DISCIPLINE COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS

DECISION, REASONS FOR DECISION AND ORDER

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 Amanda Rae Perreault, a member of the Ontario College of Teachers.

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

– and –

AMANDA RAE PERREAULT (REGISTRATION #636038)

PANEL: Tom Potter, Chair
Diane Ballantyne, OCT
Marlène Marwah

HEARD: February 22, 2019

Jean-François Schaan, Counsel for Ontario College of Teachers

Amanda Rae Perreault, self-represented

Robin McKechney of Steinecke Maciura LeBlanc, Independent Legal Counsel

PUBLICATION BAN: Pursuant to subsection 32.1(3) of the *Ontario College of Teachers Act, 1996*, no person shall publish the identity of, or any information that could disclose the identity of, any person who is under 18 years old and is a witness in a hearing or is the subject of evidence in a hearing.

By order of the Honourable Justice K.L. McLeod of the Ontario Court of Justice, there is also a publication ban on any information that could identify the victim or a witness in this matter, pursuant to subsection 486.4 of the *Criminal Code* of Canada.

This matter came on for hearing before a panel of the Discipline Committee (the "Committee") on February 22, 2019 at the Ontario College of Teachers (the "College") at Toronto.

A *Notice of Hearing* dated July 25, 2018 (Exhibit 1) was served on Amanda Rae Perreault (the "Member"), inviting her to participate in the scheduling of the hearing and specifying the allegations. The hearing was subsequently set for February 22, 2019.

The Member was not in attendance for the hearing and did not have legal representation. The Committee was advised at the outset of the hearing that the parties had entered into an agreement with respect to the hearing.

THE ALLEGATIONS

The allegations against the Member in the *Notice of Hearing* are as follows:

> **IT IS ALLEGED** that the Member is guilty of professional misconduct as defined in 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, contrary to Ontario Regulation 437/97, subsection 1(7.1);
>
> (c) she abused a student or students psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7.2);
>
> (d) she abused a student or students sexually, contrary to Ontario Regulation 437/97, subsection 1(7.3) and/or engaged in sexual abuse as defined in section 1 of the *Act*;
>
> (e) 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);

(f) she contravened a law, the contravention of which is relevant to the member's suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1(16);

(g) she contravened a law, the contravention of which has caused or may cause a student who is under the member's professional supervision to be put at or to remain at risk, contrary to Ontario Regulation 437/97, subsection 1(17);

(h) 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); and

(i) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

AGREED STATEMENT OF FACTS

College Counsel presented the Committee with the parties' *Agreed Statement of Facts and Guilty Plea* (Exhibit 2), which provides the following:

1. Amanda Rae Perreault is a member of the Ontario College of Teachers. Attached hereto and marked as Exhibit "A" is a copy of the Ontario College of Teachers Registered Member Information with respect to the Member.

2. At all material times, the Member was employed by the Dufferin-Peel Catholic District School Board as an [XXX] teacher at [XXX] (the "School") in Mississauga, Ontario.

3. At all material times, the Student was an [XXX]-year-old female student at the School.

4. The Member and the Student met midway through the 2014-2015 academic year and struck up a friendship. The Member and the Student did not meet or speak

during the summer of 2015 but renewed their friendship in September 2015 at the beginning of the 2015-2016 academic year.

5. Starting in or around May 2016 the Member and the Student began to communicate privately through messages on Instagram. The communication started out casually but soon became more sexually oriented. At some time between May 31, 2016 and June 3, 2016 the Member and the Student exchanged sexually explicit photographs. The Member sent a nude photograph of herself in a bath to the Student, and the Student sent the Member a semi-nude photograph of herself in a towel.

6. On or about June 3, 2016 the Student stayed behind after [XXX] practice to speak with the Member. The Member and the Student exchanged kisses on the lips, and the Member, for a sexual purpose, put her hands on the Student's chest and/or stomach, over her shirt, and near the Student's vaginal area, near her belt, over her clothes. The Student left the room, but she and the Member continued to communicate.

7. On or about June 4 to June 5, 2016 the Member and the Student were exchanging messages, including sexually explicit messages and mutual expressions of love, as well as photographs. Student fell asleep with her iPod still on. The Student's mother discovered the communications between the Member and the Student on the Student's iPod and reported the matter to the police.

8. On or about June 6, 2016 the Member was charged with:

   (a) communicating with a child (the Student) by way of telecommunication for the purpose of committing invitation to sexual touching on the Student, contrary to section 172.1(1)(b) of the *Criminal Code* (Canada);

   (b) making sexually explicit material available to a child (the Student), contrary to section 171.1(1)(b) of the *Criminal Code* (Canada);

   (c) sexual assault against the Student, contrary to section 271 of the *Criminal Code* (Canada); and

   (d) sexual interference on the Student, contrary to section 151 of the *Criminal Code* (Canada)

9. On or about June 7, 2016 the Member was released on a recognizance of bail. On or about June 24, 2016 this recognizance of bail was varied.

