

**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 Mark Hilton Addie, a member of the Ontario College of Teachers.

PANEL: Nancy Hutcheson, Chair
Amin Saab
Jacques Tremblay

BETWEEN:)	
	)	Brian Wasyliw,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk, and Jennifer
	)	Robinson, Law Clerk
- and -)	
)	
MARK HILTON ADDIE	)	Mark Hilton Addie,
(CERTIFICATE #169755)	)	was not present,
	)	nor represented by Counsel
)	
)	
	)	Paul Le Vay, Luisa Ritacca,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: March 1 & 29, 2006

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on March 1 and 29, 2006 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated October 27, 2005 was served on Mark Hilton Addie (the “Member”), requesting attendance before the Discipline Committee of the Ontario College of Teachers on December 7, 2005 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for March 1, 2006.

Mark Hilton Addie was not in attendance at the hearing.

The Allegations

The allegations against Mark Hilton Addie in the *Notice of Hearing*, (*Exhibit 1*) dated October 27, 2005 are as follows:

IT IS ALLEGED that Mark Hilton Addie is guilty of professional misconduct as defined in section 30(2) of the *Ontario College of Teachers Act, 1996* (the “Act”), and/or is incompetent as defined in Section 30(3) of the Act, in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he failed to keep records as required by his professional duties, contrary to Ontario Regulation 437/97, subsection 1(10);
- (c) he failed to comply with the Act and the Education Act, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c) thereof or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15); and

- (d) he displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of his students of a nature or extent that demonstrates that the Member is either unfit to carry out his professional responsibilities or that the Member's certificate should be made subject to terms, conditions or limitations.

At the continuation of the hearing on March 29, 2006, Counsel for the College withdrew all of the allegations of professional misconduct set out above, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), (10), (14), and (15).

Agreed Statement of Facts

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 4*, an *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, dated March 8, 2006. (*ASF – Exhibit 4*)

The *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* provides as follows:

1. Mark Hilton Addie, (the “Member”) is a member of the Ontario College of Teachers. Attached hereto is a copy of the Ontario College of Teachers Registered Member Information respecting the Member. (*ASF – Exhibit 4, Tab A*)
2. At all material times the Member was employed by the Hastings and Prince Edward District School Board (the “Board”) and taught at the elementary level at Coe Hill School (the “School”), in Coe Hill, Ontario.

3. During the 2003/2004 academic year, the Member received two unsatisfactory performance appraisal ratings. Attached (*ASF – Exhibit 4, Tabs A & B*) respectively, are the performance appraisals dated January 6, 2004 and April 6, 2004. Specifically, it was determined that the Member’s performance demonstrated a lack of mastery of subject knowledge, organizational, lesson planning, assessment, record keeping, and related skills. The Member failed to employ the teaching strategies and techniques required, and failed to communicate consistently and clearly his expectations of student performance, to ensure that his students were able to know about, reflect upon and monitor their own learning. The Member’s inability to demonstrate his willingness to make the necessary adjustments and to improve his teaching and organizational skills to meet the expectations set out in an Improvement Plan (*ASF – Exhibit 4, Tab D*) and which had been put in place on or about January 20, 2004, placed his students at risk, and the Member was so advised.

4. The Member resigned his employment with the Board effective November 23, 2004.

Plea of No Contest

5. By this document, the Member admits, for the purposes of this proceeding only, the truth of the facts referred to in paragraphs 2, 3, and 4 above and the exhibits marked, and acknowledges that these admitted facts display a lack of knowledge, skill or judgment and/or a disregard for the welfare of his students of a nature or extent that

demonstrates that the Member is either unfit to carry out his professional responsibilities or that the Member's certificate should be made subject to terms, conditions or limitations. The Member pleads no contest to the allegation of incompetence against him, being more particularly a breach of s.30 (3) of the *Ontario College of Teachers Act, 1996*.

6. The Member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) he understands that by signing this document he is consenting to the evidence as set out in the admitted facts and the exhibits above referred to being presented to the Discipline Committee;
- (c) he understands that by pleading no contest to the allegations referred to in paragraph 3 above, he is waiving the right to require the College to prove the case against him and the right to have a hearing; and
- (d) he states that this plea of no contest was made voluntarily, unequivocally and without the benefit of independent legal counsel.

7. The Member provides this plea of no contest pursuant to Rule 3.02 of the Rules of Procedure of the Discipline Committee under protection of the *Evidence Act, R. S. O. 1990, c. E. 23*, for the purpose of this proceeding under the *College of Teachers Act 1996*, chapter 12, and for no other purpose. The Member's plea of no contest does not constitute an admission by the Member as to the facts or findings in any other civil, criminal or administrative proceeding.

