

**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 a discipline proceeding against Amy Louise Mullins, OCT, a member of the Ontario College of Teachers.

PANEL: Mel Greif, Chair
 Robert Ryan, OCT
 Jacques Tremblay, OCT

BETWEEN:	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Daniela De Bartolo,
	)	Litigation Paraprofessional
– and –)	
)	
AMY LOUISE MULLINS	)	William Markle, Stephanie Carey
(CERTIFICATE #418058)	)	& Alex Munoz
	)	for Amy Louise Mullins
)	
)	
	)	Julie Maciura,
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel

Heard: January 18, 19 & 20, 2011, January 25 & 26, 2011, February 7, 8 & 9, 2011, May 25 & 26, 2011, May 30 & 31, 2011, June 9, 2011, September 20 & 21, 2011

DECISION, REASONS FOR DECISION AND FINDINGS

This matter began before a panel of the Discipline Committee (the “Committee”) on January 18, 2011, at the Ontario College of Teachers (“the College”) at Toronto.

Throughout all of the dates of the hearing listed above, the Committee consisted of three members: Mel Greif, Robert Ryan and Jacques Tremblay. On October 5, 2011, Mr. Tremblay resigned from Council and was unable to continue serving as a panel member. Subsection 4.4 (1) of the *Statutory Powers Procedure Act* (“SPPA”) states: “If a member of a tribunal who has participated in a hearing becomes unable, for any reason, to complete the hearing or to participate in the decision, the remaining member or members may complete the hearing and give a decision.” In accordance with this section of SPPA, the Committee therefore continued the deliberations with a panel consisting of the two remaining members, Mel Greif and Robert Ryan, and thus render this decision.

A *Notice of Hearing*, dated June 9, 2010 was served on Amy Louise Mullins, requesting her presence on July 6, 2010 to set a date for a hearing, and specifying the charges. The hearing was subsequently set to commence on January 18, 2011.

Amy Louise Mullins was in attendance for every hearing date.

THE ALLEGATIONS

The allegations against Amy Louise Mullins in the *Notice of Hearing*, (Exhibit 1) dated June 9, 2010, are as follows:

IT IS ALLEGED that Amy Louise Mullins is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the *Ontario College of Teachers Act, 1996* (the “Act”), 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 or students physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) she failed to comply with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c)

- thereof or the Regulations made thereunder, contrary to Ontario Regulation 437/97, subsection 1(15);
- (d) she 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) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
 - (f) she engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40 (1.1) of the *Act*.

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. At all material times, Amy Louise Mullins (the “Member”) was employed by the Simcoe Muskoka Catholic District School Board (the “Board”) as a high school teacher.
2. The Member was assigned to [XXX] School (the “School”) during the approximate period of September 1998 to June 2002. The Member was transferred to [XXX] School in September 2002 before being assigned to [XXX] School in September 2003.
3. Student A was a male student of the School from approximately September 1998 to June 2003. At approximately the same time, Student B and Student C were respectively male and female students of the School.
4. The Member taught Student A Grade 9 [XXX] and [XXX] during the 1998-1999 academic year and was his [XXX] while he was in Grade 10 and/or Grade 11. The Member was also a [XXX] of Student A.
5. Commencing some time in or about May 2001, the Member engaged in an inappropriate personal relationship with Student A.
6. The relationship between the Member and Student A commenced and/or continued when:
 - (a) there was no ongoing professional requirement for her to have contact with him; and/or

- (b) she knew or ought to have known that his mother did not wish her to have contact with him; and/or
 - (c) she knew or ought to have known that an ongoing personal relationship could be detrimental to Student A.
7. Between 2001 and 2004, the Member:
- (a) permitted Student A to visit her at her home;
 - (b) permitted Student A and some of his friends, including Student B, who were also students of the School, to visit her apartment and consume alcohol;
 - (c) allowed Student A and one or more of his friends referred to in (b) above to sleep overnight at her residence;
 - (d) allowed Student A to sleep overnight with her in her bedroom with the door closed;
 - (e) encouraged or permitted Student B to have sex in her washroom with his girlfriend, Student C;
 - (f) took Student C to an out-of-town school event and allowed her to sleep in the same bed as Student C's boyfriend, Student B, without the consent of the parents of Student C;
 - (g) slept in the same room as Students B and C at the out-of-town school event referred to in (f) above;
 - (h) slept in the same bed as Student A while attending the out-of-town school event referred to in (f) above;
 - (i) permitted students on the school trip referred to in (f) above to consume alcohol;
 - (j) spoke to and met with Student A after she had been transferred to teach at another high school;
 - (k) visited Student A while he attended community college; and
 - (l) engaged in acts of sexual touching and sexual intercourse with Student A.
8. In addition, while she was a teacher at the School, the Member assisted Student A with his schoolwork.
9. The Member was suspended by the Board on or around 18 December 2006.

OVERVIEW

Amy Louise Mullins is a member of the Ontario College of Teachers. At all material times she was an employee of the Simcoe Muskoka Catholic District School Board. It is alleged that in 2001-2003 the Member engaged in an inappropriate personal relationship including sexual intercourse with Student A and that she permitted alcohol consumption by students in her home and at other locations while the students were in her care. It is alleged that she also encouraged other students to take part in inappropriate relationships.

ONUS AND STANDARD OF PROOF

A Review of the Legal Principles

The **burden of proof** of the allegations lies with the College. The standard of proof in College hearings is one that is used in civil cases and that is accepted to be the **balance of probabilities**. The balance of probabilities standard is whether it is more likely than not that the events occurred. It is also acknowledged that the evidence must be sufficiently clear, convincing and cogent to satisfy the balance of probabilities test. The Committee's task was to determine if the College has satisfied the burden with clear, cogent and convincing evidence.

In fulfilling its task the Committee applied guidance from the courts in determining the **credibility of witnesses**. The Committee took into account the integrity and intelligence of the witness, the candidness of the witness, and the lack of evasion, degree of frankness and responsiveness. Considered also was any evidence of bias, memory and capacity to remember and any inconsistencies in testimony. The demeanour and manner of speech, consistency of retelling of the story or self-contradiction were also important in the assessment. It was always important to make sure that the testimony "make sense" and there was a consistency in the description of the events by witnesses. Timing and circumstances were also important considerations in assessing credibility. When faced with inconsistencies about timing and location of events, consideration was given to aspects of age and circumstance of the witnesses.

Further in determining the appropriate guidelines for assessing credibility, the Committee relied on *Pitts and Director of Family Benefits Branch of the Ministry of Community and Social Services (1985)*, (52)O.R. (2d)302. The Committee accepts the importance of its duty to state clearly its grounds for supporting the evidence that is presented by witnesses and conversely for disbelieving evidence. All parties to a process should have the satisfaction of knowing that they have been fairly dealt with and understood. The Committee assessed the relative force of testimony. Discrepancies have been assessed. Common sense and knowledge of human nature were considered. The appearance and demeanour of witnesses were an important consideration by the Committee. The relative powers of perception and ability to observe were also important factors. Self-interest in the litigation and partisanship were also considered. The Committee was also very much aware of the issues of probability and improbability. The Committee questioned any instances of contradiction and inconsistency and the general sense of truthfulness of witnesses.

THE EVIDENCE

A General Review of the Evidence and the Particulars of the Allegations

The Member was an employee of the Board and taught at [XXX] School, [XXX] School and at [XXX] School. They are part of the Simcoe Muskoka Catholic District School Board and are located in Barrie, Ontario.

It is uncontroverted that Student A was a student at [XXX] School and was a student of Ms. Mullins in her capacity as a teacher, [XXX].

It was generally agreed that Student A was an avid athlete and participated in many school athletic activities. He was well regarded for his team efforts. His academic work was acceptable but he struggled in some areas and benefitted from assistance. During his time at [XXX] School Student A experienced many difficult personal conditions and events within his family and was considered to be vulnerable by both his family and his school. The Committee heard evidence about his family situation.

Between 2000 and 2003 while Student A and the Member were both at [XXX] School several troubling behaviours and contacts emerged. There were allegations that even after the Member transferred to another school the relationship continued even though there was no professional basis for it to do so. This contact supposedly continued even though the parents of Student A were opposed to it.

The Member herself testified that she considered herself to be a trusted confidante of Student A and in that context, based solely on the evidence given by the Member herself; she encouraged a far too familiar relationship to evolve. In the years under review, primarily 2000-2003, there were many instances of highly inappropriate and unprofessional contact admitted to by the Member. During 2001-2002 Students A, B, C and others attended at “Movie Nights” in the Member’s home. Testimony was submitted by a number of student participants that alcohol was available, whether brought to the home or provided by the Member and, with her knowledge, was consumed on site by underage students in the Member’s care. This testimony was repeated many times by other participants and witnesses.

The “Movie Nights” were attended by a number of students and for that matter, by at least one other teacher, Mr. Stacey Levely. These movie events were part of the socializing that took place within the [XXX], but were primarily directed towards a small coterie of boys who were friends. Witnesses have provided evidence of inappropriate consumption of alcohol by minors during these movie nights. Evidence was presented that the alcohol was brought to the Member’s home by the students and also, according to a number of the students, supplied by the Member. Alcohol was consumed by minors in the care of the Member. Parents did not seem to be aware of the frequency of and nature of the movie events. Certainly there was no evidence of parental permission being obtained by the Member. The movie sessions often occurred after [XXX] ended and would therefore have taken place late into the evenings. There was also evidence that these movie events took place on school nights.

