

**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 discipline proceedings against
Alfred Michael Hansraj, a member of the Ontario College of Teachers.

Heard: September 17, 2003

PANEL: Diane Leblovic (Chair)
Bernard J. Adam
Don Cattani

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**ALFRED MICHAEL HANSRAJ
(CERTIFICATE #256663)**

REASONS FOR DECISION, DECISION AND ORDER (S)

Jane Langford, McCarthy Tétrault, for Ontario College of Teachers, assisted by Jennifer
Robinson, Law Clerk

Howard Goldblatt, Sack Goldblatt Mitchell, for Alfred Michael Hansraj

Christopher Wirth of Stockwoods, Independent Legal Counsel

Alfred Michael Hansraj was present.

This matter came before a panel of the Discipline Committee for a hearing on September 17, 2003 at the Ontario College of Teachers at Toronto.

A Notice of Hearing, dated December 23, 2002 was served on Alfred Michael Hansraj, requesting attendance before the Discipline Committee of the Ontario College of Teachers on February 12, 2003 to set a date for a hearing, and specifying the charges.

Alfred Michael Hansraj was in attendance at the hearing. Proof of service of the Notice of Hearing was presented and accepted by the panel. (Exhibit 1)

The Allegations

The allegations against Alfred Michael Hansraj in the Notice of Hearing dated December 23, 2002 are as follows:

IT IS ALLEGED that Alfred Michael Hansraj is guilty of professional misconduct and/or is incompetent as defined in sections 30(2) and (3) of 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 abused a student or students physically, sexually, verbally, psychologically or emotionally contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the Act and the *Education Act*, Revised Statutes of Ontario, 1990, Chapter E.2, and particularly section 264(1)(c) thereof, and the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);

- (d) he 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) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) he displayed a lack of knowledge, skill or judgment 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 his professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Alfred Michael Hansraj, (the "Member"), is a member of the Ontario College of Teachers.
2. At all material times, the Member was employed by the Peel District School Board ("the Board"), and was a Grade [] special education teacher at [] School ("the School").
3. On or about October 24, 2001, [], a male [] year old Grade [] student in the Member's Grade [] class, was leaving the classroom when the Member grabbed his arm and squeezed it, while shouting at [] "Who gave you permission to yell like that?" and then answering the question himself by shouting in []'s ear "No one". The Member then pushed [] and told him to get up to his classroom.
4. The above exercise of physical force by the Member on [] was witnessed by at least two other students at the school.
5. At some time between the start of the academic year in September 2001, and prior to October 24, 2001, the Member threw a book at one of the students in his class.

The Member regularly yelled at the students in his class.

Member's Plea

The Member, Alfred Michael Hansraj admitted that the matters referred to in paragraph 6 of the Agreed Statement of Facts 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(7), 1(14), 1(15) and 1 (19) as set out in the Notice of Hearing dated December 23, 2002.

Agreed Statement of Facts

Counsel for the College advised the panel that agreement had been reached on the facts and introduced as Exhibit 3 an Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty, which provides as follows:

1. Alfred Michael Hansraj ("the Member") is a Member of the Ontario College of Teachers.
2. At all material times, the Member was employed by the Peel District School Board ("the Board") as a Grade [] Special Education teacher at [] School ("the School"), in the City of Mississauga, Ontario.
3. Following a hearing before the Discipline Panel of the Ontario College of Teachers on January 18, 2001, at which time the Member pleaded guilty to professional misconduct respecting an incident involving the assault of a student at [] Public School on April 28, 1998, the Member was found guilty of professional misconduct pursuant to the provisions of a Joint Submission. The Reasons for Decisions and Orders of the Discipline Committee was dated June 4, 2001. (Exhibit 3, Tab A)

4. Pursuant to the proceedings referred to in paragraph 3 above, the Discipline Committee ordered that within two (2) years of June 4, 2001, the Board advise the Registrar of any further incident of aggressive conduct on the part of the Member relating to any student.
5. The Member was also ordered to obtain an anger management assessment and to provide a report of same to the Registrar. Such assessment was performed by Dr. Graham Glancy, who wrote a report. (Exhibit 3, Tab B).
6. On or about October 24, 2001, [REDACTED], an [REDACTED] year old Grade [REDACTED] male student in the Member's class was leaving the classroom when the Member grabbed him by the arm and while squeezing [REDACTED]'s arm, shouted "Who gave you permission to yell like that?", and then answering the question himself by shouting in [REDACTED]'s ear, "No one."
7. [REDACTED] was frightened by the Member's conduct and reported the incident to the School administration.
8. The Member apologized for his conduct and advised that he never intended to harm [REDACTED] nor to frighten him.
9. The Member received a letter of reprimand from the local Superintendent of Schools dated November 6, 2001. (Exhibit 3, Tab C). The Member was advised that he should not at any time in the future touch any students for any reason.
10. Pursuant to the June 4, 2001 Order of the Discipline Committee, the Board brought the incident involving [REDACTED] to the attention of the Ontario College of Teachers.
11. The Member is currently employed as a school support teacher at the School. The Member's Teacher Performance Appraisal, dated December 2, 2002, reported that his performance was satisfactory. (Exhibit 3, Tab D).
12. By signing this Agreed Statement of Facts and Guilty Plea, the Member accepts that the matters referred to in paragraph 6 above constitute conduct which failed

to meet the standards of the profession and unbecoming of a Member of the profession and pleads guilty to the allegations of misconduct against him, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), (7), (14), (15) and (19) as set out in the Notice of Hearing. (Exhibit 3, Tab E)

Counsel for the College withdrew from the Notice of Hearing (Exhibit 1, section (d)) "The Allegations" that the member 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).

