

**ONTARIO COLLEGE OF TEACHERS**

**DISCIPLINE COMMITTEE**

**REASONS FOR DECISIONS AND ORDERS**

*IN THE MATTER OF ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:*

**AND IN THE MATTER OF** discipline proceedings against Danny Norman Bondy.

The Discipline Committee held a hearing on September 17, 2001,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**DANNY NORMAN BONDY  
CERTIFICATE # 223050**

**PRESENT:**

Members of the Panel  
Mark Lefebvre (Chair)  
Sterling Campbell  
Karen Mitchell

The Honourable Lloyd Houlden, Independent Counsel to the Panel

Sally Bryant, McCarthy Tétrault, Counsel for the Ontario College of Teachers, assisted by Trevor Evans, Senior Law Clerk

Josh Phillips, Green and Chercover, Counsel for the member

Danny Norman Bondy

This decision is subject to a publication ban. On September 17, 2001, the Discipline Committee made an order directing that there may be no publication of any information that may disclose the identity of the students involved in this case.

A Notice of Hearing, dated September 11, 2000 was served on Danny Norman Bondy, requesting attendance before the Discipline Committee of the Ontario College of Teachers on October 16, 2000 to set a date for hearing, and specifying the charges. The hearing date was eventually set for September 17, 2001.

The Notice of Hearing states that Danny Norman Bondy is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

It is alleged that Danny Norman Bondy is guilty of professional misconduct in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he abused students physically, sexually, verbally, psychologically, or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the Act or the Regulations made thereunder or the By-laws thereto, 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 particularly s.264(1)(c) thereof, or the Regulations made under the Act, contrary to Ontario Regulation 437/97, subsection 1(15);

- (e) he performed an act on several grade nine students, namely asking them to remove their pants and underwear and to bend over, which he knew or ought to have known would violate the rights, dignity and respect of the said students to suffer humiliation and embarrassment;
- (f) he performed acts or omissions 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);
- (g) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (h) he displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of a student or students or 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.

On September 17, 2001, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Danny Norman Bondy was guilty of professional misconduct.

**EVIDENCE:**

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing (Exhibit #1) alleging that Danny Norman Bondy is guilty of professional misconduct in that his acts were contrary to the Professional Misconduct Regulation

made under the Ontario College of Teachers Act and filed as Regulation 437/97 on December 4, 1997, in particular, subsections 1(5), (7), (14), (15), (18) and (19).

An Agreed Statement of Facts, dated September 18, 2001, was filed as Exhibit #2. That statement had been signed by the member and by Counsel for the Ontario College of Teachers.

### **FINDINGS OF FACT:**

Based on the Agreed Statement of Facts, the panel finds the following facts:

- (1) Danny Norman Bondy is a member of the Ontario College of Teachers.
- (2) At all material times, the member was employed by the Greater Essex County District School Board as a teacher at [XXX].
- (3) During the 1998-1999 school year and particularly in December of 1998, [XXX] were grade [XXX] students at the school.
- (4) At approximately 0935, the member was advised by [XXX], a student in [XXX], that the sum of \$90 was missing from his gym bag.
- (5) It was the judgement of the member that the missing funds could only have been taken by a student in the same class as [XXX]. As a result, the students, including those mentioned in paragraph 3 above, were asked to remain in the change room of the school.
- (6) The member gave the students an opportunity to return the money, but it was not turned over and the member asked the students to wait in the change room while he took steps to involve the vice-principal.

- (7) The member then advised the vice-principal of the matter and asked for his assistance in the investigation.
- (8) In the absence of the member, the vice-principal advised the students that he intended to conduct a “strip search” and then requested the member to assist in the search. The vice-principal then proceeded to conduct a search of nine of the aforementioned students. This involved each of the students being required to submit to the search by means of allowing his underclothing to drop to the floor. Each student was then asked to turn around and pull up his underclothing. That was done so as to determine whether the missing funds were in the possession of the aforementioned students. The searches were conducted individually in the privacy of the member’s office.
- (9) During the course of the searches the buttocks, genitals and underclothing of some of the students were viewed by the vice-principal and the member. None of the students were completely naked during the searches and in most cases, sweaters, t-shirts or shirts were pulled down to cover their genitals and their buttocks. The member did not ask any student to remove clothing, nor did he inspect the persons of the students or any of the clothing after it was removed. The member did, however, inspect the contents of three gym bags.
- (10) By the conclusion of the search, the missing \$90.00 had been fully recovered.
- (11) The member did not express any objection or concern to the vice-principal with respect to the manner in which the searches were being conducted, until the searches were completed.
- (12) The Principal, Mr. Schen, arrived during the course of the investigation. He was advised that a search of the students was taking place (and of the nature of the

searches) and left without observing the searches. Mr. Schen did not provide the member or the vice-principal with instructions to cease or modify the method of the searches.

- (13) As a result of this incident, the member was suspended, without pay, for 10 teaching days, and was transferred to another school.
- (14) The member has co-operated with the Board and with the College and accepts that that his participation in the above searches as described in paragraphs 8, 9 and 11 above, constitutes professional misconduct, and the member hereby pleads guilty to professional misconduct contrary to Ontario Regulation 437/97, subsection 1(19).

#### **DECISIONS AND ORDERS:**

Based on the Agreed Statement of Facts, the Discipline Committee finds Danny Norman Bondy guilty of professional misconduct under subsection 1(19) of the Professional Misconduct Regulation, as alleged. The Discipline Committee directs the Registrar to impose the following penalty as stated in the Agreed Statement of Facts:

- 1) The member shall be reprimanded, admonished and counselled by the Discipline Committee.
- 2) The member shall attend upon a person acceptable to the Registrar, at the member's expense, for education and counselling with respect to student management, and that person shall report to the Registrar upon the successful completion of such education.

The Reasons for Decisions and Orders of the Committee shall be published in the official publication of the Ontario College of Teachers, "Professionally Speaking".

**DATED AT TORONTO, THIS 8th DAY OF NOVEMBER, 2001  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Mark Lefebvre, **Chair**

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Sterling Campbell

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Karen Mitchell