

**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 Rob Roque, a member of the Ontario College of Teachers.

PANEL:                      Ted Coulson, Chair  
   Normand Fortin  
   Jacques Tremblay

BETWEEN:	)	
	)	
	)	Nadine Carpenter,
ONTARIO COLLEGE OF TEACHERS	)	Dispute Resolution Administrator,
	)	for Ontario College of Teachers
	)	
- and -	)	
	)	
ROB ROQUE	)	Rob Roque, on his own behalf
(CERTIFICATE #437336)	)	
	)	
	)	Johanna Braden,
	)	Independent Legal Counsel
	)	
	)	Heard: August 30, 2005

**REASONS FOR DECISION, DECISION AND ORDER (S)**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on August 30, 2005 at the Ontario College of Teachers (the “College”) at Toronto.

A *Notice of Hearing* dated February 1, 2005 was served on Rob Roque, requesting attendance before the Discipline Committee of the Ontario College of Teachers on May 11, 2005 to hold a hearing, and specifying the charges. The hearing date was subsequently set for August 30, 2005.

Rob Roque was in attendance at the hearing.

### The Allegations

The allegations in the *Notice of Hearing* dated February 1, 2005 are as follows:

**IT IS ALLEGED** that Rob Roque is guilty of professional misconduct as defined in subsection 30(2) of the *Ontario College of Teachers Act, 1996* (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, the regulations or the bylaws, contrary to Ontario Regulation 437/97, subsection 1(14);
- (c) he failed to comply with the *Education Act*, R.S.O. 1990, c. E.2 and specifically paragraph 264(1)(c) or the regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- (d) he engaged in an act or omission 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).

## Publication Ban

On August 30, 2005, the Committee made an order that there be no publication of any information that may disclose the identity of the students involved in this matter.

## Memorandum of Agreement

Counsel for the College advised the Committee that subject to ratification by the Committee, agreement had been reached on the facts and introduced a *Memorandum of Agreement (MOA)*, which incorporated an *Agreed Statement of Facts and Joint Submission on Penalty* as follows:

### Agreed Statement of Facts

The parties hereby agree to the truth and accuracy of the facts that are hereinafter expressed and agree to the receipt of this document by the Discipline Committee.

1. Rob Roque is a member of the Ontario College of Teachers.
2. At all material times, the member was employed by the Ottawa-Carleton Catholic District School Board as an occasional teacher at [\*\*] (the “School”).
3. On December 4, 2003, the principal received a report from the guidance counsellor regarding concerns about the member. The Board assigned the member to home duties, pending an investigation.
4. The Board’s investigation concluded that during the 2003/2004 academic school year, the member:
  - (a) discussed matters of a highly personal nature with individual students such as:

- (i) remarking that during his time as a university football player team members took a girl into a room and took turns having sexual intercourse with her;
  - (ii) referring to his negative feelings about and personal relationship with his ex-wife; and
  - (iii) telling a female student he intended to watch pornography with his girlfriend and that she was “hot”;
- (b) made disparaging remarks about students and staff to students indicating that:
- (i) Mr. [ ] was loser who no one liked;
  - (ii) Mr. [ ], and men generally, shouldn’t teach art;
  - (iii) boys were “asses” and annoying;
  - (iv) he didn’t like male student “[ ]” and wanted him suspended; and
  - (v) female student “[ ]” was “dirty and gross”, he didn’t like her and didn’t like the way she dressed;
- (c) invited a female student to remain after school to watch a senior basketball game, suggesting that she stay with him in the classroom after the game started and then offered to drive her home;
- (d) engaged in favouritism towards certain female students such as:
- (i) giving them tickets to a game of the Ottawa Senators;
  - (ii) buying them lunch;
  - (iii) buying a birthday cake for a particular student when no other birthdays were celebrated in class;
  - (iv) sharing key test answers with them and awarding them higher than warranted marks; and
  - (v) removing students from other classes during his prep and evaluation period so they could spend time with him in his classroom;
- (e) presented material of a sexual nature in class that was unrelated to the curriculum, including discussing the rape of a local teenager with a curling iron which caused students discomfort;
- (f) provided a “blunt description” of a male physical examination despite the apparent discomfort of students;
- (g) stared and “looked over” the female students making them feel uncomfortable;
- (h) told female students that if they were 18 or 19 years old he would date them; and
- (i) told students not to repeat to other adults what they heard in class because he might get in trouble.

5. By this document, the member pleads guilty to professional misconduct as alleged in the Notice of Hearing, issued on February 1, 2005, and attached as Appendix “A”, and in so doing, accepts as true the particulars set out in the Notice of Hearing and this section of the MOA.
6. The member voluntarily admitted the above particulars against him and understands that by admitting the above particulars, he is waiving the right to require the College to prove the case against him and the right to a hearing.