The Committee accepted that these “Movie Nights” occurred with some regular frequency.

On one occasion, specifically the evening before the [XXX] at Toronto on Friday May 25, 2001, several of the male student participants were allowed to sleep over at the Member’s residence. The Member herself admits this. The students were under age. It is unclear whether parents knew about this arrangement. The principal was adamant in her assertion, during testimony, that such a sleep-over was highly inappropriate and against Board policy.

The sleeping arrangements of May 25, 2001, were mirrored in events elsewhere. For example, the Member invited students to a family wedding in Windsor, Ontario, where they all slept in the same house and in the same space. A trip to [XXX] in the State of Ohio was undertaken with similar sleeping arrangements occurring.

During a [XXX] excursion to Peterborough, Ontario, outside of school time and during the summer, the Member actually shared a room with four male students. This same event was preceded by a sleep-over by the Member at Student A’s house. Again, the Member admits that these activities happened.

All of these incidents regarding sleeping arrangements came to light subsequently, and when the principal was later questioned by College counsel at the hearing, she admitted that these incidents were all unacceptable and should have resulted in an investigation and perhaps some form of disciplinary action.

During 2000-2001 the Member enjoyed the trust of Student A’s family and was invited to share in the family Halloween and Christmas festivities. Additionally there was some discussion of the Member taking on a role normally reserved for individuals entrusted with the care of moral character. The Member and Stacey Levely were invited to become [XXX] to Student A and/or his [XXX] brother. This invitation was extended by Student A. This never came to pass.

During a [XXX] event in Hamilton in June 2001, the Member, accompanied by a female student and a male student, participated in order to “support” the [XXX]. The Member did not attend in an official capacity. The Member rented a hotel room and the female student, Student C, was to share the room with the Member. The male student was to share space with other [XXX] in rooms previously arranged for them by the [XXX]. That evening, the Member’s rented hotel room became a centre for some social activities. According to the testimony of many witnesses, alcohol was available in the room rented by the Member. Evidence was presented by some witnesses that the Member drove to acquire the alcohol along with several students. The alcohol was made available in the Member’s hotel room.

During the night, the two double beds were occupied by more than two persons. The Member shared a bed with Student A and they were both under the bed covers. Student A was shirtless. The other bed was occupied by the female student, Student C, and she was accompanied by another male student, her boyfriend, Student B. At least one other male student slept on the floor. In the morning the arrangement, as noted by the first person through the door, was the same. The Member stated in her testimony that she was not aware of any sleeping arrangements since she had slept through the whole night and only awoke to find Students in her room. She then went to the bathroom, proceeded to get dressed and had breakfast.

The Member did not report any of the above sleeping arrangement to anyone, not her principal, her board authorities or her union representative nor her closest friends or any of her professional colleagues.

Evidence was also given about sexual acts that occurred between the Member and Student A on the night of the Friday night sleep-over at her home before the [XXX] to take place in Toronto May 25-27, 2001. Student A says that the Member touched him sexually under a blanket that they were sharing and induced an ejaculation. This evidence was provided in some detail. Student A stated that full sexual intercourse occurred in the following week. At the time Student A was [XXX] years old. Evidence was given that in

the following week the relationship between the Member and Student A evolved into a full blown sexual relationship. In June of the same year there was a [XXX] in Hamilton. During that time Student A says that a further instance of sexual intercourse occurred in the washroom of the hotel room rented by the Member. The Member denies that any sexual intercourse occurred.

The Member provided a chaperone function to five male students during a [XXX] in Peterborough in the summer of 2001. All participants stayed in the same room. The student evidence states that alcohol was consumed. The Member only admitted that they all shared the same room.

The Member admitted to sharing a room or same space with male students during an outing to an [XXX] and again during a family wedding in Windsor, Ontario.

Very troubling in the complete story of the Member's relationship with Students A, B, and C is the activity that appears to have taken place in her apartment. Not only did the students participate in the "Movie Nights", but these events ran into the late evening and early morning and often included sexual activity. The evidence of Student B was that the Member indicated to Student B that it was acceptable to take Student C into the washroom and engage in sexual activity, including sexual intercourse. Student B and C both testified that this in fact occurred. This took place in the Member's bathroom with the bathroom door closed. While Student B and Student C were engaged in such inappropriate sexual activity (given the age of Student C at the time), the Member was allegedly undertaking her own sexual activity with Student A in the living room. Student B testified that although there was no clear sight line to the activity in the living room from the bathroom, it was very clear from the sounds that could be heard and the words that were exchanged by Student A and the Member, that he believed sexual acts were being undertaken by the Member and Student A.

Throughout the school year, according to Student A, there was continual sexual activity between the Member and the student. Student A also alleged that at least one act of oral sex occurred, on school property, during a [XXX].

The revelation about the Member's behaviour first occurred during and after a Christmas celebration at the home of Student A. The mother of Student A says she overheard Student A and the Member as they engaged in an inappropriate and sexualized telephone conversation after the Christmas dinner. This unleashed a series of subsequent exchanges between the Member and Student A's family. The Member, when confronted by the mother of Student A, allegedly acknowledged and apologized for the relationship with Student A and in two separate subsequent telephone conversations and in person to Student A's aunt admitted to a relationship. The Member stated that she would not end the relationship. At the same time Student A is said to have become very emotional and threatened to kill himself.

At the immediate time there was no attempt to report the Member's behaviour to authorities, the school principal, the school board, or any other person outside the immediate family. The family stated that its goal was to contain information about the situation particularly in light of the turmoil that had been caused to their family by the allegations made by Student A's [XXX] brother about a different female teacher at a different school some years earlier. Student A's mother accused the Member of having a sexual relationship with Student A (although the Member denies this). As such, it would have been reasonable and expected for the Member to have reported the allegations to her principal and other school authorities. Any reasonable person would have done so regardless of whether the allegations were true or not. Not to have reported can lead an observer to conclude that there was indeed substance to the allegations by the family and that there was a serious breach of a teacher's duty of care.

Finally, the Member is said to have also assisted Student A in the completion of school assignments. The Member's position regarding the allegations is that they have no substance. The Member takes the view that she has at all times discharged her duties as a

teacher in a manner appropriate to the expectations placed on the profession. During the time under review as part of the allegations the Member was a teacher, [XXX], [XXX] and [XXX]. She admits to mentoring and guiding Student A and ensuring that there was a safe environment but says that it did not go beyond that.

The Member stated that she took on the mentoring role at the request of the family of Student A and with the encouragement of her principal. The Member admits to students visiting her home, but only as part of [XXX] social activity. The only time students stayed overnight was with the permission of parents as part of an early start for an out of town [XXX]. She says no student slept in her bedroom and she never shared any sleeping space with any student.

The Member stated that there was never any sexual activity of any sort engaged in by the Member and Student A, nor did the Member encourage or allow any students to engage in inappropriate personal behaviours. The Member says no student under her care ever engaged in an inappropriate activity. She says that her chaperoning assignments were undertaken with the utmost care and attention to ethical standards.

The Member testified that no student ever consumed alcohol while under her care, nor did she provide or purchase alcohol in her role as a teacher with students under her care. Once Student A was no longer in her professional care the Member says she stopped having contact with him.

The Member only admitted to assisting Student A with his assignments as part of her role as a mentor and tutor. She says she never completed his assignments for him.

The Member rejected all of the allegations of sexual impropriety and mounted a vigorous defence.

DECISION

The Committee deliberated in depth to ensure that appropriate evaluation was made of the evidence that was submitted. In their evaluation the Committee adhered to principles established by practice and legal precedent. As stated by the Supreme Court of Canada in *F.H. v. McDougall*, [2008] 3 S.C.R. 41, the civil standard – a balance of probabilities – applies to these proceedings. The standard of proof applied by the Committee was a **balance of probabilities on clear, convincing and cogent evidence**. The Committee looked to evidence for the incidence of **overlapping stories and corroboration** where a number of versions of a situation converge to create a true sense of what actually happened. The Committee was also satisfied that **appropriate factors relating to credibility** assessment were applied to all of the witnesses that were examined during the hearing.

Having considered the evidence, onus and standard of proof, and the submissions made by counsel for the College and counsel for the Member, the Committee finds that the facts support a finding of professional misconduct. In particular the Committee finds that Amy Louise Mullins **committed acts of professional misconduct, as defined in Ontario Regulation 437/97, subsections 1(5), 1(7), 1(15), 1(18), 1(19) and that she engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40 (1.1) of the Act.**

REASONS FOR DECISION

Prosecution Witnesses

Student A

[XXX] is the complainant and is Student A. [XXX] was a competent student who was also a [XXX] with a wide circle of friends and regarded positively by all. He was outgoing and of a generous disposition, in fact he was regarded as a leader in sports in his school. [XXX]'s credibility in giving his testimony before the Committee was enhanced

by the nature of his story and the manner of re-telling it which survived a long and intense cross-examination which was designed to test aspects of its veracity. [XXX] was naturally nervous and had to take a number of rest breaks during his two-day sharing of his version of the facts of the matter. In spite of the difficult time spent under oath on the witness stand, [XXX] managed to convey his experience in a consistent way, one that indicated in an appropriate manner his determination to be believed. The Committee accepts much of what [XXX] conveyed on the witness stand.

