

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

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

and

NOÉLIE YAOGO, OCT

NOTICE OF HEARING

THE INVESTIGATION COMMITTEE OF THE ONTARIO COLLEGE OF TEACHERS, pursuant to section 26, subsection (5) of the *Ontario College of Teachers Act, 1996* (the “*Act*”), Statutes of Ontario, 1996, chapter 12, has directed that the matter hereinafter described regarding the conduct or actions of Noémie Yaogo (Certificate No. 685491) be referred to the Discipline Committee of the Ontario College of Teachers (the “College”).

IT IS ALLEGED that Noémie Yaogo is guilty of professional misconduct as defined in 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 verbally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) she abused a student or students physically, contrary to Ontario Regulation 437/97, subsection 1(7.1);
- (d) she abused a student or students psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7.2);

- (e) she failed to supervise adequately a person who is under the professional supervision of the member, contrary to Ontario Regulation 437/97, subsection 1(11);
- (f) she failed to comply with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically subsection 264(1) thereof or the Regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- (g) 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);
- (h) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Noélie Yaogo (the “Member”) is a member of the Ontario College of Teachers.
2. At all material times, the Member was employed by the Ottawa Catholic School Board as an occasional teacher. During the 2019-2020, 2020-2021 and/or 2021-2022 academic years, the Member was assigned to tasks at [XXX]School (“[XXX] School”) in Vanier, Ontario, at [XXX]School (“[XXX] School”) in Kanata, Ontario, and at [XXX]School (“[XXX] School”) in Ottawa, Ontario.
3. During the 2020-2021 academic year:
 - (a) Student 1 was a Grade [XXX] student at [XXX]School;
 - (b) Student 2 was a Grade [XXX] student at [XXX]School;
 - (c) Student 3 was a Grade [XXX] student at [XXX]School.
4. During the 2021-2022 academic year, Student 4 was a Grade [XXX] student at [XXX] School.
5. During the 2021-2022 academic year:
 - (a) Student 5 was a Grade [XXX] student at [XXX]School;
 - (b) Student 6 was a Grade [XXX] student at [XXX]School;
 - (c) Student 7 was a Grade [XXX] student at [XXX]School;

- (d) Student 8 was a Grade [XXX] student at [XXX]School;
 - (e) Student 9 was a Grade [XXX] student at [XXX]School;
 - (f) Student 10 was a Grade [XXX] student at [XXX] School;
 - (g) Student 11 was a Grade [XXX] student at [XXX]School.
6. In or about February and March 2020, when assigned to a Grade [XXX] class and a Grade [XXX] class at [XXX]School, the Member:
- (a) did not take students' attendance;
 - (b) did not supervise students in the hallway as they left for recess;
 - (c) left a teaching assistant alone with the students in the classroom during the lesson while she took a student to drink from the water fountain;
 - (d) allowed a group of five students to leave the classroom for an unsupervised break;
 - (e) did not follow lesson plans;
 - (f) did not provide clear instructions to students;
 - (g) did not supervise students while they were working and, as a result, students accessed YouTube during the lesson.
7. On or about March 10, 2020, when assigned to a Grade [XXX] class at [XXX]School, the Member:
- (a) did not teach a class, meaning that a teaching assistant had to teach the class while the Member sat at a desk;
 - (b) did not follow lesson plans;
 - (c) did not respect the class schedule;
 - (d) failed to manage the class effectively.
8. In or about November 2020, when assigned to [XXX]School, the Member:

- (a) told Grade [XXX] students to “shut up” and that they were “not good kids,” or words to that effect;
 - (b) left students unsupervised in the classroom on three occasions, twice to retrieve her playground supervisor vest and once to retrieve her laptop and teaching materials.
9. On or about November 25, 2020, when assigned to [XXX]School, the Member:
- (a) stayed in a school office to use an iPad during a lesson;
 - (b) during a lesson given to Grade [XXX] students by another teacher, did not help students who had raised their hands to ask for support and told the teacher, “I don’t know if I’m supposed to interact with these kids”;
 - (c) did not allow Student 1 to use the bathroom.
10. On or about November 26, 2020, when assigned to [XXX]School, the Member:
- (a) arrived 30 minutes late for an assignment;
 - (b) did not allow Student 1 or Student 2 to use the bathroom, which made them cry.
11. On or about November 27, 2020, when assigned to [XXX]School, the Member:
- (a) did not notice that Student 3 had gone missing from the classroom;
 - (b) did not look for Student 3 when a teaching assistant alerted her to Student 3’s absence, resulting in Student 3 leaving the school and crossing the schoolyard and road alone to board an empty school bus.
12. On or about December 3, 2020, when assigned to [XXX]School, the Member:
- (a) grabbed Student 3 by the arm in the schoolyard;
 - (b) grabbed Student 3 by the arm in the classroom;

- (c) closed the door to her Grade [XXX] classroom and placed a desk in front of the door, inside, to prevent the students, especially Student 3, from getting out.
13. On or about October 15, 2021, when assigned to a Grade [XXX] class at [XXX]School, the Member:
- (a) did not follow the lesson plan and asked students to perform a task that exceeded their abilities by asking them to write words with more than three letters, contrary to what was recommended in the lesson plan, and by taking the initiative of asking them to differentiate between consonants and vowels for each word;
 - (b) when the students said they didn't understand the task or couldn't do it, replied, "Why aren't you doing it? It's easy", or words to that effect, which brought some students to tears;
 - (c) asked a teaching assistant to teach a physical education class in her place;
 - (d) allowed students to remain in the school yard after recess and left a teaching assistant alone with them. This resulted in the teaching assistant not being able to accompany Student 4, a Grade [XXX] student with special needs, into the school when he needed to go to the bathroom, after which he accidentally defecated in his pants and vomited in the bathroom;
 - (e) allowed four or five boys in Grade [XXX] to leave the classroom at the same time to go to the bathroom, despite instructions in the lesson plan that students should go to the bathroom one at a time, resulting in a disruption in the bathroom that required other school staff members to intervene;
 - (f) used her personal cellphone while giving a lesson to the students.

14. On or about October 19, 2021, when assigned to [XXX]School, the Member left a class of Grade [XXX] students unsupervised in the schoolyard while she was inside the school.
15. On or about October 20, 2021, when assigned to a Grade [XXX] class at [XXX]School, the Member:
 - (a) attempted to leave students unsupervised in the schoolyard;
 - (b) left students unattended in the classroom during a lesson while she was in the staff room;
 - (c) did not allow students to consult their notes to complete a task consisting of filling in a blank map of Canada, despite instructions in the lesson plan indicating that this was permitted;
 - (d) told an ESL teacher at the school who was providing support to some students in the class, in front of the students, not to help Student 5 because that would be “cheating”, or words to that effect, even though Student 5 was entitled to the teacher’s support.
16. On or about October 21, 2021, when assigned to a Grade [XXX] class [XXX]School, the Member:
 - (a) asked students to recite the days of the week in French and when Student 6 responded by singing the days of the week in French, said to Student 6: “We only sing them in kindergarten, just tell me what they are” or words to that effect;
 - (b) when Student 7, a student with an autism spectrum disorder, responded incorrectly to her request to recite the days of the week in French, told

Student 7, “Even in kindergarten, they can tell me the days of the week,” or words to that effect;

- (c) repeatedly asked Student 7 to recite the days of the week in French, even though Student 7 was visibly distressed and had difficulty accomplishing this task;
- (d) when Student 8 tried to tell her that Student 7 had an autism spectrum disorder and couldn’t respond to her request, told Student 8 to “shut up”;
- (e) when Student 8 raised his hand to ask if he could go to the bathroom, told Student 8 to “shut up”;
- (f) failed to notice that Student 9 and Student 10 had left the classroom resulting in another teacher at the school having to intervene when Student 9 and Student 10 were sliding down the banister of a staircase at school;
- (g) refused to allow Student 11 to go to the bathroom, even though Student 11 was holding her stomach and another teacher had told her that it was an emergency.

