

**ONTARIO COLLEGE OF TEACHERS**

**DISCIPLINE COMMITTEE**

**REASONS FOR DECISIONS AND ORDERS**

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

AND IN THE MATTER OF discipline proceedings against Daniel Jutras.

The Discipline Committee held a hearing on September 27, 2000,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**DANIEL JUTRAS**  
**Registration #279517**

**PRESENT:**

Members of the Panel

Marilyn Laframboise (Chair)

George Merrett

Ernie Checkeris

The Honourable Patrick Galligan, Independent Counsel to the Panel

Steven Rosenhek, McCarthy Tétrault, Counsel for the Prosecution assisted by Trevor Evans

Serge Vermette, Defense Counsel

Daniel Jutras

A Notice of Hearing, dated April, 2000 was served on Daniel Jutras, requesting attendance before the Discipline Committee of the Ontario College of Teachers on May 23, 2000, to set a date for hearing and specifying the charges. The date set for hearing was September 27, 2000.

It is alleged that Daniel Jutras is guilty of professional misconduct in that:

- (a) there has been a finding of incompetence, professional misconduct or a similar finding against Daniel Jutras by a governing authority of the teaching profession in Quebec pursuant to the *Education Act*, Revised Statutes of Quebec, chapter 1-13.3, based on facts that would constitute professional misconduct as defined in section 1 of Ontario Regulation 437/97 which defines professional misconduct for the purposes of subsection 30(2) of the *Ontario College of Teachers Act, 1996*, and particularly the following subsections thereof:
  - (i) failing to maintain the standards of the profession, contrary to subsection 1(5);
  - (ii) abusing students physically, sexually, verbally, psychologically or emotionally, contrary to subsection 1(7);
  - (iii) failing 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 under that Act, contrary to subsection 1(15);
  - (iv) performing acts that, having regard to all of the circumstances, would reasonably be regarded by Members as disgraceful, dishonourable, or unprofessional, contrary to subsection 1(18); and

(v) engaging in conduct unbecoming a Member, contrary to subsection 1(19).

The Notice of Hearing states that Daniel Jutras is a Member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On September 27, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Daniel Jutras was guilty of professional misconduct.

**EVIDENCE:**

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that Daniel Jutras 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), (18) and (19).

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

1. Daniel Jutras, (the "Member") is a Member of the Ontario College of Teachers.
2. On or about December 19<sup>th</sup>, 1996, the Minister of Education for the Province of Quebec directed the creation of a Committee of Inquiry into complaints received in respect of the Member, pursuant to section 28 of the Quebec *Education Act*.
3. That Inquiry Committee held a hearing into those complaints on or about February 10, 12, 13 and 24, March 7, 13 and 21, April 22, 24 and 29, May 5, 16, 29

and 30, June 30 and July 7 and 8, 1997 and heard and received evidence concerning a total of 21 complaints in respect to the actions or activities of the Member.

4. The complaints, actions and/or activities in respect to which that Inquiry Committee received testimony and evidence included, but were not restricted to the following incidents:

(i) Physical Assaults

- (a) Lifting a four year old female student, excited because of her birthday, by the collar with one hand over a table, to remove her from the vicinity of other students; grabbing another child by the arm or collar; squeezing the neck of a kindergarten student at meal time without reason, leaving red marks on the student's neck; in the summer of 1994, seizing a child by the neck and dragging him onto gravel, on a trip to a farm.
- (b) Seizing several children by the neck, scratching one of them with his nails, grabbing a child by the scruff of the neck as he was looking into a fish tank saying "you know, children are like cats, when they climb up the curtains, you grab them by the neck and put them on the ground. If they climb up again, you grab them and bring them down again. Finally, they are tamed."
- (c) Between 1989 and 1992, leaving finger marks on the bodies of several children; putting his thumb into a child's mouth on several occasions; bruising the neck of a child.
- (d) Between 1993 and 1994, taking a student by his upper body and moving him four or five feet, without warning.

