

**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
Robert William Bridgeman, a member of the Ontario College of
Teachers.

PANEL: Rosemary Fontaine, Chair
 Janet Cornwall
 Ted Coulson

BETWEEN:)	
)	
	)	Carole Jenkins,
	)	McCarthy Tétrault,
ONTARIO COLLEGE OF TEACHERS	)	for Ontario College of Teachers,
	)	assisted by Trevor Evans,
- and -	)	Senior Law Clerk
)	
Robert William Bridgeman	)	Robert William Bridgeman was not
(CERTIFICATE # 248617)	)	present, nor was he represented
)	
	)	Paul Le Vay,
	)	Stockwoods,
	)	Independent Legal Counsel
)	
	)	Heard: September 20, 2004

REASONS FOR DECISION, DECISION AND ORDER(S)

This matter came on for hearing before a panel of the Discipline Committee (the
“Committee”) on September 20, 2004 at the Ontario College of Teachers (“the College”)
at Toronto.

The Allegations

The allegations against Robert William Bridgeman (“the Member”) in the *Notice of Hearing* are as follows:

IT IS ALLEGED that Robert William Bridgeman is guilty of professional misconduct or incompetence as defined in subsections 30(2) and (3) of the *Ontario College of Teachers Act* (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 comply with the Education Act, Revised Statutes of Ontario, 1990, Chapter E. 2 and particularly section 264 (1) (c) thereof, and the Regulations made under that Act, contrary to Ontario Regulation 437/97, subsections 1 (14) and (15);
- (c) he contravened a law relevant to the member’s suitability to hold a Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1 (16);
- (d) he performed an act or acts that, having regard to all the circumstances, would reasonably be regarded by members as being disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1 (18);
- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1 (19); and
- (f) he displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of students, of a nature or extent that demonstrates that the member is either unfit to carry out his professional duties or that the

member's Certificate should be made subject to terms, conditions or limitations.

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Robert William Bridgeman, (the "Member"), whose date of birth is [XXX], is a member of the Ontario College of Teachers.
2. At all material times, the Member was a teacher employed by the London Board of Education or its predecessor.
3. The Member is currently a teacher employed by the Durham Catholic District School Board.
4. On or about 12 June 2000, the Member was arrested on the following charges:
 - (a) That between 01 January 1983 and 31 December 1988 at the City of [XXX] in the County of [XXX], he committed a sexual assault on [XXX], contrary to Section 246.1 of the Criminal Code of Canada; and
 - (b) That between 01 January 1983 and 31 December 1988 at the City of [XXX] in the County of [XXX], he committed an act of gross indecency with [XXX], contrary to Section 157 of the Criminal Code of Canada.
5. The Member first met [XXX] in 1981 when [XXX] was approximately 9 years of age. Between approximately 1 January 1983 and 31 December 1988, when [XXX] was approximately between the ages of 10 and 18 years of age, the Member sexually abused [XXX] by engaging in mutual masturbation and touching.
6. Further, during the approximate period of time from 1983 to 1988, the Member showed [XXX] pornographic movies, offered alcohol and illegal drugs, including marijuana, hash oil and cocaine to [XXX] and consumed alcohol and those illegal drugs with [XXX].

7. The aforesaid criminal charges are public knowledge through the media coverage of aforesaid events involving the Member, which was reported in local newspapers in London, Toronto and Pickering.
8. The aforesaid activities and the publicity resulting from the said media coverage and communications within the general public has resulted in a reputation, image and lifestyle inconsistent with that expected of a member to enable the Member to discharge the duty of a Member to the public, his employer, and students.

A *Notice of Hearing*, dated November 14, 2001 was served on Robert William Bridgeman, requesting attendance before the Discipline Committee of the Ontario College of Teachers on November 29, 2001 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for September 20, 2004.

At the time the *Notice of Hearing* was issued, Allan D. Gold, Barrister and Solicitor, represented the Member and admitted service of the Notice of Hearing on May 19, 2001. (Exhibit 1)

The College tendered as Exhibit 2, an Affidavit of Audley Trevor Evans (“Evans”), sworn August 19, 2004. (*Affidavit of Evans*). The Affidavit of Evans outlines the various attempts that Evans made to contact the Member. Evans confirms that on February 24, 2004 he received a telephone call from the Member, who was incarcerated at the time, acknowledging receipt of disclosure documents sent to him by Evans. The Member indicated he would be incarcerated until July 31, 2004, that he would consider whether he would plead no contest and would contact Evans in due course. As of August 19, 2004, the Member did not contact Evans further.

The Committee was therefore satisfied that the Member knew that the hearing would proceed on this date. The hearing was scheduled to commence at 9:30 a.m. The hearing commenced at 11:00 a.m. The Member had still not appeared and accordingly the Committee proceeded in the Member's absence.

Publication Ban

On September 20, 2004 the Discipline Committee made an order that there be no publication of any information that may disclose the identity of the victim involved in this matter.

Member's Plea

As the Member was not present, nor represented by counsel, the Committee proceeded on the basis that the Member denied the allegations set out in the *Notice of Hearing*. The Chair, on behalf of the Member, entered a plea of not guilty to the allegations.

The Evidence

Counsel for the College entered into evidence the following additional documents:

Registered Member Information (Exhibit 3)

Robert William Bridgeman is a member of the Ontario College of Teachers as shown on the *Registered Member Information*.

