

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

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

and

ALBERT MILTON CAPELET, 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 Albert Milton Capelet, Certificate No. 432911, be referred to the Discipline Committee of the Ontario College of Teachers.

IT IS ALLEGED that Albert Milton Capelet is guilty of professional misconduct as defined in the *Act* in that:

- (a) he abused a student or students, verbally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (b) he abused a student or students psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7.2);
- (c) he failed to comply with the *Act* or the regulations or the by-laws, specifically section 26 of the by-laws, contrary to Ontario Regulation 437/97, subsection 1(14);

- (d) he 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);
- (e) he 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);
- (f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Albert Milton Capelet (the “Member”) is a member of the Ontario College of Teachers.
2. At all material times, the Member was employed by the York Region District School Board (the “Board”) as a teacher at [XXX] School (the “School”) in Richmond Hill, Ontario.
3. During the 2021-2022 academic year, the Member was a [XXX] teacher at the School.
4. During the 2021-2022 academic year, the student was a [XXX] female student (the “Student”) in the Member’s class.
5. In or about September 2021, the Member:
 - (a) said to the Student and/or to his class: “You know what’s worse than sexual abuse? Interrupting someone”;
 - (b) after the Student said to the Member that she thought she had to look for another [XXX] position, the Member said to her, “You are a self-centered and self-comforting person.”

6. On or about October 13, 2021, during an online Google meeting, the Member told the Student:
 - (a) that she is a disappointment;
 - (b) that she is the “most trouble-maker [sic] of the whole class”;
 - (c) that “I am the only responsible adult in your life. I wish I had a responsible adult in my life when I was your age”;
 - (d) after he left the meeting and rejoined it a few minutes later, said, “now you know how it feels [when she joins late and/or does not attend class]”;
 - (e) at the end of the meeting, “my first impression of you was right”;
 - (f) after the Student asked him what he meant by that [“my first impression of you was right”], told her to go to school the next day when he would tell her and/or then marked her absent that day [October 13, 2021].

7. On or about October 14, 2021, the Member:
 - (a) met with the Student alone and with the classroom door shut and refused the Student’s request to have a friend stay with her;
 - (b) told the Student, “You have communication problems. You might be healthy physically, but you have problems mentally and you can’t communicate and that is a problem”;
 - (c) would not let the Student talk;
 - (d) after the Student began speaking, the Member interrupted her, and/or picked up a piece of cardboard, held it in front of himself and/or started to walk around her;

- (e) threw and/or banged himself at the classroom door;
 - (f) mocked the Student and/or harassed her as she cried and/or yelled;
 - (g) at the end of the conversation, told the Student, "I would have hugged you if I could";
 - (h) told the Student's friend, who entered the classroom, "It hurts to hear the truth but sometimes you have to hear it. I know she [the Student] was crying. But she had to hear it", or words to that effect.
8. On or about October 26, 2021, the Member:
- (a) told the Student, "You should go to your [XXX] placement everyday and now I have to mark you absent for three days you weren't at your [XXX]";
 - (b) told the Student, "Anyone can have a job at [XXX] with a minimum wage of \$14 plus tax reduction, [XXX] should be your priority";
 - (c) told the Student, "Your best is not good enough and you should do more".
9. The Member was given a written reprimand and received a three-day unpaid suspension from the Board.

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 Albert Milton Capelet 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*, R.S.O. 1990, c.S.22 (the "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, THE DISCIPLINE COMMITTEE WILL CONVENE TO DEAL WITH THE PROCEDURAL MATTER OF SETTING A DATE AND/OR ESTABLISHING 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 WHEN THE COMMITTEE CONVENES TO SET A DATE AND/OR FORMAT FOR 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 KNOWN 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 section 30 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 Caroline Zayid of McCarthy

Tétrault LLP, College Counsel in this matter, at Suite 5300, Toronto Dominion Bank Tower, Toronto, ON M5K 1E6, telephone 416-601-7768.

Date: April 23, 2024

Registrar's Signature

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

TO: Albert Milton Capelet
[XXX]
[XXX]

B E T W E E N :

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- and -

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ONTARIO COLLEGE OF TEACHERS**

NOTICE OF HEARING

McCarthy Tétrault LLP

Suite 5300

Toronto Dominion Bank Tower

Toronto ON M5K 1E6

Caroline R. Zayid

Tel. 416-601-7768

Fax 416-868-0673

Christine L. Lonsdale

Tel. 416-601-8019

Fax 416-868-0673

Counsel for the
Ontario College of Teachers

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