Decision

Having examined the Exhibits filed, and based on the Agreed Statement of Facts and Guilty Plea, and submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct, and in particular finds that Alfred Michael Hansraj committed acts of professional misconduct as alleged, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7), 1(14), 1(15) and 1(19).

Penalty

Counsel for the College advised the panel that a joint submission as to penalty had been agreed upon. College counsel further advised that the College took no position on publication of the Member's name.

The joint submission as to penalty provides as follows:

In light of the guilty plea, the Ontario College of Teachers and the Member jointly submit that the Discipline Committee find the Member guilty of professional misconduct, and jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this case would be that the Committee:

(a) directs the Registrar to suspend the certificate of qualification and registration held by the Member for a period of two (2) months, such suspension to be postponed for one (1) year from the date of this Order, to be imposed only if the Member fails to meet the following terms and conditions within one (1) year from the date of this Order:

- (i) the Member agrees and undertakes that two Teacher Performance Appraisals regarding his employment with the Board be conducted within a year of the date of this Order;
- (ii) the Member agrees and undertakes that the Teacher Performance Appraisal reports be forwarded to the Registrar of the College immediately upon completion, but in any event, by September 17, 2004;
- (iii) the Member agrees and undertakes that should the Registrar receive a report indicating that the Member's performance has been unsatisfactory, the Registrar will determine whether an investigation will be initiated in accordance with the *Ontario College of Teachers Act, 1996*, such investigation leading possibly to the imposition of the sentence herein;
- (iv) the Member agrees and undertakes that should the Member commence employment at another school or school board, the above terms and conditions will apply with equal force and effect;
- (v) the Member agrees and undertakes that should the Member fail to ensure that the Registrar receives written evidence of the Member's continued satisfactory teaching practice from the Member's employer within the one (1) year period, that the Member will automatically be suspended for a period of two (2) months from the date of the deadline by which the Member is to submit his Teacher Performance Appraisal reports;
- (vi) the Member agrees and undertakes to immediately inform the Registrar of any formal disciplinary action arising from inappropriate discipline of students, and of any future criminal charges within one (1) year of the date of this Order;
- (vii) the Member agrees that the Registrar shall advise the Board of the terms of this Order and shall direct the Board to immediately advise the Registrar of any inappropriate disciplining of students by the Member, or of any formal disciplinary action taken against the Member within the period of one (1) year from the date of this Order and request the Board to assist the Member in undertaking the Teacher Performance Appraisals referred to in paragraph (i) above.

Defence counsel made submissions to the Committee on the issue of publication of the Member's name.

Penalty Decision

The Committee accepts the Joint Submission as to Penalty and accordingly directs the Registrar to suspend the certificate of qualification and registration held by the Member for a period of two (2) months, such suspension to be postponed for one (1) year from the date of this Order, to be imposed only if the Member fails to meet the following terms and conditions within one (1) year from the date of this Order:

- (i) the Member agrees and undertakes that two Teacher Performance Appraisals regarding his employment with the Board be conducted within a year of the date of this Order;
- (ii) the Member agrees and undertakes that the Teacher Performance Appraisal reports be forwarded to the Registrar of the College immediately upon completion, but in any event, by September 17, 2004;
- (iii) the Member agrees and undertakes that should the Registrar receive a report indicating that the Member's performance has been unsatisfactory, the Registrar will determine whether an investigation will be initiated in accordance with the *Ontario College of Teachers Act, 1996*, such investigation leading possibly to the imposition of the sentence herein;
- (iv) the Member agrees and undertakes that should the Member commence employment at another school or school board, the above terms and conditions will apply with equal force and effect;
- (v) the Member agrees and undertakes that should the Member fail to ensure that the Registrar receives written evidence of the Member's continued satisfactory teaching practice from the Member's employer within the one (1) year period, that the Member will automatically be suspended for a period of two (2) months from the date of the deadline by which the Member is to submit his Teacher Performance Appraisal reports;
- (vi) the Member agrees and undertakes to immediately inform the Registrar of any formal disciplinary action arising from

inappropriate discipline of students, and of any future criminal charges within one (1) year of the date of this Order;

- (vii) the Member agrees that the Registrar shall advise the Board of the terms of this Order and shall direct the Board to immediately advise the Registrar of any inappropriate disciplining of students by the Member, or of any formal disciplinary action taken against the Member within the period of one (1) year from the date of this Order and request the Board to assist the Member in undertaking the Teacher Performance Appraisals referred to in paragraph (i) above.

Having heard submissions by defence counsel regarding publication of the Member's name, and the College having taken no position on publication, the Committee orders that pursuant to Section 30 (5) (iii) of the Ontario College of Teachers Act, the Committee also orders that the findings of this hearing, with the Member's initials only, be published in summary in the official publication of the College, *Professionally Speaking/Pour parler profession*.

The Committee accepts that publishing the Member's initials only in these unusual circumstances is reasonable, given the nature of the incident. The Committee notes that Michael Alfred Hansraj apologized to the student for his conduct, has co-operated with the College and since the incident has received a satisfactory teacher performance appraisal.

The Committee is satisfied that the Joint Submission on Penalty has appropriate safeguards to protect the public interest.

**DATED AT TORONTO, THIS 25TH DAY OF SEPTEMBER, 2003
BY ORDER OF THE DISCIPLINE COMMITTEE.**

Diane Leblovic, **Chair**

Bernard J. Adam

Don Cattani