The Committee accepts [XXX]'s version of the sexual contact with the Member that occurred during the 2001 to 2003 school years. This includes all referenced sexual touching and sexual intercourse (with the exception of the allegations relating to the incident at the [XXX] and the rubbing of the leg at the front of the class, as discussed in more detail below). The Committee accepts [XXX]'s version of the sequence surrounding the Christmas telephone call and subsequent meetings with the Member. The nature of the sleeping arrangements was also adequately re-enforced by [XXX]'s detailed testimony and by others. [XXX] corroborated [XXX]'s claims that [XXX] insisted that [XXX] first drive his girlfriend [XXX] home at the end of each evening (leaving [XXX] alone with the Member at her apartment) and then come back for [XXX]; despite the fact that it meant that [XXX] had to retrace his route. Finally the nature of the activities that [XXX] says took place in the Member's home was also accepted. [XXX]'s testimony was clear, concise and cogent. There was a significant degree of convergence of detail that strengthened the quality of his testimony.

The most serious of [XXX]'s allegations relate to conduct that occurred when he was alone with the Member, and as such there is no corroboration, however, this is usually the case regarding sexual allegations.

The Committee discounts the conspiracy theory put forward by the defence, in that it would have required [XXX]'s parents to have put the seeds in place for fabricated claims of sexual improprieties back in late 2001/early 2002, as there is ample evidence to show that [XXX] went to the principal with her concerns about the Member in 2002 and

indeed the Member herself admits that [XXX] accused her of inappropriate conduct shortly after the December 2001 dinner. There is also ample evidence to support [XXX] public accusations against the Member in the hospital following the car accident in April 2002. In light of what must have been her heightened sensitivity surrounding [XXX] (because of the issues relating to his [XXX] brother, of which she admits she was aware) it defies belief to accept that the Member did not report, if only to protect herself, what were supposedly unfounded allegations of sexual impropriety against her by [XXX]'s mother and father. The Committee does not believe that if the allegations were false that the Member would have not told her principal or her union representative.

The Committee does not make a specific finding in relation to the allegation that the Member rubbed [XXX]'s leg under the desk at the front of her classroom. It is uncontroverted that [XXX] spent a great deal of time in the Member's classroom before, during and after classes and so there was certainly opportunity for the leg rubbing to have occurred and it is not unreasonable to believe that given the other risky behaviour engaged in by the Member (much of which she admits) that she also engaged in this behaviour. The Committee finds that this probably occurred but does not make a specific finding in this regard given the absence of other supporting information.

The Committee does find that at least one time the Member rubbed or massaged [XXX]'s shoulders as he sat below her with his back to her knees on the bleachers in the gymnasium. [XXX] testified that he saw this occur on one occasion.

[XXX]

[XXX], Student C, was a most forthcoming witness for the College. Her testimony and answers were reflective and thoughtful and without any indication of guile or dissemblance. When [XXX] remembered clearly, she did so with an air of confidence. Conversely when she was unsure, there was no hedging, but a strong assertion that she did not remember or that she was not an actual witness to the event or detail. In every aspect of her testimony, [XXX] was found by the Committee to be credible. Her testimony mirrored and re-enforced the testimony of others. There was no evidence of

collusion or rehearsing of the testimony. [XXX] was also noteworthy in that she distanced herself from the group that continued to interact with [XXX]. She had moved to a different school, was not part of the friendship grouping any longer, nor had she kept in touch with any of those persons. As a “free agent” in this matter, and as an active participant in many of the events and situations under review, [XXX] was a very useful and highly credible witness. She was candid, strong and forthright.

[XXX]’s version of the sexual contact that took place between [XXX] and her boyfriend in the Member’s apartment, while the Member was present, is credible. The degree and nature of alcohol consumption in the Member’s apartment and during the [XXX] in Hamilton are believable and credible.

[XXX]

[XXX], Student B, was and continues to be a close friend and confidante of [XXX].

[XXX] and [XXX] were on the same [XXX] during the 2000, 2001 and 2002 school years at [XXX] School. Their experiences at school in the extra-curricular area were closely intertwined. The Committee found the boys to be credible witnesses to the events that they experienced while students at [XXX] School. [XXX] was very clear in his testimony regarding several events that are said to have taken place at the Member’s apartment and about sports in detail. [XXX] provided his own free-hand sketch of the apartment floor plan which helped the Committee to visualize the Member’s apartment.

[XXX]’s version of the sequence of events surrounding the sexual contacts that he engaged in while in the washroom of the Member’s apartment was highly credible. He asserted, under oath and with conviction, that he and [XXX], then his girlfriend, were invited to avail themselves of the privacy and intimacy of the washroom while Student A and the Member were alone in the living room. [XXX] was adamant about what he heard coming out of the Member’s living room where [XXX] and the Member remained “cuddling”. The sounds and words that [XXX] heard were consistent with indications of sexual activity. [XXX] did not see any sexual activity between Student A and the

Member but her testimony does demonstrate the fact that there was opportunity for sexual activity between [XXX] and the Member to take place in the living room.

[XXX] is credible in his recounting of the alcohol that was available at the Member's apartment. Others gave the same evidence. There was significant corroboration by participants of the activities at the apartment and the availability of alcohol.

[XXX] corroborates the evidence of [XXX] that at on at least one occasion, [XXX] and the Member stayed overnight in the Member's bedroom with the door closed.

As do many of the witnesses to the events in Hamilton during the [XXX], [XXX] reaffirms the availability of alcohol in the hotel room rented by the Member.

[XXX] was clear that the Member occupied the same bed, under the covers, with the shirtless [XXX] during the evening at the Hamilton hotel. [XXX], like some of the other occupants of the room has a clear and concise memory of the sleeping arrangement and the occupants' state of dress. [XXX] does say that he did not actually witness any sexual activity between Student A and the Member, but be that as it may, the evidence would lead a rational and properly aware reviewer of the events to conclude that highly inappropriate activity had taken place. At the very least, the Member shared a bed with a teenage male student and allowed two students, whom she knew to be boyfriend and girlfriend, to share the other bed and she never reported this to anyone in authority.

[XXX], despite the passage of time since the events occurred, was very clear and precise about the memory of the details of the events. He was, in the end, a very credible and strong witness.

[XXX]

[XXX] is the mother of [XXX].

[XXX] has endured a number of difficult times with her two boys, both of whom have encountered upsetting events during their school experiences. This, along with other family misfortunes, has made [XXX]'s years during 1998-2003 a challenge. In spite of these problems [XXX] was still able to provide clear, concise and credibly consistent evidence of her experiences with [XXX] in 2001-2002.

[XXX] supported her sons' academic and sports commitments as would any mother and in this regard she did the best that she could. Because of the difficulties experienced by her sons in their previous school, [XXX] was keen on getting as much support as possible from the staff at [XXX] School.

Up until Christmas 2001 [XXX] was confident that her sons were being properly cared for by the teachers at [XXX] School and in fact believed that the Member and another teacher, Mr. Levely, were watching out for her sons. The boys were active in sports and seemed to be happy, in fact, [XXX] and her husband [XXX] invited the Member to attend at a Christmas function at their home. However, during that evening [XXX] thought that she detected "knowing glances" between [XXX] and the Member. Later that evening, at approximately 11:30 p.m., [XXX] noted that the telephone was in use and she decided to listen in. She overheard a conversation between the Member and [XXX] in which the two were exchanging words of endearment that were inappropriate between a teacher and a student and that indicated a sexual relationship.

After the telephone conversation was terminated, [XXX], who noted that there might be an eavesdropper on the line, confronted his mother and she responded by asking a point blank question about the nature of the relationship between the Member and her son and the conversation that she had just heard. [XXX] admitted to a sexual relationship and stated that he would commit suicide if his mother tried to put a stop to it. He said that he was in love with the Member.

[XXX] was extremely upset but because of the earlier encounters between a female teacher at another school and her other son which had resulted in intense media attention on her family, decided to reflect on her options and did not call the police.

A few days later [XXX] telephoned the Member to demand an explanation. [XXX] states that the Member confirmed the sexual relationship and told [XXX] at one point that nothing could be done about it.

According to [XXX], the Member's responses seemed to indicate that she would end the relationship and that she would try to transfer to another school. [XXX] was mollified by the implied agreement that the Member would leave the school.

After that [XXX] hoped that the relationship was over and believed that the best path to take was a watchful one without any recourse to the authorities.

In April 2002 there was an automobile accident during which it was revealed that contact between the Member and [XXX] was still ongoing. After that [XXX] contacted the school principal but declined any communication with any other authorities because of her fear of exposing her son to media frenzy. The principal was taken aback and was inclined, as required, to report to the police and other school authorities. [XXX] asked that she not do so but to address the situation quietly and discreetly. In fact, [XXX] maintained to the principal that if she was asked about the situation by the police or any other authority, she would deny it.

[XXX]'s next contact and awareness with the events of 2001-2002 came in 2006 when [XXX] decided that he would start a legal action against the Member.

Much evidence was presented about the alleged alcohol consumption of [XXX]. The Committee did not believe that there was any evidence put forward to demonstrate that alcohol may have affected [XXX] actions or ability to recall the events in question. The Committee came to the conclusion that [XXX], a concerned mother, acted in a manner

that she believed was in the best interests of her sons, [XXX] and [XXX]. The demeanour, delivery, consistency of evidence and the verification by others of important elements of it made it very clear that [XXX] was a highly credible witness operating under extreme stress and indeed incredulity that such a thing could happen to one of her children yet once again.