10. On June 5, 2017 the Member pleaded guilty to sexual interference against the Student, contrary to Section 151 of the *Criminal Code* (Canada).

11. On September 11, 2017 the Member was found guilty of sexual interference against Student, contrary to Section 151 of the *Criminal Code* (Canada).

12. On October 30, 2017 the Member was sentenced to 90 days' incarceration, to be served intermittently, and to a period of probation spanning the period of her incarceration and one year thereafter. The Member was also made the subject of a number of ancillary orders. The other charges against the Member were withdrawn at the request of the Crown.

13. The Member did not appeal her conviction and/or sentence.

14. Attached hereto and marked as Exhibit “B” is a certified copy of the Court Information with Appearance Dates and Disposition.

15. Attached hereto and marked as Exhibit “C” is a certified copy of the Member’s Recognizance of Bail, dated June 7, 2016 and of a variation of the conditions in the Recognizance of Bail, dated June 24, 2016.

16. Attached hereto and marked as Exhibit “D” is a certified copy of the Excerpt of Proceedings before the Honourable Justice K.L. McLeod on June 5, 2017.

17. Attached hereto and marked as Exhibit “E” is a certified copy of the Excerpt of Proceedings before the Honourable Justice K.L. McLeod on September 11, 2017.

18. Attached hereto and marked as Exhibit “F” is a certified copy of the Reasons for Sentence before the Honourable Justice K.L. McLeod on October 30, 2017.

GUILTY PLEA

19. By this document,[1] the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 18 above (the “Admitted Facts”).

20. The Member hereby acknowledges that the Admitted Facts constitute conduct which is professional misconduct and admits the allegations of professional

[1] For the purposes of paragraphs 19 and 21, this “document” refers to the *Agreed Statement of Facts and Guilty Plea*.

misconduct against her, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7.1), 1(7.2), 1(7.3), 1(15), 1(16), 1(17), 1(18) and 1(19).

21. By this document the Member states that:

(a) she understands fully the nature of the allegations against her;

(b) she understands that by signing this document she is consenting to the evidence as set out in the Admitted Facts being presented to the Discipline Committee;

(c) she understands that by admitting the allegations, she is waiving the right to require the College to prove the case against her and the right to have a hearing;

(d) she understands that the Discipline Committee's decision and reasons shall be published on the College's website, and that a summary of the Discipline Committee's decision and reasons, including her name, shall be published in the official publication of the College;

(e) she understands that any agreement between the parties with respect to the penalty proposed in this document does not bind the Discipline Committee;

(f) she understands and acknowledges that she is executing this Agreement voluntarily, unequivocally, and without the advice of legal counsel.

22. In light of the Admitted Facts and the plea of guilt, the Ontario College of Teachers and the Member submit that the Committee find the Member guilty of professional misconduct.

DECISION

Having considered the *Agreed Statement of Facts and Guilty Plea* and the submissions of College Counsel, the Committee rendered an oral decision on February 22, 2019 finding that the Member engaged in acts of professional misconduct as alleged, contrary to Ontario Regulation 437/97, subsections 1(5), 1(7.1), 1(7.2), 1(7.3), 1(15), 1(16), 1(17), 1(18) and 1(19). The Member also engaged in sexual abuse of a student as defined in section 1 of the *Act*.

REASONS FOR DECISION

The Member admitted the truth of the facts and exhibits referred to in paragraphs 1 to 18 of the *Agreed Statement of Facts and Guilty Plea* and admitted the allegations of professional misconduct against her. She acknowledged and the Committee accepts that the Admitted Facts constitute conduct which is professional misconduct, contrary to Ontario Regulation 437/97, subsections 1(5), 1(7.1), 1(7.2), 1(7.3), 1(15), 1(16), 1(17), 1(18) and 1(19).

Paragraphs 4 to 20 of the *Agreed Statement of Facts and Guilty Plea* as well as the court transcripts filed with the *Agreed Statement of Facts and Guilty Plea* demonstrate that the Member failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5).

Paragraphs 4 to 20 of the *Agreed Statement of Facts and Guilty Plea*, as well as the court transcripts filed with the *Agreed Statement of Facts*, demonstrate that the Member abused a student physically, contrary to Ontario Regulation 437/97, subsection 1(7.1).

Paragraphs 4 to 20 of the *Agreed Statement of Facts and Guilty Plea*, as well as the court transcripts filed with the *Agreed Statement of Facts*, demonstrate that the Member abused a student psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7.2). The court transcripts included a victim impact statement by the parents of the Student, which demonstrated the emotional and psychological harm to the Student.

