

**ONTARIO COLLEGE OF TEACHERS**

**DISCIPLINE COMMITTEE**

*IN THE MATTER OF THE ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:*

**AND IN THE MATTER OF** discipline proceedings against Laura Glen Sclater.

The Discipline Committee held a hearing on November 29, 2002,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**-and-**

**LAURA GLEN SCLATER**  
**Certificate #185257**

**REASONS FOR DECISION, DECISION AND ORDER**

**PRESENT:**

Members of the Panel

Nancy Hutcheson (Chair)

Bernard Adam

Janet Cornwall

The Honourable Lloyd Houlden, retired judge, Independent Counsel to the Committee

David Leonard, McCarthy Tetrault LLP, Counsel for the Ontario College of Teachers, assisted by Keary Grace, Solicitor

David Matheson, Cavalluzzo Hayes Shilton McIntyre and Cornish, Counsel for the member

Laura Glen Sclater

An Amended Notice of Hearing, dated November 22, 2002 was served on Laura Glen Sclater, requesting attendance before the Discipline Committee of the Ontario College of Teachers, and specifying the charges. The hearing was scheduled for November 29, 2002.

It is alleged that Laura Glen Sclater is guilty of professional misconduct 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 physically, sexually, verbally, psychologically, or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) she failed to supervise adequately a person or persons who were under her professional supervision, contrary to Ontario Regulation 437/97, subsections 1(11);
- (d) she failed to comply with the Education Act, Revised Statutes of Ontario, 1990, chapter E.2 and particularly section 264(1)(c) thereof or the Regulations made thereunder, contrary to Ontario Regulation 437/97, subsection 1(15);
- (e) she performed an act or acts that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18); and
- (f) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/07, subsection 1(19).

It was also alleged that she displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of students of a nature or extent that demonstrates that the member is

either unfit to carry out her professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

The Amended Notice of Hearing states that Laura Glen Sclater is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On November 29, 2002, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Laura Glen Sclater was guilty of professional misconduct.

## **EVIDENCE**

Counsel for the Ontario College of Teachers referred to the charges set out in the Amended Notice of Hearing, alleging that Laura Glen Sclater is guilty of professional misconduct in that her acts were contrary to the Professional Misconduct Regulation made under the Ontario College of Teachers Act and filed as Regulation 437/97 on December 4, 1997, in particular, sections 1 (5), (7), (11), (15), (18) and (19).

Counsel made submissions stating their withdrawal of section 1, subsections (5), (7), (11), (15), and (18) of the Amended Notice of Hearing, as well as the section that stated that she displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of students of a nature or extent that demonstrates that the member is either unfit to carry out her professional responsibilities or that the member's certificate should be subject to terms, conditions or limitations. The member pleaded guilty to the remaining allegation.

An Agreed Statement of Facts was filed as Exhibit #1 That statement was dated November 29, 2002 and had been signed by David Leonard, McCarthy Tetrault on behalf of the Ontario College of Teachers, by the member Laura Sclater and by David Matheson, Cavalluzzo Hayes Shilton McIntyre and Cornish, counsel for the member.

Counsel presented a joint submission on penalty.

## **FINDINGS OF FACT:**

Based on the Agreed Statement of Facts and the joint submission on penalty, the panel finds the following facts:

1. In April 1998, as a result of finding a series of letters apparently written by the member to the complainant, [XXX] and his mother, Mrs. [XXX] contacted both the police and the children's Aid Society ("CAS").
2. As a result of receiving Mrs. [XXX]'s complaint, both the police and CAS conducted a thorough investigation of this matter. Following that investigation, no criminal charges were laid against the member because all of the many students interviewed, including [XXX], confirmed that no physical contact took place between the member and [XXX].
3. On or about May 12, 2000, the [XXX] family commenced a civil action against the member and her school board as a result of the letters. The Original Statement of Claim does not contain any allegations of physical or sexual misconduct by the member against [XXX].
4. In and about the same time, the letters written by the member came to the attention of the Ontario College of Teachers. The Ontario College of Teachers conducted an investigation [XXX]. As a result of that referral, the member's certificate was suspended in September 1998 and, with the exception of September 2000, the member has not been teaching since that time.
5. Over the course of 1999 and 2000, the matter was dealt with [XXX]. Following completion of the requirements imposed on the member [XXX] the member's certificate was returned subject to certain conditions and restrictions. The conditions and restrictions will remain in place for 11 months following Ms Sclater's return to the classroom.