[XXX]

[XXX] is the aunt of [XXX] and lived next door to the [XXX] family during the incidents under review. She was able to substantiate aspects of the allegations. In this capacity, [XXX] provides corroboration for some of the evidence of [XXX].

[XXX] relayed what she had been told by her sister, [XXX], of the events of the Christmas 2001 telephone call interception. From her sister [XXX] heard that [XXX] suspected that there was a sexual relationship between the Member and her son, [XXX]. The Committee found [XXX] to be a credible witness who gave her testimony in a straightforward manner and who admitted when she could not remember things, such as dates. It is clear to the Committee that as far back as late 2001 and early 2002, there were allegations of sexual impropriety being made about the Member and as such, this evidence serves to rebut any allegation of recent fabrication by the [XXX] family.

[XXX] testified that she arranged to meet with the Member in the presence of [XXX] to discuss [XXX] concerns. The date and time of the meeting is hazy and there is some confusion given the time that has elapsed since 2001-2002, but the basic tenor and conveying of the meeting was consistently recounted by [XXX] and his aunt and is helpful to the Committee. In an approximately twenty minute conversation in the kitchen of the Member's home, [XXX] testified that the Member admitted that the relationship was inappropriate and in spite of its nature, continued to be active. [XXX] interpreted no sense of apology about the inappropriate, sexual and personal behaviour. The Member, when pressured to stop the relationship became confrontational and stated that she would not let anyone get between her and [XXX]. [XXX] felt threatened by the Member and she left the apartment along with her nephew, [XXX], who was a witness to the conversation

in the Member's kitchen. At this point [XXX] was so distraught about the failure to resolve the problem created by the revelation of his personal and sexual relationship with the Member and according to [XXX], once again, he threatened to commit suicide.

[XXX]'s evidence was clear, cogent and concise and she had a very strong recollection of the nature and specific detail of the conversation. Despite the length of time that has elapsed, it seems to the Committee that certain very traumatic conversations have the ability to stay firmly rooted in the memory of those who experience them. This was the case of the testimony of [XXX]. Under cross-examination it was apparent that [XXX] was very certain of her re-telling of the events of the visit to the Member's home. She may have had some dates confused, which the Committee feels is understandable given the passage of time and does not indicate evidence of fabrication, but certainly the conversation was firmly entrenched in her conscious memory. She was a confidante of [XXX]. By his own admission [XXX] took pride in the special relationship that he had with his aunt, [XXX].

[XXX]

[XXX] is the father of [XXX]. It was conceded by [XXX] and by [XXX] that [XXX] did not concern himself with many of the details of the experiences of the family. In fact both [XXX] and [XXX] stated that they did not know what [XXX] knew. It seems that based on the quality and intensity of his testimony, that in fact, [XXX] knew quite a lot.

While giving testimony it became evident that [XXX] knew about some very important aspects of the allegations. Under cross-examination [XXX] was able, in his own way, to relay what [XXX] had told him regarding the specific nature of the sexual relationship (i.e., sexual preferences of the Member) that the Member engaged in with [XXX]. This information came out in conversations with his son as a result of an interrogatory started by [XXX] after [XXX] had a therapy session. The Member was not asked about this during her evidence and as such did not refute the information given by [XXX] to his father about the Member's sexual preferences.

[XXX] also proved to be a reliable conveyor of information given to him by [XXX] (which while it is simply a repetition of information given to him by [XXX], does tend to prove that the allegations are not a recent fabrication, given that he was aware of allegations about the Member's conduct as far back as 2001/2002).

Much was made about the supposed alcohol consumption of both parents. Evidence relevant to this accusation was never provided. [XXX] certainly was reliable both in evidence in chief and in cross-examination about what he knew of the events of 2001-2002 as they related to the relationship between the Member and [XXX].

The most helpful part of the testimony of [XXX] was his recounting of the events of the evening of April 5th, 2002. [XXX] was called to a Toronto hospital because [XXX] had been in a car accident. In the Emergency Reception Room, [XXX] encountered the Member who had been in the car with [XXX] and one other student. His son, [XXX], was injured and had lost consciousness as a result of the serious accident. When [XXX] saw the Member in the reception area, the nature of the Member's relationship with his son came firmly to mind and he reacted bitterly. According to both [XXX] and an eye witness, [XXX] said "What the fuck are you doing here? You promised to leave him alone!" The eye-witness, [XXX], saw the exchange, verified what was said, and saw that the Member did not respond in any way to the shocking comments being made by the father of [XXX]. [XXX] pulled [XXX] away from the Member and took him down the hall towards where his son was. While speaking with [XXX], [XXX] garnered from him the general nature of his concern and outburst. [XXX] stated that when asked by [XXX] what was going on, he replied "She's fucking my son." [XXX] corroborated that [XXX] made that statement to her.

[XXX] believed that the Member had been told to leave [XXX] alone and not to communicate with him. But as evidenced from the fact that she was in the car when the accident occurred, continued to do so. The Committee does not believe that [XXX] would have reacted in such a forceful way (back in 2002) if he did not honestly believe at the time that the Member had been engaged in an inappropriate relationship with his son.

[XXX], in his own way, certainly assists in the convergence of evidence that is reliable and overlapping and helps the Committee construct a clear understanding of the events in question. [XXX] evidence also strongly goes towards rebutting the claim of recent fabrication.

[XXX]

[XXX] is the mother of a close friend of [XXX]. This friend was part of a group very close to [XXX] and thereby [XXX] had opportunity to verify certain events in this matter. She was also an acquaintance of the [XXX] family for many years through the neighbourhood, social activities and sporting events.

Her testimony connects the details surrounding the events of April 5th, 2002 in the emergency room of the hospital and thereafter. [XXX] was called to the hospital because her son [XXX] had been driving the car in which [XXX] and the Member had been riding. [XXX] clearly recounted the exchange between [XXX] and the Member. She was able to validate the conversation and the nature of that conversation and most importantly to describe the demeanour of both the Member and [XXX].

[XXX] testified that the Member did not react to a most unsettling accusation directed at her by a very upset father, in a public place, a hospital and its emergency room. Instead [XXX] states that the Member just sat there without saying a word and looked away.

[XXX] described [XXX] as standing over and yelling at the Member, who was seated in the hospital waiting area. [XXX] was instrumental in separating [XXX] and the Member. [XXX] testified that during that exchange she was surprised that the Member was not more reactive and said that she ([XXX]) was shocked at the strength of the uncharacteristic reaction of [XXX]. She was also disturbed by the information conveyed to her by [XXX] about the alleged sexual relations of the Member and his son, [XXX].

[XXX] thought it was very “strange” that the Member was not more responsive in the light of the serious accusations made by [XXX].

[XXX] testified that she offered to give the Member a ride home to Barrie but that the Member declined, saying she had called Jennifer Lemieux for a ride. [XXX] thought this was strange particularly given the fact that the weather was not very good that night. [XXX] described the Member as pacing back and forth looking for Ms. Lemieux’s car. When Ms. Lemieux arrived the Member ran out the door to the car. Ms. Lemieux drove down from Barrie at the request of the Member. The fact that the Member bolted into the vehicle of the Ms. Lemieux as soon as possible seemed very odd to [XXX] indeed.

[XXX] attempted to follow up on the events of April 5th, 2002 with the principal of [XXX] School. According to [XXX], she placed three telephone calls to Ms. Catherine-Ann Humphries; messages were left and [XXX] testified that there was not one acknowledgement or return telephone call from Ms. Humphries. [XXX]’s concern was that the principal was made aware of the accident and the fact that the Member was in the car with the [XXX] and [XXX].

Both [XXX] and Ms. Humphries have a different recollection of what transpired. [XXX] maintains that no meeting ever took place. Conversely, Ms. Humphries maintains that a meeting took place in her office with [XXX] to discuss the accident but that [XXX] was primarily focused on whether her son was going to get in trouble. The statement of each witness is dependent on their respective memories as neither took notes of what occurred relating to the accident. This is reduced to a determination of credibility. Furthermore, when she was being cross-examined, counsel for the Member did not suggest to [XXX] that no meeting ever took place, which would have given [XXX] an opportunity to directly respond to that suggestion.

The Committee reconciled the differences in the two recollections in the following way. [XXX] is a parent of a student injured in the car crash. The Committee is very satisfied that this is a memorable event that would tend to make a witness very sharp about details.

On the other hand, Ms. Humphries is a busy administrator who deals with events and issues relating to numerous students on any given day. As such, it is more likely that she would not be able to recall the events as clearly as [XXX] would and in fact she might be inclined to remember the events in a way that shines a more favourable light on her actions, particularly given the intense scrutiny her actions have been given since the events in question. In the absence of written and verifiable documents the Committee preferred the evidence of [XXX], a mother with a son injured in a car crash.

[XXX] was a neutral observer of the events of April 5th, 2002. As an observer and mother of one of the students involved in the auto accident she was aware of aspects of the matter. Her testimony was neutral, unbiased, factual and very useful. The Committee found [XXX] to be a very credible witness.

[XXX]

[XXX] is a friend of [XXX] and has known him for many years. [XXX] and [XXX] were on [XXX] including the [XXX] at [XXX] School. [XXX] provided information about the issue of alcohol availability and its consumption. He was also aware, as a witness to the events, about the arrival of students at the home of the Member. [XXX] provided evidence about delivering [XXX] and several of his friends to the home of the Member. These occurred on a number of occasions according to his testimony.