Paragraphs 4 to 20 of the *Agreed Statement of Facts and Guilty Plea*, as well as the court transcripts filed with the *Agreed Statement of Facts*, demonstrate that the Member abused a student sexually, contrary to Ontario Regulation 437/97, subsection 1(7.3). In particular, the court transcripts demonstrate that the sexual abuse included the Member sending nude photographs and sexually explicit messages to the Student and touching of a sexual nature of the Student's chest and near the vaginal area, over the Student's clothes.

Paragraphs 4 to 20 of the *Agreed Statement of Facts and Guilty Plea* demonstrate that the Member 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 the *Act*, contrary to Ontario Regulation 437/97, subsection 1(15). Sexual abuse is a clear failure to fulfill the duties of a teacher.

Paragraphs 5 to 7, 10 to 11, and 14 to 18 of the *Agreed Statement of Facts and Guilty Plea,* as well as the court transcripts filed with the *Agreed Statement of Facts,*

demonstrate that the Member contravened a law, the contravention of which is relevant to the member's suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1(16).

Paragraphs 5 to 7, 10 to 11, and 14 to 18 of the *Agreed Statement of Facts and Guilty Plea,* as well as the court transcripts filed with the *Agreed Statement of Facts,* demonstrate that the Member contravened a law, the contravention of which may cause a student who is under the member's professional supervision to be put at or to remain at risk, contrary to Ontario Regulation 437/97, subsection 1(17).

Paragraphs 4 to 20 of the *Agreed Statement of Facts and Guilty Plea* demonstrate that the Member committed acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18).

Paragraphs 4 to 20 of the *Agreed Statement of Facts and Guilty Plea* demonstrate that the Member engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

JOINT SUBMISSION ON PENALTY

Through a *Joint Submission on Penalty* (Exhibit 3), the parties jointly submitted that the appropriate penalty to be imposed in this matter would be that the Committee:

1. direct that the Member receive a reprimand, and the fact of the reprimand is to be recorded on the Register of the Ontario College of Teachers (the "Register"); and

2. direct the Registrar of the Ontario College of Teachers to immediately revoke the Certificate of Qualification and Registration of the Member, which Certificate the Member is to immediately surrender to the Registrar.

PENALTY DECISION

In an oral decision rendered on February 22, 2019 the Committee accepted the *Joint Submission on Penalty* presented by the parties and made an order in accordance with its terms, as set out above.

REASONS FOR PENALTY DECISION

The Committee accepts the penalty jointly proposed by the parties. The Committee recognizes that, once it ensures that it has jurisdiction to make the order requested, the law confines the Committee's role to determining whether the proposed penalty is so unreasonable that accepting it would bring the administration of the discipline process into disrepute or be otherwise contrary to the public interest. The Committee finds that the penalty proposed in the *Joint Submission on Penalty* is proportionate to the misconduct committed by the Member and is reasonable given the circumstances of this case.

The Committee finds that the Member's conduct warrants a reprimand by her peers. The Committee finds it inexcusable for teachers to exchange sexually explicit messages and photographs with students and intolerable for members of the teaching profession to touch a student in a sexual manner. The reprimand will allow the Committee to address its concerns regarding the reprehensible conduct with the Member directly, serving as a

specific deterrent. In addition, recording the fact of the reprimand on the Register will serve as a general deterrent to other members of the teaching profession.

In the circumstances of the Member's case, the Committee finds that revocation of the Member's Certificate of Qualification and Registration is required to protect the public interest. By engaging in sexually explicit communication with, and sexual touching of, the Student, the Member grossly failed in her duty to protect children from abuse. As noted in the court transcripts, the Student revered the Member and the Member knew that she played an important role in the Student's life. Through her despicable conduct, the Member abused her position of authority and trust, as well as exploited the vulnerability, and disregarded the long term wellbeing, of the [XXX]-year-old child. The Member's conduct has violated the trust that students, parents and the public place in teachers to ensure a safe and appropriate learning environment. As a result, public confidence in teachers has been undermined.

Revocation in the Member's case will convey to other members of the teaching profession and to the public that educators cannot abuse their privileged role in society, and that student-teacher relationships must respect professional boundaries. The revocation penalty will also provide the public and other members of the teaching profession with confidence in the College's discipline process, and affirm that the College vigorously denounces misconduct of this serious nature.

As a result of her reprehensible actions, the Member has forfeited the privilege of holding a teaching certificate and her membership in the teaching profession in Ontario. The

Committee is satisfied that the penalty is appropriate in the circumstances and meets the principle of serving and protecting the public interest.

Date: March 5, 2019

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Tom Potter,
Chair, Discipline Panel

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Diane Ballantyne, OCT
Member, Discipline Panel

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Marlène Marwah
Member, Discipline Panel