

**DISCIPLINE COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS**

IN THE MATTER OF *the Ontario College of Teachers Act, 1996, S.O. 1996, c. 12 and the Regulation (Ontario Regulation 437/97) thereunder;*

AND IN THE MATTER OF discipline proceedings against
Jacques Thériault, OCT, a member of the Ontario College of Teachers.

PANEL: Robert Gagné, Chair
 Marie-Louise Chartrand
 Darlene Mead, OCT

BETWEEN:)	
	)	Christine Lonsdale and Lisa Filgiano,
	)	McCarthy Tétrault LLP,
ONTARIO COLLEGE OF TEACHERS	)	for Ontario College of Teachers
)	
)	
- and -)	
	)	Danielle Leon Foun Lin
JACQUES THÉRIAULT	)	Nelligan O'Brien Payne, LLP,
(CERTIFICATE #249191)	)	for Jacques Thériault
)	
)	
	)	Paul Marshall,
	)	Emond Harnden, LLP,
	)	Independent Legal Counsel
)	
	)	Heard: October 13, 2011

DECISION ON MOTION

Counsel for the College brought a motion to seek leave from the Discipline Committee to withdraw the allegations set out in the *Notice of Hearing* dated August 8, 2008.

Jacques Thériault was not in attendance at the hearing.

The Independent Legal Counsel advised the panel that, pursuant to the *Statutory Powers Procedure Act*, if the parties consent, a proceeding may be disposed of by a decision of the Panel given without a hearing, unless another Act or a regulation that applies to the proceeding provides otherwise.

The Committee examined the evidence produced by Counsel for the College, in the presence of Counsel for the Member. Upon the consent of the parties, the Committee authorizes the College to withdraw the Member's *Notice of Hearing* and to withdraw the allegations of incompetence and misconduct against the Member as set out in the *Notice of Hearing* dated August 8, 2008 in exchange for the following undertaking by the Member. The Member undertakes:

1. To register, at his own expense, within three (3) months of the date of the withdrawal of the allegations, in a 125-hour Additional Qualification course concerning reading in the schools, to be approved in advance by the College Registrar;
2. To deliver directly to the Registrar, within thirty (30) days of completion of the course referred to in paragraph 1, proof of successful completion of the course; and
3. Should he wish to return to work in any educational institution in Ontario, to take reasonable steps to have his teaching performance appraised by that educational institution within the first two (2) years of his hiring. The Member further undertakes to deliver directly to the Registrar, within thirty (30) days of each appraisal, proof of at least one satisfactory appraisal; and

The Member acknowledges that in the event of failure to comply with this agreement and these undertakings, the College may resume these proceedings.

The Committee finds that in the case before it, the withdrawal of the *Notice of Hearing* in exchange for an *Undertaking* is reasonable in these circumstances and protects the public interest.

Date: October 13, 2011

Robert Gagné,
Chair, Discipline Panel

Marie-Louise Chartrand
Member, Discipline Panel

Darlene Mead, OCT
Member, Discipline Panel