[XXX] also attended the [XXX] in Hamilton where he was an observer and participant in the purchase and provision of alcohol. During his testimony, [XXX] maintained that the Member was not only in the van when the alcohol was purchased but she actually contributed to the cost of the alcohol.

[XXX] also confirmed that he witnessed that the Member was in bed in a hotel room where there were other students including at least two other male students. [XXX] was in bed with the Member. [XXX] was a first-hand observer to the sleeping arrangements, and his evidence corroborates testimony that was given by [XXX] and [XXX].

[XXX] also took part in a [XXX] where the Member drove the [XXX] to Peterborough, Ontario. According to [XXX], the Member shared a bed with two male students, positioning herself between the two of them. In spite of these sleeping arrangements [XXX] stated that he did not observe any sexual activity taking place while he was present. The Committee accepts [XXX]'s evidence in respect of the Hamilton [XXX]. Needless to say the Member's presence in a hotel room, overnight, with male students showed a profound lack of professional judgment.

[XXX] proved to be a credible witness. His evidence about alcohol consumption and sleeping arrangements speaks to the core of the Member's professional judgment and her behaviour. [XXX]'s testimony added further corroboration about the Member's lack of care in her professional undertakings.

[XXX]

[XXX] was a member of the same [XXX] as [XXX] and has been a long-term close friend and continues to be so.

[XXX] was a participant in [XXX] dinners and other socializing that took place. Most importantly, [XXX] attended the “Movie Nights” that took place at the Member’s apartment. [XXX] provided transportation for many of the students. This was essential for those students who did not have their own driver’s licenses. [XXX] verified the events often described by other witnesses and referenced alcohol consumption and the sleepovers that occurred at the Member’s apartment. The alcohol was both brought by the students to the Member’s apartment and occasionally was provided to the students in her apartment by the Member.

[XXX] confirmed that on some occasions he would merely drop [XXX] off at the Member’s apartment and not accompany him inside. This happened on nights when there was no “Movie Nights” scheduled with other students.

[XXX] also verified that he went along with the Member to complete the purchase of alcohol that was consumed during the Hamilton [XXX]. [XXX] spent the night asleep on the floor in the same room that was rented and paid for by the Member. On waking he witnessed that the Member and [XXX] were in bed under the covers, although they were merely “chatting” at the time.

[XXX] was the driver of the vehicle involved in the April 5th, 2002 automobile accident. He witnessed the verbal exchange between [XXX] and the Member but was unable to hear what was being said.

The testimony of [XXX] was characterized by a certain laconic quality. His answers were unexpanded and to the point. The Committee found [XXX] to be highly believable; he was very confident in himself. He reported only on that which he absolutely knew to be certain. In this way [XXX] proved to be very credible.

Defence Witnesses

Louisa Ventura

Louisa Ventura was the owner of the house located in Barrie, Ontario, in which the Member rented her basement apartment. She was also a teacher in the Member's school - [XXX] School. During the time that the Member rented the apartment in Louisa Ventura's house she transferred to other schools and was no longer involved with any aspect of the professional life of [XXX] School. Louisa Ventura was an experienced teacher able to make professional observations about appropriate relationships and acceptable conduct between teachers and students.

Given that other witnesses have affirmed that they witnessed, attended or heard about students' attendance at the Member's apartment, it is of interest that Louisa Ventura never witnessed or heard any activity in the Member's apartment or outside her home. At first, she maintained that she only ever saw the Member and [XXX] together one time and that was in the driveway of her house. Further on in her testimony Louisa Ventura did admit to additional visits to the Member's apartment by students.

Louisa Ventura saw the group of students who visited the Member regularly on at least one other occasion. As such, Louisa Ventura's evidence is corroboration that there were student visitors to the Member's apartment. Louisa Ventura did affirm that the Member had students over socially to her apartment, and did so often. She also confirmed that the visits were not merely a drop-off and that indeed the students stayed for a relatively long period of time, up to two hours or more. The Committee is concerned that Louisa Ventura did not share her sightings and observations with her principal, Catherine-Ann Humphries or any other officials at the school board.

One confirmed sighting by Louisa Ventura of the Member and [XXX] occurred in 2002-2003. By that time the Member was no longer a teacher at [XXX] School and had transferred to another school. There would have been no professional purpose (such as tutoring with school work) for such a visit by [XXX] at that time.

Catherine-Ann Humphries

Catherine-Ann Humphries was the principal of [XXX] School during the time in question.

Ms. Humphries maintained in her examination in chief and cross examination that she never saw any inappropriate behaviour or knew about any inappropriate physical contact as it pertained to the Member. Had she known, she acknowledged very emphatically, she would have reported it and pursued it through an investigation. She maintained that she did not know about any of the events and accusations under review before the publication of the 2006 statement of claim.

Ms. Humphries was not aware of any dinners or “Movie Nights”, [XXX] sleeping arrangements, the sharing of beds, the sleeping in the same room with male students, the sharing of a bed with a male student, the undocumented transporting of students without proper authorization or the attendance at family social events in distant towns and places. Further, Ms. Humphries testified that [XXX] never shared any details of the allegations about the Member with her other than to say that [XXX] told her about late night phone calls between the Member and [XXX]. Ms. Humphries declared that she would have taken action if she had known about any of the above.

Ms. Humphries maintains that she was not told about the confrontation between [XXX] and the Member in the hospital. She agreed that the car accident was reported, but that no indication was made that there was a concerned parent at the hospital yelling at the Member.

In other testimony there was an admission by the Member that the principal informed her about statements made about her by [XXX] who had apparently described the hospital incident with [XXX]. The Member in her testimony stated that the principal asked if any of the allegations by [XXX] were true. According to the Member herself, the principal

knew something about the concerns of the parent. The evidence of the Member and Ms. Humphries differs in this respect.

According to Board protocol Ms. Humphries should have launched an investigation if indeed she was made aware of accusations by a parent about an inappropriate relationship. Certainly the matter should not have been referred back to the Member for resolution. However, Ms. Humphries testified that [XXX] did not make her aware of accusations levelled by [XXX] at the Member and instead maintains that the only concerns raised with her about the car accident related to the Member's failure to have a permission slip signed for the trip.

Ms. Humphries maintains she was totally unaware of any allegations of a sexual relationship between the Member and [XXX] and that she was only told by [XXX] about late night phone calls between them. Ms. Humphries stated that if she had been aware of the allegation of a sexual relationship between the Member and [XXX], she would have launched an investigation immediately. In any event, even though she asserts that she was only told by [XXX] about late night phone calls, Ms. Humphries referred the issue to her superintendent and was satisfied that it would be handled. She was aware that a union representative had been called in to assist in the matter. Ms. Humphries was not involved in any further follow-up to this issue.

Ms. Humphries' position appears naive, but can be understood given the fact that she was outside the information loop about what was really going on in the Member's apartment. It was not in the Member's best interest to report any aspect of the situation to Ms. Humphries. However, evidence has been given that Ms. Humphries was told by [XXX] about the Christmas telephone intercept, and the car accident and [XXX] accusations at the hospital. Had Ms. Humphries reacted earlier, no doubt the events and relationship may have had an alternative outcome. In her defence, it is recognized that Ms. Humphries was told by her Board superior that the matter would be handled centrally due to the fact that Ms. Humphries had already placed a letter in the Member's personnel file about the trip to the track meet and travelling in a student's car.

The Committee found it difficult to accept that Ms. Humphries was as uninformed as she maintained and again preferred the testimony of [XXX] to Ms. Humphries where their versions of events differed.

The Committee heard Ms. Humphries' contention that she would have launched an investigation had she known about specific allegations regarding the Member. Both [XXX] and [XXX] assert that she was informed about several aspects of the situation. Two witnesses insisted that they conveyed their concerns about the Member's behaviours to her and therefore the Committee determined that Ms. Humphries was not an entirely credible witness. Ms. Humphries stated in her testimony that she was satisfied that she had met her obligations as principal because board officials and union officers had been notified and were in the process of responding to the issue.

The Committee does accept Ms. Humphries' statements that it would be inappropriate for the Member to have slept in the same hotel room with a male teenage student and that it would have been inappropriate for her to have had movie nights with students sleeping over at her apartment after. It would have been inappropriate for the Member to have chaperoned the students at the Peterborough [XXX] and to have slept together in the same room with the boys. It was inappropriate for the Member not to have shared some of her arrangements for the care of the boys on the [XXX] and in her care, during the summer and otherwise, with the principal. The principal would have been obligated to ask questions about the quality and nature of care to be taken in the arrangements for the boys.

The principal was confronted by a series of revelations after the car accident and yet she only appears to have come to the conclusion that she should have been more proactive only after the fact. The fact that the parent of a student ([XXX]) felt obliged to meet with her off school property to discuss her concerns about a teacher and furthermore stated that she would deny having made any allegations if Ms. Humphries told anyone about them should have raised serious red flags for Ms. Humphries which in turn should

have been raised with her superiors as a serious matter. This should have prompted a larger inquiry regardless of [XXX] statement that she would have denied the events. The principal insists that she was told that action was being taken by the Board with regard to the concerns raised by [XXX] and that there should be no further action by Ms. Humphries herself. The principal accepted this direction. The Committee is of the view that a deeper inquiry into the car accident likely would have revealed more evidence of highly inappropriate activity on the part of the Member which in turn would have shed a very different light on the information relayed to Ms. Humphries by [XXX] some time later.