Joint Submission on Penalty

8. In light of the admitted facts and circumstances, the Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be that the Committee:

(a) directs the Registrar of the Ontario College of Teachers to suspend the Member's certificate of qualification and registration on the date that the Decision and Order of the Discipline Committee is signed, for the shorter of two (2) years or until the date on which the Member fulfills the requirements of paragraphs 8(b)(i) and 8(b)(ii) below.

(b) directs the Registrar to impose the following terms, conditions or limitations on the Member's certificate of qualification and registration, the fact of such terms, conditions and limitations to be recorded on the Register until such time as they are fulfilled, and the Member makes application to have them removed under Section 33(2) of the *Ontario College of Teachers Act, 1996*:

(i) the Member must enrol in and complete, at his own expense, two extensive and comprehensive courses of instruction, pre-approved by the Registrar as follows:

A. one course in classroom management; and

B. one course in instructional strategies relating to the creation of a classroom environment that is conducive to the delivery,

organization, diagnosis, and assessment of student learning, development and advancement;

- (ii) the Member shall deliver directly to the Registrar proof of the successful completion of each of the courses referred to at paragraphs (i) A and B above, within thirty (30) days of their completion;
- (iii) the Member shall, prior to commencing any teaching duties, following his successful completion of the courses referred to at (i) A and B above, advise the Registrar of his intention to commence such employment, and to provide to the Registrar, in writing, details of the terms of such employment;
- (iv) the Member shall, within ninety (90) days or three (3) months, whichever is the longer, of his return to his teaching duties, make a written request to his employer for a written undertaking to conduct a performance appraisal of the Member, within one (1) year of the date of the Member's return to his teaching duties, and to provide to the Registrar a copy of his written request and the undertaking received in response;
- (v) the Member shall advise the Registrar immediately should the request to the employer, referred to in paragraph 8 (b) (iv) above, not be granted;

- (vi) the Member shall advise the Registrar, in writing, within thirty (30) days of the completion of the performance appraisal conducted by the Member's employer following his return to his teaching duties and in accordance with the requirements set out in (iv) above, that the performance appraisal has taken place and shall, as soon as the appraisal is available to the Member, provide the Registrar with a copy of same;
- (vii) if the performance appraisal referred to in (iv) above does not occur within the one (1) year period following the Member's return to his teaching duties, the Member shall notify the Registrar immediately that the performance appraisal has not taken place, and the Member shall undertake all reasonable efforts to have his employer conduct a performance appraisal as soon as possible and the Member shall advise the Registrar of his employer's response; and
- (viii) if the performance appraisal conducted of the Member is found to be unsatisfactory, this matter shall be referred back to the Discipline Committee, or any panel thereof, on notice to the Member, for the imposition of an appropriate penalty.

9. By this document, the Member acknowledges his understanding that any agreement between the College and the Member with respect to the penalty proposed in this document does not bind the Discipline Committee.

Decision as to Finding

The sole allegation before the Committee was with regard to incompetence. Having examined the Exhibits filed, and based on the plea of no contest, the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, and the submissions made by Counsel for the College, the Committee finds that the facts support a finding of incompetence. In particular, the Committee finds that Mark Hilton Addie demonstrated incompetence in that he displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of his students of a nature or extent that demonstrates that the Member is either unfit to carry out his professional responsibilities or that the Member's certificate should be made subject to terms, conditions or limitations, in breach of s.30 (3) of the *Ontario College of Teachers Act, 1996*.

Penalty Decision

The Committee accepts the Joint Submission on Penalty and makes an order in accordance with the terms of the Joint Submission on Penalty as set out above.

Reasons for Decision

The Committee accepted the evidence contained in the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty. (Exhibit 4)*

The Committee noted that the only evidence provided by the College to support the allegations against the Member were two performance appraisals, conducted by the same person, within a short period of time. Although the Member had been certified to teach for ten years, there was no evidence presented to indicate that the Member had had any

previous issues in his teaching career, including concerns from any supervisor other than the one who conducted the performance appraisals presented in evidence.

Given the plea of no contest by the Member, the Committee finds that there is sufficient evidence, on the balance of probabilities, to support a finding of incompetence against the Member. The Member demonstrated serious deficiencies in assessment practices, record keeping, curriculum planning and communication with administration.

Despite these deficiencies, it is clear that the Member has some positive attributes as a teacher. He established positive rapport with his students and used appropriate strategies to manage discipline. The agreed upon penalty will assist the Member in developing these qualities and others which will make him a successful teacher.

Dated: March 29, 2006

Nancy Hutcheson
Chair, Discipline Panel

Amin Saab
Member, Discipline Panel

Jacques Tremblay
Member, Discipline Panel