

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISIONS AND ORDERS

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.

The Discipline Committee held a hearing on January 18, 2001,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**ALFRED MICHAEL HANSRAJ
CERTIFICATE #256663**

PRESENT:

Members of the Panel

Marilyn Laframboise (Chair)

Dick Malowney

Diane Leblovic

The Honourable Lloyd Houlden, Independent Counsel to the Panel

Will McDowell, McCarthy Tétrault, Counsel for the Ontario College of Teachers
assisted by Trevor Evans, Senior Law Clerk

Howard Goldblatt, Sack Goldblatt Mitchell, Counsel for the member

Alfred Michael Hansraj

This decision is subject to a publication ban. On January 18, 2001, the Discipline Committee made an order directing that there may be no publication of any information which may disclose the identity of the student involved in this matter.

A Notice of Hearing, dated September 18, 2000 was served on Alfred Michael Hansraj, requesting attendance before the Discipline Committee of the Ontario College of Teachers on October 16, 2000 to set a date for hearing, and specifying the charges. The hearing date was set for January 18, 2001.

It is alleged that Alfred Michael Hansraj is guilty of professional misconduct 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 physically, sexually, verbally, psychologically, or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the *Education Act*, R.S.O., 1990, c. E.2, and particularly section 264(1)(c) thereof, and the Regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- (d) he contravened a law and that contravention is relevant to his suitability to hold a Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (e) additionally or alternatively, he contravened a law and that contravention has caused or may cause a student under his supervision to be put at risk, contrary to Ontario Regulation 437/97, subsection 1(17);

- (f) he performed acts or omissions that, having regard to all the circumstances, would reasonably be regarded by members as being disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (g) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (h) he displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of a student or students of a nature or extent that demonstrates that the member is either unfit to carry out his professional duties or that the member's Certificate should be made subject to terms, conditions or limitations.

The Notice of Hearing states that Alfred Michael Hansraj is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On January 18, 2001, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Alfred Michael Hansraj was guilty of professional misconduct.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that Alfred Michael Hansraj is guilty of professional misconduct in that his 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, subsections 1(5), (7), (15), (16), (17), (18), (19).

Particulars of the alleged misconduct are set out in Exhibit #1 and they are to the effect that:

1. Alfred Michael Hansraj (the 'member') is a member of the Ontario College of Teachers.
2. At all material times, the member was employed as a teacher at [REDACTED] Public School in the City of Mississauga, by the Peel District School Board.
3. At all material times, [REDACTED] was a [REDACTED]-year-old developmentally challenged student of the member's at the said school. [REDACTED] suffers from [REDACTED] and has the mental capacity and intellect of a person of approximately 6 years of age.
4. On or about April 28, 1998, the member instructed [REDACTED] to leave his classroom and, when [REDACTED] did not respond, the member picked up a classroom chair and told [REDACTED] that, unless he left the classroom, the member would throw the chair at him.
5. As the student [REDACTED] then began to rise from his chair, the member asked the said student if he was now going to leave the classroom as requested and, when the said student replied in the affirmative, the member released his grip on the classroom chair, which fell, striking the student [REDACTED] in the neck and/or shoulder area.
6. The member then walked past a social worker standing in the doorway of his classroom and, with a smirk on his face, said to the social worker "Oops. It slipped.", or words to that effect.

7. On or about April 29, 1998, the member was charged with assault with a weapon in respect to the said incident, contrary to section 267(1) of the *Criminal Code of Canada*.
8. On April 15, 1999, the member pleaded guilty to a charge of assault in respect of the said incident involving student [■] and, without the court having heard any evidence in respect to the said incident, was given an absolute discharge.
9. Following the said incident, on April 28, 1998, the member was reassigned from classroom duties to Board offices by his employers, Peel District School Board.
10. The aforesaid activities in respect to student [■] are public knowledge through media coverage of the criminal proceedings involving the member.
11. The aforesaid activities and the publicity resulting from that media coverage and communication within the general public has resulted in a reputation and image inconsistent with that expected of a member.