Stacey Levely

Stacey Levely and the Member were friends and continue to be so to this day. Mr. Levely and his wife would often socialize with the Member. There was a relationship of trust between them. Mr. Levely's credibility as a witness is weakened in part because he based his observations and assessments of the information that he heard about the Member and [XXX] on his experiences with his own mother. His attitude about [XXX] was shaped by the professed alcoholism of Mr. Levely's own mother, and so therefore any comments by [XXX] were, in Mr. Levely's view, entirely untrustworthy. Stacey Levely was not a witness to many of the incidents alleged and he was prepared to completely discount them as being impossible because of his own personal experiences.

Mr. Levely testified that he did receive telephone calls from [XXX] referencing improper sexual activity between the Member and Student A. Mr. Levely did not report information about these telephone calls to anyone in authority even though they were highly inflammatory and potentially damaging to the Member's teaching career. Certainly they begged to be reported to a school authority if only for the benefit of the Member, even if Mr. Levely did not believe that they were true. As a senior member of the teaching staff Mr. Levely should have known that the onus was on him to report his knowledge of the accusations against the Member. In the least, Mr. Levely might have been well advised to report the exchange, as recounted to him by the Member, to his

principal Ms. Humphries if only to protect the Member against what he believed were false accusations.

Mr. Lively stated that he was unaware of any “Movie Nights”, sleeping arrangements at [XXX] or any other calls from [XXX] to the Member where a sexual relationship was alleged. By his own admission, Mr. Lively did attend at least one of the “Movie Nights”. As such, there was some contradiction in Mr. Lively’s testimony on this matter.

It is clear that the Member, even though supposedly a very close friend of Mr. Lively’s, did not share a number of troubling events (corroborated by numerous witnesses) with him.

Mr. Lively testified that the Member did recount to him the loud yelling by [XXX] at the hospital but maintains the nature of the outburst was not conveyed. In this regard, Mr. Lively lacks credibility. To be told of an accident and a subsequent unpleasant exchange with a parent in the hospital and not to ask for more information from one’s very good friend undermines the witness’s credibility. This lack of interest in the details does not seem to be a credible reaction when presented with such outrageous and damaging information, particularly about a close friend.

As well, Mr. Lively seemed unwilling to consider even the possibility that the Member had engaged in any inappropriate conduct, even after being confronted with information (of which he had been unaware), that called into question the Member’s judgment. Furthermore, while quite certain in his answers given in chief, Mr. Lively often replied to questions on cross-examination with “I can’t recall”, “I couldn’t say” and “I don’t remember”.

Jennifer Lemieux

Jennifer Lemieux is the head of co-curricular and [XXX] at [XXX] School. She was a friend of the Member and they enjoyed socializing outside of school. She also spent social time with Stacey Lively and his wife, Mari. Ms. Lemieux and the Member shared

personal information about their families and relationships. She continues to be a friend of the Member.

Ms. Lemieux was not told about any aspects of the relationship between the Member and [XXX]. She also knew nothing about the “Movie Nights” and would have reported all of this to the principal if she had known. If aware, she would have encouraged the Member to report aspects of the situation as it related to [XXX] and his family, including allegations against the Member made by [XXX].

Additionally, Ms. Lemieux did not know about the sleeping arrangements at the Member’s apartment or in hotel rooms. Her close friend, the Member, did not expand on the hospital incident after being picked up from the hospital for the ride back to Barrie, Ontario. Ms. Lemieux stated that the Member did not share information about any of the serious allegations made by [XXX] and witnessed by [XXX] and to some extent by [XXX] at the hospital in Toronto.

Ms. Lemieux’s reaction to the hospital event lacks credibility. To drive one hour in bad weather to help a friend in distress and then to drive back home for one hour and not to inquire about the background of the situation defies belief. The Committee believes that a reasonable and responsible person, in the same situation, would have made an effort to find out more during that hour long drive back home.

Ms. Lemieux’s evidence lacks credibility. She is a professional person and personal friend of the Member but professed to not know anything about several salient elements of the Member’s behaviour. Either Ms. Lemieux was not forthcoming in her evidence or the Member was not forthcoming with Ms. Lemieux about her conduct with students (such as movie nights and hotel sleeping arrangements), which would demonstrate that the Member knew her conduct was inappropriate and hence that is why she didn’t share it with her close friend, Ms. Lemieux.

Had the Member's friends risen to the task and responsibility of investigating and reporting, they might have helped protect not only [XXX] but possibly helped the Member to recognize the inappropriateness of her behaviour. They might also have been more commendable in managing their own professional behaviour.

In the light of the above information and assessment, the Committee does not accept much of the evidence of Ms. Lemieux.

Urbain Lesperance

Urbain Lesperance testified that he was the [XXX] at [XXX] School. Mr. Lesperance was an educational assistant assigned to the school and in addition assumed [XXX] duties. He was assisted by the Member who was appointed as the Assistant Coach by the principal. In his testimony he stated that he never saw any inappropriate touching or inappropriate behaviour on the part of the Member.

Mr. Lesperance was a witness who verified the participation of both the Member and [XXX] in [XXX] but could provide no other evidence that would help to clarify any of the allegations except that he was not aware of any behaviour on the part of the Member that was questionable.

[XXX] was on the [XXX] only during the school year 2001-2002 and did not fully participate in the [XXX] as he often had a conflict with his commitment to [XXX]. During that year there was only [XXX] and it was during the day with the [XXX] at the end of the day. The Committee finds that Mr. Lesperance had a limited opportunity to observe [XXX] in his social interactions with the Member.

[XXX]

[XXX] was a member of the grade 10, 11, 12 and OAC [XXX] as well as [XXX]. In this, he was a continual [XXX] with [XXX] and the other boys. Even though [XXX] was a year ahead of [XXX], they were still friends who participated in sports together. In this capacity [XXX] was a witness to some of the events in question.

[XXX] confirmed that there was a pervasive permissiveness about the purchase and consumption of alcohol during the Hamilton [XXX] in the spring of 2001. He was aware of the parties in the rooms in the hotel. [XXX] contends that the teachers in general were aware of the alcohol consumption and were participants in games of chance in the hotel rooms.

[XXX] can only confirm that the Member was at the [XXX]. He was not able to confirm any aspect of the sleeping arrangements. [XXX]'s evidence did corroborate the evidence of others regarding the general acceptance of and lax attitude about alcohol consumption and the inadequate level of supervision about certain elements of the school sponsored event.

[XXX]

[XXX] was a student at [XXX] School. He was a [XXX] of [XXX] on the [XXX]. [XXX] was aware of the role that the Member had on the [XXX] and recognized her as the [XXX]. [XXX] neither received tutoring nor mentoring from the Member nor was he a student of the Member. He was never part of the group that would regularly gather at the Member's apartment. [XXX] did attend at the Member's apartment one time for a minute or two and remembers that [XXX] was with him at the time. [XXX] was never part of the group that attended "Movie Nights". He did not attend any of the [XXX] and therefore was not able to be a witness about the [XXX] in Hamilton. As such, he had limited opportunity to observe the interactions between the Member and [XXX] in informal settings.

Amy Mullins

Amy Mullins, the Member whose conduct is under scrutiny, gave testimony at the hearing.

While denying the most serious of the allegations, the Member does admit to, among other things, staying overnight in a hotel room with teenage students, allowing male teenage students to sleep over at her apartment, and inviting male teenage students to

accompany her out of town to a family wedding. These admissions all demonstrate a profound lack of judgment on the part of the Member.

In examination in chief the Member asserted that some of the College witnesses were lying. In fact, the Member asserts that some of the defence witnesses were being untruthful as well. The testimony of Amy Mullins was that of denial of most of the facts in the matter. Even witnesses who were brought forward by the defence were countermanded by the Member in their recollection of the events. When a defence witness stated that she saw an event in a certain way, that assertion was rejected by the Member. In the end the Member stated that essentially all of the College witnesses were lying. However, there were no reasonable alternatives offered by the Member to the Committee for consideration as alternatives or alibis for consideration. Member's counsel had some hypotheses and options that he offered up but none were corroborated by any witnesses except the Member testifying in her own right.

The Member admits that there were "Movie Nights", but says that if there were sleepovers, the male students slept in a separate room. She does not admit to sharing a bed in a hotel room with a student. There are in fact a number of witnesses who verify that the Member did share a bed in the hotel room in Hamilton with [XXX]. Student participants in the "Movie Nights" testified that the Member was there for the evenings and that a male student slept in the Member's bedroom, with the Member on at least one occasion.

The Member maintains that [XXX] was lying when he stated that he engaged in sexual activity with his underage girlfriend with the express approval of the Member. The "underage girlfriend", of her own volition, and without anything to gain, and as a mature person now, testified that she did indeed have sex in the Member's washroom and with the Member's consent, encouragement and full knowledge while the Member remained in the living room with Student A.

The Member asserts that alcohol was never consumed in her apartment nor provided by her for the benefit of any student. Up to four participants in the activities during the

“Movie Nights” and sleepovers in the Member’s apartment testified that there was alcohol, some brought in and some provided by the Member, at numerous times in the Member’s apartment.

The Member stated that she never had sex in any form with [XXX]. [XXX] states that he did engage in sexual activity with the Member and [XXX] testified about hearing sounds normally associated with sexual activity coming from the living room where the Member and [XXX] were.

The Member contends that at a family wedding, the students slept in a separate room and that there was never any sexual activity. Student A asserts that there was sexual activity.