6. [XXX], the member returned to the classroom in September 2000, being subject to the requirements of [XXX] Orders. Within weeks of the member's return to the classroom, Mrs. [XXX], through the [XXX] family's civil counsel, contacted the police and advised them that there were now new allegations being made against the member, which included allegations of sexual misconduct towards [XXX]. As a result of these new allegations, the member was charged with sexual assault, sexual interference and invitation to sexual touching on October 13, 2000. On that same day, the Registrar, on the direction of the Executive Committee, issued an interim suspension of member's certificate. The member's certificate remained under that interim suspension until the hearing on November 29, 2002.
7. Shortly after the new allegations were made by the [XXX] family, and the Criminal charges were laid, the civil suit was amended to allege sexual and physical misconduct by the member against [XXX].
8. The member's criminal trial on the charges set out above proceeded before the Honourable Mr. Justice Keenan in Barrie in June and July 2002. At that trial, there was an exhaustive review of all of the evidence pertaining to the allegations that formed the subject matter of the charge and, by necessity, a thorough exploration of the notes and letters exchanged between the member and [XXX]. Justice Keenan had an opportunity to review the notes and to hear the viva voce testimony of those individuals who claimed that physical or sexual contact occurred between the member and [XXX], including hearing from [XXX] himself. Justice Keenan also heard evidence from the member, her husband, and her principal during the period covered by the allegations, and others, who all appeared as defence witnesses.
9. During the course of the evidence of certain of the witnesses, Justice Keenan learned the circumstances under which the new allegations of sexual conduct were brought forward to the police, and evidence about the involvement of Mrs. [XXX] and the [XXX] family's civil counsel in that process.

10. On July 19, 2002 Justice Keenan released his Reasons for Judgement and acquitted the member of all charges. A review of Justice Keenan's Reasons shows that following a thorough review of all of the documentary evidence and the viva voce evidence of the witnesses, he was not satisfied that the Crown had met its burden of proof. He found that "the evidence before me falls short of proving guilt of the accused beyond a reasonable doubt".
11. Justice Keenan's primary reason for acquitting the member of the charges were his negative findings of credibility against [XXX] and the evidence he heard concerning the role of Mrs. [XXX] and the civil lawyers in bringing the allegations of sexual contact forward. With respect to [XXX]'s credibility, at page 12 of his Reasons, Justice Keenan wrote: "I had to conclude on all his evidence that [XXX] was not a reliable witness. The Court will always make appropriate allowances to recognize that witnesses are not usually comfortable in Court and that they may not be always consistent in what they say or have previously said. The Court is quick to forgive lapses in memory caused by the strain of being a witness. However, when it comes to evidence which is essential to the issues in the case, the Court will be less likely to overlook shortcomings and will look to other credible evidence on the issue.
12. With respect to the involvement of Mrs. [XXX] and the civil lawyers, in his Reasons, Justice Keenan sets out his serious concerns regarding the conduct of Mrs. [XXX] and the civil lawyers.
13. Subsequent to the member's acquittal, the [XXX] family dropped their civil suit against the member, before even requiring the member to enter a Statement of Defence. Additionally, the [XXX] family provided a Full and Final Release to the member.
14. The correspondence between the member and [XXX], as well as the member's overall conduct with respect to [XXX], were thoroughly reviewed by Dr. Why Bloom, a forensic psychiatrist, who conducted a thorough psychiatric assessment of the member. Dr.

Bloom concluded that the member does not show any evidence of aberrant sexual propensities and that her conduct towards [XXX] was not for a sexual purpose. [XXX]. Dr. Bloom's conclusions were also put before the criminal court however; Justice Keenan did not have to rely upon this expert testimony when he found the member not guilty of any criminal conduct.

15. The member admits to authoring letters and sending them to [XXX] and to receiving letters from [XXX]. The member acknowledges that the sending of, and receiving of those letters, constitutes professional misconduct in that it is conduct unbecoming a member pursuant to Ontario Regulation 437/97, subsection 1(19).

The Committee accepts the Agreed Statement of Facts and the joint submission on penalty made by counsel.

## **DECISION AND ORDER**

Based on the Agreed Statement of Facts and the Joint Submission on Penalty, the Committee finds Laura Glen Sclater, Certificate #185257, guilty of professional misconduct under section 1(19) of the Professional Misconduct Regulation as alleged and orders that the member present herself for a reprimand immediately after the adjournment of this hearing. The fact of the reprimand will remain on the public Register for three years from the date of this decision. The Discipline Committee also lifted the interim suspension on the member on November 29, 2002. The conditions [XXX] are to remain in effect for a minimum of 11 months from the date of the hearing.

The member did appear before the panel for the reprimand immediately following adjournment of the hearing.

Pursuant to section 30, subsection 5, part 3 of the Ontario College of Teachers Act, the Committee orders that the findings of the hearing, as well as the name of the member, be

published in the official publication of the Ontario College of Teachers, *Professionally Speaking/Pour parler profession.*

**DATED AT TORONTO, THIS 10TH DAY OF FEBRUARY, 2003  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Nancy Hutcheson Chair

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Bernard J. Adam

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Janet Cornwall