Following a pre-hearing conference, a Joint Submission was filed as Exhibit #2. That statement was dated January 18, 2001 and had been signed by the member, Defense Counsel and Counsel for the College. This submission is as follows:

1. The member shall enter a plea of guilty to professional misconduct.
2. The member shall receive a reprimand to be recorded on the Register and published pursuant to section 30(5) 3 of the *Ontario College of Teachers Act, 1996*.
3. The reasons of the Discipline Committee in this matter shall be furnished to the Peel District School Board. The Registrar shall request that the Board advise the Registrar of any further incident of aggressive conduct on the part of the member

in relation to any student should such incident occur within two years of the date of this decision.

4. Within 14 days of the date of this decision, the member shall contact Dr. Graham Glancy to arrange for an anger management assessment at the member's expense. A copy of the report of Dr. Glancy shall be furnished to the Registrar and to the member. The member shall thereafter pursue a course(s) of treatment, if any, prescribed by the Registrar.

FINDINGS OF FACT:

Based on the Joint Submission, the panel finds the following facts:

1. The member shall enter a plea of guilty to professional misconduct.
2. The member shall receive a reprimand to be recorded on the Register and published pursuant to section 30(5) 3 of the *Ontario College of Teachers Act, 1996*.
3. The member has shown regret for the incident involving the developmentally challenged student, [■], and has acknowledged that his behaviour toward [■] was inappropriate.
4. On April 15, 1999, the member pleaded guilty to a charge of assault in respect of the said incident involving student [■] and, without the court having heard any evidence in respect to the said incident, was given an absolute discharge.

DECISIONS AND ORDERS:

The Committee finds Alfred Michael Hansraj guilty of professional misconduct and accepts the provisions of the Joint Submission with regard to penalty as follows:

1. The member shall enter a plea of guilty to professional misconduct.
2. The member shall receive a reprimand to be recorded on the Register and published pursuant to section 30(5) 3 of the *Ontario College of Teachers Act, 1996*.
3. The reasons of the Discipline Committee in this matter shall be furnished to the Peel District School Board. The Registrar shall request that the Board advise the Registrar of any further incident of aggressive conduct on the part of the member in relation to any student should such incident occur within two years of the date of this decision.
4. Within 14 days of the date of this decision, the member shall contact Dr. Graham Glancy to arrange for an anger management assessment at the member's expense. A copy of the report of Dr. Glancy shall be furnished to the Registrar and to the member. The member shall thereafter pursue a course(s) of treatment, if any, prescribed by the Registrar.

Alfred Michael Hansraj did appear before the Discipline Committee on January 18, 2001. A verbal reprimand was issued on that date to stress to the member the unacceptability of his behaviour as a teacher and as a specific deterrent to him.

Notice

It is important to the College's role in the governance of the profession to provide evidence to members that the College is active in self-regulation and is vigilant to

breaches of its bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College's disciplinary Committees, and is, in the opinion of the panel, a practice that has significant general deterrent value.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers.

**DATED AT TORONTO, THIS 4th DAY OF JUNE, 2001
BY ORDER OF THE DISCIPLINE COMMITTEE**

Marilyn Laframboise, Chair

Dick Malowney

Diane Leblovic

**REPORT OF THE PRESIDING OFFICER
PRE-HEARING CONFERENCE**

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and-

ALFRED MICHAEL HANSRAJ

PRESENT:

Members of the Panel

Marilyn Laframboise (Chair)

Dick Malowney

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Howard Goldblatt, Sack Goldblatt Mitchell, Counsel for the member

The College alleges that Alfred Michael Hansraj hit a [**] year-old developmentally challenged student under his care with a chair.

The member admits to having dropped the chair and that the chair hit the student. The member is prepared to plead guilty to professional misconduct and understands that some action on the part of the College is appropriate. The member has already received some anger management support. The Member was returned to the classroom in November 2000.

It was apparent that a settlement was possible. It was agreed that:

1. The member would plead guilty to professional misconduct.
2. The member would appear before the Committee for a reprimand.
3. The member would submit to a further assessment regarding anger management with reporting to the Registrar.
4. The Board of Education would be advised of the decision.
5. The findings, including the name of the member, be published in the magazine.

The Presiding Chair was satisfied that the agreement protected the public interest and recommended to the Committee that the hearing proceed on the basis of a Joint Submission.