The Member maintains that Louisa Ventura was being untruthful when she gave evidence that she saw the Member and [XXX] in the driveway of her home in 2003. This was a very telling statement by the Member. The Member did not say that Ms. Ventura must be mistaken, but that Ms. Ventura, the Member’s own witness, was being untruthful. The Committee does not believe that Ms. Ventura was being untruthful and indeed can imagine no reason why Ms. Ventura, the Member’s own witness, would fabricate this. Similarly, the Member had no explanation as to why Ms. Ventura would be untruthful about this point.

The Member disagreed with Louisa Ventura’s evidence about the number of students who attended at her apartment and yet there were numerous witnesses who testified to the number of students routinely at the Member’s apartment. Others have stated that it was not unusual to meet in the driveway and to leave together as they often shared cars.

The Member denied the truth of the evidence given by [XXX] about what the Member had said to [XXX] about the relationship with [XXX] and her meeting with [XXX] and his aunt in the Member’s apartment. [XXX] gave a detailed recounting of the conversation in the Member’s apartment. [XXX] corroborated [XXX]’s version of the meeting. The Member not only disagreed with the version of events relayed by [XXX]

and his aunt but instead put forward a completely different version in which [XXX] and [XXX] in fact apologized to the Member for [XXX] drunken phone calls to her and told her not to worry about the accusations. The Committee does not believe the Member's version and also points out that this far-fetched version of events was not put to either [XXX] or to [XXX] when they were testifying so that they had an opportunity to either accept or deny this other version.

The Member denied that there was any accusation of improper conduct at the hospital and that both [XXX] and [XXX] were lying about what was said. [XXX] and [XXX] both were consistent in their recounting of the events that had taken place in the emergency area waiting room of the hospital. [XXX], who really has little contact with the [XXX], has no reason to fabricate her evidence. Indeed she testified in a forthright manner and could be expected to recall such an event, it relating to a car accident involving her son and culminating in the parent of her son's friend yelling at a teacher and accusing her of having sex with his son. That is an extremely unusual event and one that a person would be able to recall in some detail.

The Member lacks credibility and the nature of her testimony provided no support to her plea of innocence. The Member simply was unable to reasonably account for her actions in relation to any of the allegations except to claim that she did not do anything wrong. Moreover, even based on what the Member herself has admitted, it is clear that her behaviour violated general expectations of the discharge of the professional duties and responsibilities of a teacher.

Allegations of Collusion

Both counsel addressed the issue of possible collusion on the part of Student A and his supporters and witnesses. The issue was assessed from the viewpoint of both parties to the matter.

A review of the testimony supports the view that there was no collusion by the [XXX] and his supporters. [XXX], the most credible of witnesses, was challenged on the stand about who spoke to her and whom she connected with before giving evidence. In every instance about which she was questioned there was a resounding and succinct “no”, spoken with confidence. [XXX] maintains that she was told as little as possible about the nature of the inquiry by the police and met with the police virtually unprepared. That same approach was given to her testimony at the College. [XXX] was excused from the lawyer’s office so as not to taint his evidence about the nature of the activity in the apartment of the Member and at the hotel in Hamilton. He was always told to merely tell his story and nothing else. There was no rehearsing or refreshing. [XXX] maintained this position under very aggressive and repetitive cross-examination. [XXX] did not waiver in his testimony that there was no help from Student A in giving his testimony.

[XXX] maintains that she pieced together her knowledge about the relationship and to this day does not know all of the details. Her son was very reluctant to speak to her about such a personal issue. In fact, [XXX] maintains that very little about the case was discussed within the family or with friends and other relatives. The Committee is satisfied that not very much was exchanged within the family group as to the specific details of the incidents and given the personal nature of the events, it is reasonable to believe that [XXX] would not have discussed them with his mother. This in fact supports the view that there was no collusion, as the opposite may have reflected rehearsed testimony on the part of [XXX]. If the family was fabricating the evidence then it would have been just as likely that [XXX]’s parents would have claimed to know more of the details relating to the events.

[XXX] also maintains that there was a self-imposed “Chinese wall” within the family, especially after 2006. This was based on the best advice from the lawyer handling the civil suit and legal proceeding. It seems like everyone understood that the issue of possible collusion could become an accusation against [XXX]. Every attempt was made to strengthen the integrity of testimony. The Committee is prepared to accept that the

family did not discuss the details of the relevant events beyond the discussion in and around 2001/2002 when they first learned of the relationship and tried to stop it.

[XXX] maintained that he had not discussed the events at the hospital with [XXX]. [XXX], who no longer is a neighbour of the [XXX] family, maintains a similar position. She has had no contact with the [XXX] about anything that she might know. [XXX], an important witness about alcohol consumption and sleeping arrangements had to rely on his own recollection in order to refresh his memory of the time. He has had no contact with any other participants in the process and his testimony was not previewed by other witnesses. The taciturn [XXX] maintained this approach to information. When he spoke to [XXX] about why he would be summoned to meet with the police, he was told that [XXX] had had a relationship with the Member - and that was the extent of the conversation. No further details were forthcoming.

A Consideration of the Submission by Member's Counsel

The Committee gave careful consideration to the concerns of the Member's counsel in his closing submission thereby making sure that all points of view were fairly heard and considered.

An argument was made about the passage of time since 1998 when the first of the family concerns about one of the [XXX] boys and a teacher was aired. The boy and teacher are not the same in this matter, but defence counsel suggested that the earlier incident and resulting civil action was a motive for [XXX] to raise allegations against the Member. However, neither counsel were prepared to present information about the earlier matter, nor did either party call [XXX]'s [XXX] brother as a witness. The Committee accepts that it is up to the discretion of counsel to determine who is to be heard on the witness stand and the Committee refrained from asking any questions in this regard.

Member's counsel suggested it was unlikely that [XXX] was as sexually inexperienced as he testified he was. No evidence to the contrary was presented and [XXX]'s evidence on

this was not weakened during cross-examination. The Committee accepted the evidence of [XXX] about his prior sexual experience.

There was reference made about possible discrepancies between testimony at the College and testimony given during police interviews by various witnesses. On the basis of the police statements tendered at the hearing, the Committee is satisfied that in fact there is a strong congruency between any statements given at the College and that referred to in police reports.

An argument was strongly made by defence counsel about the plausibility of the Member's alleged behaviour. It was argued that the actions of the Member were not plausible and would have been very risky. The suggestion is that the Member would not have engaged in risky behaviour such as that alleged to have occurred at the front of her classroom or in the portable during the [XXX]. The Committee finds that much of the behaviour of the Member that she does admit (allowing students to sleep over at her apartment, regular "movie nights" and sleeping in a hotel room with students) could be considered to be "risky" by any reasonable person. As such, it is reasonable to believe that the Member engaged in other risky behaviours.

A significant amount of hearing time was spent in cross-examining [XXX] on "touching and rubbing" activity that allegedly occurred at the front of the Member's classroom when [XXX] sat beside her at her desk. This behaviour was also described as "risky". Very little corroborative evidence was presented to support this allegation. Questions in this regard were asked of many witnesses and in each case none were able to verify that this actually took place. Consequently, while the Committee feels that the conduct probably happened, the Committee decided that it could not make a finding in relation to the conduct that allegedly occurred in the classroom.

In relation to the allegation that the Member rubbed or massaged [XXX]'s shoulders while he sat on in between her knees on the bleacher below hers, the Committee does find that this happened at least once, which was corroborated by [XXX].

Some evidence was presented about activities, particulars of the allegation 7 (k), which took place once [XXX] had graduated from [XXX] School. [XXX] and [XXX] were by then in community college. [XXX] testified that the Member visited him a “handful” of times in London. [XXX] testified that he was aware of at least one visit by the Member in London. The Member herself in her examination in chief agreed that she met [XXX] and [XXX] at a restaurant and then they went to a football game together in London. As such, the Committee finds that this allegation has been substantiated.

By his own statement Member’s counsel agreed that the evidence must be clear, cogent and convincing. The Committee arrived at this same view but with the aid of the many layers of evidence.

Member’s counsel implied that [XXX] was motivated by monetary considerations in bringing forward his allegations. Member’s counsel suggested to the College witnesses that they also had financial motivations for testifying but they denied that [XXX] had promised to share any money from the civil action with them. The Committee finds there was no evidence to support this line of questioning.

There was reference made to the possibility of contact between the witnesses. The Committee was satisfied that this did not happen in such a way as to taint the evidence. No evidence was supplied that would support this position.

The Member’s counsel in his submission argued that what was mentoring and supporting was wrongly twisted to imply ulterior motives on the part of the Member. In fact, in relation to the part of the behaviour for which there was eye witness testimony, i.e., of the “Movie Nights” and alcohol consumption, Member’s counsel suggests this does not rise to the level of “sexual impropriety”. It seems to the Committee that all of the behaviours were highly inappropriate and that it is not difficult to accept that the behaviour cascaded further up the chain of impropriety.

Member's counsel spent considerable time in reviewing the testimony of the College witnesses for inconsistency and confusion. It seemed to the Committee that there should be some inconsistency between witnesses and this demonstrates the absence of collusion and validates that memory can differ from person to person. The Committee would have been more concerned if each of the witnesses gave testimony that matched up perfectly.

The Member's counsel argued that the Member did not report the allegations made against her because there was no merit to them. She says there was no sexual relationship. This argument fails in the light of evidence that confirms that accusations were made in public and by persons close to [XXX] and therefore it is difficult to believe that any right minded, responsible and careful teaching professional would not rush to inform their principal about such serious, potentially career-ending, "false accusations". It stretches the bounds of common sense to believe that the Member would not tell her principal or her union representative, that a parent was making untrue and career destroying accusations. The Member's explanation for not reporting the accusations does not have the ring of truth to it.