THE DISCIPLINE COMMITTEE WILL HOLD A HEARING pursuant to sections 30, 32 and 32.1 of the *Act* to decide whether the allegations are true and whether Noélie Yaogo is guilty of professional misconduct. A copy of the *Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee* (the “*Rules of Procedure*”) will be provided upon request and is also available on the College’s website.

THE DISCIPLINE COMMITTEE WILL HEAR THIS MATTER on a date to be determined after consultation between College Counsel and you or your counsel and fixed by the Tribunals’ Office.

YOU ARE ENTITLED TO BE PRESENT AT THE HEARING AND TO BE REPRESENTED BY LEGAL COUNSEL. The hearing will be held electronically using audio or video conferencing equipment, pursuant to the *Rules of Procedure* and the *Statutory Powers Procedure Act*, Lois R.S.O. 1990, c.S.22 (the “SPPA”).

IF YOU DO NOT ATTEND ON THE SCHEDULED HEARING DATE, THE DISCIPLINE COMMITTEE MAY PROCEED WITH THE HEARING IN YOUR ABSENCE AND YOU WILL NOT BE PROVIDED WITH ANY FURTHER NOTICE OF PROCEEDINGS.

IF YOU BELIEVE THAT AN ELECTRONIC HEARING OR ELECTRONIC SET DATE HEARING IS LIKELY TO CAUSE YOU SIGNIFICANT PREJUDICE you must notify the Tribunals Office at 101 Bloor Street West, Toronto, Ontario, M5S 0A1. The Discipline Committee will then determine whether the hearing will proceed in person, electronically, in writing, or by a combination of these formats.

IF A DATE FOR THE HEARING AND/OR THE FORMAT OF THE HEARING ARE NOT AGREED UPON BY THE PARTIES, THE DISCIPLINE COMMITTEE WILL CONVENE TO DEAL WITH THE PROCEDURE MATTER AND/OR TO ESTABLISH THE FORMAT FOR THE HEARING. The procedural hearing will be held electronically using audio or video conferencing equipment, pursuant to the *Rules of Procedure* and the *SPPA*.

YOU ARE ENTITLED TO BE PRESENT AT THE HEARING AND TO BE REPRESENTED BY LEGAL COUNSEL. IF YOU DO NOT ATTEND BEFORE THE COMMITTEE TO SET A DATE AND/OR FORMAT FOR THE HEARING, THE DISCIPLINE COMMITTEE MAY PROCEED IN YOUR ABSENCE TO SET THE DATE AND/OR FORMAT. NOTICE OF THE HEARING DATE AND/OR FORMAT SET BY THE COMMITTEE WILL BE PROVIDED TO

YOU IN WRITING AT YOUR LAST KNOW EMAIL ADDRESS AS SHOWN IN THE RECORDS OF THE COLLEGE.

IF THE DISCIPLINE COMMITTEE FINDS YOU GUILTY of professional misconduct, you are liable to the penalties set out in sections 30 and 30.2 of the *Act*.

A MEMBER whose conduct is being investigated in proceedings before the Discipline Committee may examine before the hearing any written or documentary evidence that will be produced or any report, the contents of which will be given as evidence at the hearing.

You or your representative may contact the office of Christine Lonsdale of McCarthy Tétrault LLP, College in this matter, at Suite 5300, Toronto Dominion Bank Tower, Toronto, ON M5K 1E6, telephone 416-601-8019.

Date: June 19, 2023

Registrar's Signature

Linda Lacroix, OCT, M.Ed.
Registrar and CEO
Ontario College of Teachers
101 Bloor Street West
Toronto, ON M5S 0A1

TO: Noélie Yaogo
[XXX]
[XXX]

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