### Member’s Plea

The Member Rob Roque admits that the matters referred to in the *Notice of Hearing* dated February 1, 2005 constitute professional misconduct and pleads guilty to the allegations of professional misconduct against him, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(18) and 1(19) of the Act.

### Decision

Having examined the Exhibits filed, and based on the *Memorandum of Agreement*, the guilty plea therein, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Rob Roque committed acts of professional misconduct as alleged, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(18) and 1(19).

## Joint Submission on Penalty

The parties agree to resolve the matter as follows:

1. The Member agrees that upon ratification of this *MOA*, the Discipline Committee shall admonish him, in person, with respect to the above particulars.
2. The Member agrees and understands that within 90 days of ratification of this *MOA*, he shall complete a course of instruction, approved by the Registrar, regarding maintaining appropriate boundaries with students.
3. The Member agrees and undertakes that within 6 months of ratification of this *MOA*, the Registrar shall be provided with a copy of a report prepared by the practitioner indicating whether the member recognizes the need for teachers to establish and maintain student/teacher boundaries.
4. The Member agrees and undertakes to immediately notify the Registrar of any additional complaints against him of a similar nature made to his employer.
5. The Member agrees and undertakes to provide the Registrar with a copy of his next Performance Appraisal, within 30 calendar days of the completion.
6. The Member agrees and understands that if the Registrar is provided with an unsatisfactory Performance Appraisal with respect to his conduct, he has the discretion to initiate an additional complaint against him.
7. The Member agrees and understands that upon ratification of this *MOA*, the College shall publish his name with a summary of the complaint and its resolution as contained in this *MOA*. Such publication will be made in the College's official publication, *Professionally Speaking/Pour parler profession*, on the College web site, and in such other manner as deemed appropriate by the Registrar.

8. The Member agrees and understands that for the purpose of considering this matter, the Discipline Committee will be provided with this *MOA* and it will be marked as an Exhibit at the hearing and will, together with the *Notice of Hearing*, constitute the evidence against the member and the evidence upon which the guilty plea will be accepted, the finding of guilt will be made, and the penalty will be imposed.
9. The parties agree and understand that if any phrase or paragraph of this *MOA* is deemed null and void, the *MOA* shall be read as though the phrase or paragraph was stricken from the *MOA* and the amended *MOA* shall remain in force and effect.
10. The Member agrees and understands that this *MOA* is the entire agreement between himself and the College and that there have been no oral or written representations made by the College as an inducement or threat to enter into this *MOA*.
11. The Member agrees that he has freely elected not to obtain representation from independent legal counsel or an affiliate of the Ontario Teachers' Federation.
12. The Member agrees and understands that, in the event he breaches a term of this *MOA*, he is estopped from alleging, by way of defense, that the College failed to investigate or dispose of the complaint in a timely manner with respect to the period between the resolution of the complaint and the date that the College becomes aware of such a breach.
13. The parties agree and undertake that upon ratification of this *MOA*, there shall be no further action taken, no appeal to any forum, and no application for judicial review of the terms of the *MOA*.

## Penalty Decision

The Committee accepts the joint submission as to penalty as set out in the *Memorandum of Agreement* and accordingly:

- (a) requires that the Member, Rob Roque, appear before the Committee to be admonished;
- (b) requires that within 90 days, the Member complete a course of instruction, approved by the Registrar, regarding maintaining appropriate boundaries with students;
- (c) requires the Member to provide to the Registrar, within 6 months, a copy of a report prepared by a practitioner indicating whether the member recognizes the need for teachers to establish and maintain student/teacher boundaries;
- (d) requires that the Member immediately notify the Registrar of any additional complaints against him of a similar nature made to his employer; and
- (e) requires that the Member provide the Registrar with a copy of his next Performance Appraisal, within 30 calendar days of the completion;

The Committee further orders that pursuant to Section 30 (5) (iii) of the *Ontario College of Teachers Act, 1996*, the findings and order of the Committee be published in summary, with the full name of the Member, in the official publication of the Ontario College of Teachers, *Professionally Speaking /Pour parler profession*.

## Reasons for Decision and Order

Rob Roque accepted responsibility for his actions. He co-operated with the College by agreeing to the facts and the proposed penalty,

In the Joint Submission on Penalty, a number of conditions were imposed on the Member, including the requirement that he take a course of instruction regarding maintaining appropriate boundaries with students, that he notifies the Registrar of any additional complaints against him of a similar nature made to his employer, and that he undertakes to provide the Registrar with a copy of his next Performance Appraisal. In addition, the Committee admonished the Member.

The Committee is satisfied that the penalty serves to remediate the Member and protects the public interest.

Date: August 30, 2005

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Ted Coulson  
Chair, Discipline Panel

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Normand Fortin  
Member, Discipline Panel

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Jacques Tremblay  
Member, Discipline Panel