One of the arguments to test the credibility of the testimony against the Member was that the incident could not have happened since the principal was never given specific details about the accusations by the [XXX]. However, the Member was the person whose actions were being impugned. A reasonable person would have made the principal aware of the rumours swirling around her and the supposedly unfounded accusations being made against her by not one but two parents. The Committee finds credible, although somewhat misguided, the rationale put forward by [XXX], that she did not go to the police and did not want the principal to report the Member because she did not want another media frenzy. While the Committee approaches with some caution the testimony of Ms. Humphries, it is clear from even what she would admit that accusations of an inappropriate relationship were raised by [XXX] back in 2002. The Committee does not know how much information Ms. Humphries shared with her supervisors.

There was also some reference to many telephone calls being placed between the Member and [XXX]. The question posed by Member's counsel was why there was no record of them. In the years under review, the use of mobile phones was not as yet as ubiquitous as it is now, so it is not surprising that there is no record of these calls.

There was also much reference to the "risky" nature of the classroom behaviour as well as the allegation about the conduct in the portable during the [XXX]. According to the Member's counsel it was far too risky to be allowed to happen. The question was "Why a teacher would let this happen?" The Committee believes the same question could have been asked about allowing students to sleep over at her apartment or sleeping in a hotel room with students, both of which the Member admits and others have verified. However, in light of the difficulty that [XXX] had in placing the [XXX] in any sort of definite timeline the Committee has decided that it will not make a finding in this instance since it did not feel that the burden of proof was met on this issue.

A great deal of time in the summation was spent on commentary about the credibility of each of the prosecution witnesses. [XXX] was dismissed by Member's counsel out of hand, yet his testimony was very useful for the issue of sleeping arrangements and alcohol consumption. [XXX] was described as learning to benefit from such allegations as a result of the experience of his brother [XXX], yet no evidence was provided to support this supposition.

[XXX] was characterized as having second hand information. It is true that he did hear about things from others, but he did talk to his son and gained some very interesting information about [XXX]'s experiences. Most importantly, [XXX] testified that as early as 2002, he confronted the Member in the hospital (which was witnessed by [XXX], as stated in her testimony) and she did not do anything about his accusations of a sexual relationship with [XXX] (i.e., she did not tell her friend Jennifer Lemieux, with whom she rode home that night and did not tell her principal, board administrator or union representative).

[XXX] was portrayed as not knowing anything first hand but her testimony confirms that she was at the Member's apartment and did the things that she is alleged to have done in the bathroom of the apartment. [XXX] acknowledged, with a great deal of conviction, the activities that she did witness and those activities reflect poorly on the Member's professional behaviour, judgement and execution of her responsibilities.

The layout of the Member's apartment was reviewed many times and there were a number of efforts at the creation of the floor plan. In the end, both counsel agreed to the version that was used for testimony. The Committee accepted this version and used this description as a basis to understand the behaviour in the apartment and the dynamic between the occupants. The Committee finds nothing concerning in the fact that [XXX]'s drawing was slightly different than that of [XXX]. It is uncontested that [XXX] was in the Member's apartment numerous times.

The Committee accepted the statement of the Member's counsel about the assistance given to [XXX] with school work. The evidence of the marks and their changeability over time was thin and open to interpretation. The Committee made no finding in regard to this line of evidence.

The Committee recognizes that the police did not lay charges against the Member in 2006. The evidence from [XXX], which was not challenged, was that the police did not lay charges because he was already [XXX] when the conduct occurred and not because the police did not believe his story. Some significant time was spent in comparing the police report detail with other testimony. As stated earlier, the Committee believed that in fact there was consistency between the evidence given by College witnesses and the statements they gave to police.

The Committee is of the opinion that the witnesses for the prosecution were more credible than many of the witnesses for the Member. Where there were inconsistencies between the evidence of College witnesses and witnesses for the Member, the Committee accepts the evidence of the College witnesses.

SUMMARY

The Committee is satisfied that the evidence provided by the witnesses for the College was clear, cogent and credible and this evidence established that the bulk of the allegations have been proven and that the Member has breached the standards as defined by the *Act*. The Committee finds that the Member engaged in a sexual relationship with [XXX] in the years 2001, 2002 and 2003. Conversely, the Committee has determined that the evidence provided by the Member and her supporting witnesses was largely not credible, nor cogent and clear. In fact the Committee has decided that there is a large credibility gap in the testimony in support of the Member.

[XXX] proved to be a credible witness even under long examination and through a detailed probing of his evidence. [XXX]'s description of the events of 2001-2003 provided overwhelming support for his contention that sexual abuse and exploitation occurred. [XXX], a witness who had nothing to gain in the telling of her account of the relationship between the Member and students proved to be an unassailable witness. Her testimony was never denied by any alternate fact. In fact, [XXX] admitted to behaviour that did not show her in the best possible light. [XXX]'s self-admitted behaviour damned the Member. Her testimony revealed the level of the Member's failure to uphold the professional requirements expected of a member of the teaching profession.

[XXX] provided unassailable evidence about the consumption of alcohol with the knowledge of the Member and most important, about the noises he heard consistent with sexual activity while the Member shared private space with [XXX]. [XXX] is quite clear about the conversation between [XXX] and the Member that she overheard, what was admitted to her and what she conveyed to the principal as the information about the Member's behaviour came to light. [XXX] has a clear memory about the events and conversations to which she was a witness and participant. She knew a substantial amount of detail about the Member's behaviour and this behaviour was admitted by the Member. [XXX] was the most stalwart witness in the giving of testimony. He may not have been a direct observer of the sexual improprieties but he did know a lot about them. He did

speak to his son, [XXX], about what had happened and he conveyed to the Committee what [XXX] told him in an unvarnished manner; one that left no room for the imagination. He was also a participant in the altercation in the emergency department on the night of the accident which rebuts any argument of recent fabrication. [XXX] was very believable as she recounted the exchange in the emergency department of the hospital. This was an incident in which she was a participant and she certainly had a very clear and cogent recollection. She was able to quote [XXX] and to describe the Member's reaction. [XXX] was also clear about her subsequent action in notifying the principal. The events were shocking enough that it would be reasonable for [XXX] to have a clear memory of them.

[XXX] was a witness who observed very specific behaviour on the part of the Member. He witnessed the purchase and provision of alcohol by the Member. He was sure about the sleeping arrangements and who was in bed with whom. [XXX] provided a significant clarity to the understanding of the Committee about the incidents under review. [XXX] supported evidence about the socializing that took place with the Member and in her home. He too witnessed the consumption of alcohol.

The Committee found the testimony of the witnesses who testified on behalf of the Member to be problematic. None of them provided any exculpatory evidence. Louisa Ventura, even though she lived directly above the Member's apartment, claimed to notice little about the comings and goings from the Member's apartment but did admit that there were students in the apartment and did see [XXX] at the house after the Member had switched schools. Catherine-Ann Humphries maintained throughout her testimony that, had she known, she would have investigated any serious allegations made about the Member. The Committee heard several witnesses testify that the principal was told about very troubling conduct on the Member's part. Stacey Lively, although a close friend, was unable to provide any insight into the Member's behaviour. His assertion was that he was not a witness to any of the alleged behaviour. He was there in the Member's apartment for some of the socializing but that is all he will admit. In fact when told by [XXX] about her concerns and knowledge, he dismissed it as the opinion of a person not in full control

of her senses. All of this was based on his own life experiences. Had he reacted more like a responsible fellow teacher, the Member's behaviours might have been dealt with earlier. The Committee is in fact dismayed at the failure to take action which might have prevented, or at the very least, shortened, the sexual relationship between [XXX] and the Member. The Committee believes that many of the players involved in this matter failed utterly in their obligations to protect a vulnerable student from a completely inappropriate relationship with a teacher. The Committee believes that there were signs that should have made any reasonable person aware that something was going on between [XXX] and the Member.

Jennifer Lemieux was an experienced coach and chair of the co-curricular department. She saw the Member an hour after her altercation with [XXX] and yet the Member did not disclose to her that she had just been accused of inappropriate conduct by [XXX] nor did Ms. Lemieux make any efforts to obtain information about what had happened that had required her to drive down to Barrie to pick up the Member. In spite of her years of friendship and after a serious highway accident, she chose not to ask some probing questions.

Amy Mullins offered testimony in her own defence. She did not offer any alibis or information that might give the Committee any reasonable alternative to accept other than the version of events presented by the College witnesses. Her only offering was that of total denial of the most serious of the allegations.

The submissions of counsel were considered in great detail and verified against notes and transcripts. College counsel's submissions were of value as they summarized the evidence heard by the Committee in a helpful manner. The Member's counsel provided submissions that focused on the credibility of the witnesses. He did not offer alternative paths that might explain the Member's behaviour and that might assist the Committee in understanding what had occurred. In the end the weight of belief lay with the College's evidence.

The clear, cogent, convincing and concise evidence and testimony that was produced on behalf of the College was overwhelming in its purpose; that of proving that the Member had breached and significantly violated the *Act* including engaging in the sexual abuse of a student.

Date: January 17, 2012

Mel Greif,
Chair, Discipline Panel

Robert Ryan, OCT,
Member, Discipline Panel