- (e) Taking a child by the neck and shaking him from side to side saying “that’s not what I told you”.
- (f) Between September and November 1995, squeezing the finger of a stunned student, poking his closed fist into children’s chests until their breath was cut off, lifting two children by their waists, off the ground, head down and, having their arms or neck squeezed.
- (g) Between on or about 1991 and 1994, picking up a female student by her neck with one hand and carrying her for a distance of about 25 feet with her feet barely touching the ground. Then making the student sit on a chair and laughing as she cried.
- (h) Leaving a large scrape mark on the neck of a student removed by the Member from a washroom and, in or about March 1995, leaving all nail imprints on the neck of a male student, around whose neck the Member had placed his hand or hands.
- (i) In or about 1995, grabbing children by their necks and leaving marks on their bodies and one child by the arm. Squeezing the fingers of a male student who had put his hands in the fish tank.
- (j) In or about the winter of 1995 to 1996, grabbing a male student and carrying him under his arm and when the student fell to the ground, picking him up again and scratching him on the chest, leaving scratches approximately ten to twelve inches long which were bleeding.
- (k) Scratching the neck of a male student and grabbing the neck of another male student. Pressing his fingers into the sternum of that male student,

whom he then left sitting in the corner of the room for approximately 45 minutes crying.

- (l) Lifting up a student by the scruff of the neck with one hand, lifting him over a wall and telling him to remain calm. Removing two children from a class by pulling them by their ears.
- (m) Insisting that a male and a female student, brother and sister, sit with the chocolate pudding served to them for lunch, which they had both professed not to like, from 11:30 a.m. until 4:00 p.m. and permitting them to leave that position only once in order to go to the washroom.

**(ii) Verbal Assaults**

- (a) Calling a disobedient child a cretin.
- (b) Calling two students “losers, simpletons, cretins and idiots” in a voice loud enough to be heard by other students.
- (c) On another occasion, calling a child a cretin.
- (d) Observing a three and a half year old child coming downstairs one step at a time and placing both feet, one after the other, on the same step, and calling that child a simpleton.
- (e) Calling another child a simpleton.
- (f) Calling another child “bad, a time waster, an idiot and a simpleton”.
- (g) Crumpling the *plan de travail* of a kindergarten child and telling him that the work he had done was no good and that he, the child, was no good.

**(ii) Treatment in Regard to Physically or Mentally Challenged Students**

- (a) Between in or about September and in or about November, 1995, advising the guidance counsellor at his school that it would be a waste of time testing those students alleged to have attention deficits.
- (b) Commenting to the guidance counsellor between in or about September and in or about November 1995, that one of the delayed or physically challenged children in his school was a cretin and that he couldn't understand how parents could leave such children to the care of the school.

**(iii) Rigid Discipline**

- (a) On or between February and June 1993, leaving a student in a garage without windows.
  - (b) Leaving a kindergarten child between 1:30 p.m. and 4:00 p.m. writing her alphabet because she was having trouble making connections.
  - (c) Being generally too harsh in his discipline of younger students.
  - (d) Not allowing the students any rest period.
5. On or about October 6, 1997, having heard testimony in respect to the aforementioned complaints from a total of 59 witnesses, including the Member, the said Inquiry committee determined that the said complaints were well founded and recommended that the Member's Quebec teaching certificate be revoked as it applied to the pre-school and elementary levels, allowing him to teach only at the secondary level.

6. On or about October 30, 1997, the Minister of Education for the Province of Quebec restricted the Member's Quebec teaching certificate to secondary education and adult education.
7. The Ministry of Education for the Province of Quebec is the governing authority of the teaching profession in that province and the Inquiry Committee was appropriately created pursuant to section 28 of the Quebec *Education Act*.

Counsel presented evidence that Daniel Jutras is a Member of the Ontario College of Teachers, (Exhibit #1). At all material times, Daniel Jutras was a teacher under the Ministry of Education for the Province of Quebec. He has also held a license to teach in the Province of Ontario since 1971.

