colleague in his mailbox. The photograph, which had been cut out of a larger photograph which had been put into a collage of staff pictures, showed the male colleague

wearing shorts but no shirt and carrying a large water gun in front of himself.

If the Member testified, she would say that her interactions with the male colleague were intended to be friendly and humorous and not harassing.

6. At the request of the Board, the Member underwent a psychiatric assessment conducted by Dr. R. Brian Hines. In his report of the June 6, 2005 assessment, he confirmed that she did not have any psychiatric diagnosis or illness that would prevent her from teaching. However, in the context of this assessment, the psychiatrist noted that the Member “has a troubled past, has previously suffered from depression and appears to have prominent sensitivities to fairness and the undervalued...”.

7. The Member was suspended from her teaching duties effective September 19, 2005.

8. The Member was transferred to another school of the Board and resumed her teaching duties on November 7, 2005, when a suitable grade placement was found.

### **PLEA OF NO CONTEST**

9. By this document, the Member admits for the purposes of this proceeding only, the truth of the facts and exhibits referred to in paragraphs 1 to 8 above (the “Admitted Facts”). The Member hereby acknowledges that her conduct as described in paragraph 3, 4, and 5 of the Admitted Facts constitutes professional misconduct and pleads no contest to the allegations of professional misconduct against her being more particularly, breaches of:

- (a) Ontario Regulation 437/97 subsection 1(14);

- (b) Ontario Regulation 437/97 subsection 1(15); and
- (c) Ontario Regulation 437/97 subsection 1(18) only in that she committed acts that, having regard to all the circumstances would reasonably be regarded by members as unprofessional.

10. 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 Admitted Facts and the exhibits above referred to being presented to the Discipline Committee;
- (c) she understands that by pleading no contest and signing this document, she is waiving the right to require the College to prove the case against her and the right to have a hearing; and
- (d) she states that this plea of no contest was made voluntarily, unequivocally and with the benefit of independent legal counsel.

11. 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, c. E. 23, for the purpose of this proceeding under the *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.

## **JOINT SUBMISSION ON PENALTY**

12. In light of the Admitted Facts and circumstances, 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) requires the Member to appear before the Committee to be reprimanded, with the fact of the reprimand to be recorded on the Register;
- (b) directs the Registrar to impose the following terms, conditions or limitations on the Member's certificate:
  - (i) Member shall enroll in and complete at her own expense, within ninety (90) days of the date of this Order, a course of instruction, pre-approved by the Registrar, with an emphasis on positive communication skills with school administration and colleagues, and the appreciation and maintenance of professional boundaries;
  - (ii) the Member shall provide to the Registrar proof of successful completion of the course referred to in 12(b)(i) above within thirty (30) days following such completion; and
- (c) directs that the finding, and Order of the Committee, shall be published in the official publication of the College without the name of the Member.

13. By this document, the Member acknowledges her 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 plea of no contest, the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, 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 Ellen Irene Rice committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(14), 1(15) and 1(18) – unprofessional.

## **REASONS FOR DECISION**

The Member acknowledged that her actions constituted conduct which is unprofessional and pleaded no contest to the allegations of professional misconduct.

The Member made numerous comments to her principal which were unprofessional, inappropriate and disrespectful, including “you make me sick working with you as leader of the school”.

The Member engaged in further inappropriate communication with colleagues, including calling a fellow female teacher a “rapist” and engaged in a course of conduct with a male colleague which he perceived to be harassing.

These communications and actions on the Members part constitute professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(14) 1(15) and 1(18) – unprofessional.

## **PENALTY DECISION**

The Committee makes the following order as to penalty:

- (a) The Member is required to appear before the Committee following the completion of the hearing of this matter to be reprimanded and the fact of the reprimand is to be recorded on the public register of the Ontario College of Teachers.
  
- (b) The Registrar is directed to impose the following conditions on the Member's certificate:
  - (i) Member shall enroll in and complete at her own expense, within ninety (90) days of the date of this Order, a course of instruction, pre-approved by the Registrar, with an emphasis on positive communication skills with school administration and colleagues, and the appreciation and maintenance of professional boundaries;
  
  - (ii) the Member shall provide to the Registrar proof of successful completion of the course referred to in 12 (b) (i) above within thirty (30) days following such completion; and
  
- (c) 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 agreed with the joint submission with respect to penalty.

The nature of the misconduct was with respect to the Member's communications with her principal and colleagues; student interaction was not in issue. The course of instruction, with an emphasis on positive communication skills with school administration and colleagues, and the appreciation and maintenance of professional boundaries will help remediate the Member and addresses the nature of her misconduct.

The reprimand by her peers serves as a specific deterrent to the Member. This censure on behalf of the profession and the public reinforces to the Member that her conduct was unacceptable. The fact, recorded on the Public Register, that the Member received a reprimand provides a specific deterrent to the Member.

Publication of the findings and order of the Committee, in summary, without the name of the Member, in *Professionally Speaking/Pour parler profession* provides a general deterrent to the profession and serves to inform the public and thereby protect the public interest. It also reassures the public that the College will not tolerate such misconduct and will deal with it appropriately.

In conclusion, the Committee is confident that the penalty serves the interests of the public, the profession and the Member.

Date: June 16, 2009

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Brent Hamelin  
Chair, Discipline Panel

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Danny Anckle  
Member, Discipline Panel

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Hanno Weinberger  
Member, Discipline Panel