A Joint Submission was filed as Exhibit #2. That statement had been signed by Steven Rosenhek, Counsel for the Ontario College of Teachers and Serge Vermette, Counsel for the Member.

The Committee also heard evidence from Julie Bouffard, an official with the Ministry of Education in the Province of Quebec, confirming the Report of the Committee of Inquiry as well as their decision (Exhibit #4 and Exhibit #5). She also gave evidence confirming the authenticity of the letter from the Minister of Education dated October 30, 1997 (Exhibit #6).

## FINDINGS OF FACT:

Based on the Joint Submission, the panel finds:

1. Daniel Jutras (the “Member”), is a Member of the Ontario College of Teachers.
2. At all material times, the Member held a Teaching Certificate in the Province of Québec. He has also held a licence to teach in the Province of Ontario since 1971.
3. On or about December 19, 1996, the Minister of Education for the Province of Québec directed the creation of a Committee of Inquiry (“the Committee of Inquiry”) into twenty-one complaints received in respect of the Member, pursuant to section 28 of the *Quebec Education Act*. These complaints related to abusing students physically, verbally, psychologically or emotionally.
4. The Ministry of Education for the Province of Quebec is the governing authority of the teaching profession in that province and the Committee of Inquiry was appropriately established pursuant to section 28 of the *Quebec Education Act*.
5. On or about October 6, 1997, having heard testimony from a total of fifty-nine witnesses, including the Member, the Committee of Inquiry determined that the complaints against the Member were well-founded and recommended that the Member’s Quebec teaching certificate be revoked as it applied to the pre-school and elementary levels, allowing him to teach only at the secondary level.
6. On or about October 30, 1997, in accordance with the recommendation of the Committee of Inquiry, the Minister of Education for the Province of Quebec restricted the Member’s Quebec teaching certificate to secondary education and adult education.

7. The Member acknowledges that he has been found guilty of professional misconduct in that there has been a finding of incompetence, professional misconduct or a similar finding against Daniel Jutras by the governing authority of the teaching profession in the Province of Québec pursuant to the *Education Act*, Revised Statutes of Quebec, chapter 1-13.3.
8. That finding was based on facts that constitute professional misconduct as defined in section 1 of Ontario Regulation 437/97.
9. In or about July 1997, the Member applied for Membership to the British Columbia College of Teachers but, following a hearing, that application was denied.

**REASONS:**

The Committee is greatly concerned regarding the elements of proof presented to the Quebec Investigation Committee during that hearing.

The proof makes clear that Daniel Jutras has shown he is unable to control his reactions when faced with certain behaviours displayed by his young students. The proof makes clear the Member does not tolerate opposition. It is very common with secondary school students to oppose all forms of authority. The Committee is concerned with the Member's reaction when he will be faced with such opposition, which is typical with adolescents.

The proof also made clear that Daniel Jutras has been verbally aggressive. Secondary school students are as vulnerable to this type of aggressive behaviour as are young children.

The Committee is in agreement that given the circumstances surrounding this matter, the public interest is best served by the agreement reached between the Member and the College.

The teacher-student relationship is based on trust. Therefore, the Committee's comments apply to all students, from the youngest to the adults inclusively, who must be able to trust their teachers.

#### **DECISIONS AND ORDERS:**

The Committee accepts the Joint Submission and directs the registrar to impose the following condition to the Member's Certificate of Qualification and Registration:

- That the Member's Certificate of Qualification and Registration be restricted to teaching at the secondary level, starting at Grade 9 up to, and including, adult students.

#### **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 be published using the Member's two initials, in the official publication of the Ontario College of Teachers and in any other manner or medium that the Committee considers appropriate in the particular case.

**DATED AT TORONTO, THIS 10th DAY OF OCTOBER, 2000  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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**Marilyn Laframboise, Chair**

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**George Merrett**

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**Ernie Checkeris**