Brief of Court Documents – Regina v. Robert W. Bridgeman (Exhibit 4)

A *Brief of Court Documents* ("Brief") with respect to the criminal proceedings against the Member was submitted into evidence. This *Brief* consisted of:

- A. Certified copy of *Indictment* re Robert W. Bridgman dated October 24, 2000, showing finding of guilt in respect of counts 1 and 2 and details of sentencing;
- B. Transcript of *Reasons for Judgment* of Mr. Justice Haynes dated November 30, 2001 – Ontario Court of Justice;
- C. Transcript of *Reasons for Sentence* of Mr. Justice Haynes dated March 14, 2002 – Superior Court of Justice; and
- D. *Reasons* of Court of Appeal for Ontario re appeal of Robert W. Bridgeman (B., R.W.) from conviction and sentence, dated July 31, 2003.

The Member was represented by counsel at trial.

In summary, this *Brief* confirms that the Member, was charged in 2000 and convicted on November 30, 2001 of the following:

- (a) That between 01 January 1983 and 31 December 1988 at the City of [XXX] in the County of [XXX], he committed a sexual assault on [XXX], contrary to Section 246.1 of the Criminal Code of Canada; and
- (b) That between 01 January 1983 and 31 December 1988 at the City of [XXX] in the County of [XXX], he committed an act of gross indecency with [XXX], contrary to Section 157 of the Criminal Code of Canada.

The Member first met [XXX] in 1981 when [XXX] was approximately 9 years of age. Between approximately 1 January 1983 and 31 December 1988, the Member sexually abused [XXX] by engaging in mutual masturbation and touching.

Further, during the approximate period of time from 1983 to 1988, the Member showed [XXX] pornographic movies, offered alcohol and illegal drugs, including marijuana, hash oil and cocaine to [XXX] and consumed alcohol and those illegal drugs with [XXX]

The Member is [XXX] of [XXX]'s [XXX]. [XXX] testified that the Member became something of a big brother to him following the death of [XXX]'s [XXX] in 1981. [XXX] and the Member had a very close relationship and spent a great deal of time together. Much of that time was spent participating in sporting activities such as cycling, squash and swimming.

[XXX] also testified that commencing in 1983 and continuing into 1988 he regularly attended at the Member's apartment where they used drugs, drank alcohol, watched pornographic videos, and participated in mutual massage and masturbation. [XXX] believes he was 12 years old when the first incident occurred. [XXX] indicated that the Member showed [XXX] how to masturbate himself and that this was the first time he had done this. He was subsequently concerned that his penis was swollen and red and sought out the Member who examined [XXX]'s penis, said he would consult a doctor and advised him later that it was normal for this to occur the first time you masturbate.

Subsequently, episodes of mutual masturbation occurred on a routine basis over the ensuing five years. [XXX] estimates that there were over that period approximately a thousand such episodes that all adhered to essentially the same pattern. [XXX] and the Member got together for some social, sporting, or recreational event and then, following the use of alcohol or drugs, engaged in mutual masturbation while viewing pornographic videos. [XXX] testified that the Member told him "this activity was what best friends do". (*Brief*, Tab B, Mr. Justice Haines)

[XXX] testified that he did not realize the sexual activity between him and the Member was wrong until he was in high school (or community college) when he took a course that dealt with the subject of sexual abuse.

[XXX] met [XXX] while they were high school students and became his girlfriend. They broke up in 1990 but the relationship was rekindled in 1993. They subsequently married in June 1997. [XXX] and [XXX] testified that there were problems with their sexual relationship and [XXX] indicated he was experiencing flashbacks that started around 1994 or 1995. He testified that these flashbacks were triggered by the smell of the type of cologne and shampoo that the Member had used. [XXX] ultimately disclosed the details of his relationship with the Member and to his mother. This led to [XXX] attending the Sexual Assault Crisis Centre where he received counselling and participated in group therapy. Subsequent to that, [XXX] went to the police and charges resulted.

The parents of [XXX] both testified that they were grateful to the Member for the support he gave them and [XXX] following the death of [XXX]. [XXX]'s father said that the Member became a member of their family. Both parents agreed that the Member had stepped in to give [XXX] the time and attention he needed. They had been unable to provide this attention to [XXX] while they dealt with their grief over the loss of their [XXX].

Decision

(i) Onus and Standard of Proof

The College bears the onus of proving the allegations in accordance with the standard of proof which the Committee is familiar as set out in *Re Bernstein and College of Physicians and Surgeons of Ontario* (1977) 15 O.R. (2d) 477. The standard of proof applied by the Committee, in accordance with the *Bernstein* decision, was a balance of probabilities with the qualification that the proof must be clear and convincing and based upon cogent evidence accepted by the Committee. The Committee also recognized that the more serious the allegation to be proved, the more cogent must be the evidence. The Committee viewed the allegations in this case to be very serious.

(ii) Decision

Having considered the evidence and onus and standard of proof, and the submissions made by Counsel for the College, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Robert William Bridgeman committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(16), 1(18) and 1(19); and he displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of students, of a nature or extent that demonstrates that the Member is unfit to carry out his professional duties.

Reasons for Decision

It is uncontested that the Member was charged and convicted of committing a sexual assault and committing an act of gross indecency with [XXX]

The Member was sentenced on February 28, 2002 to 18 months imprisonment and ordered to [XXX]. (*Brief*, Tab C).

The Member appealed both the conviction and sentence. The Appeal was heard on June 9, 2003 and on July 31, 2003 the Court of Appeal dismissed the appeal. (*Brief*, Tab D).

Rule 13.05 of the *Rules of Procedure of the Discipline Committee of the Ontario College of Teachers* states as follows:

13.05(1) Proof that a person has, in proceedings before a court in Canada, been convicted or discharged of an offence following a finding of guilt is proof, in the absence of evidence to the contrary, that the offence was committed by the person, if no appeal of the conviction or discharge was taken and the time for an appeal has expired.

The Member appealed the conviction and sentence and lost on both.

Having no evidence to the contrary, the Committee accepts the proof of prior conviction as described in the *Brief* (Exhibit 4) and finds that the Member did commit acts of sexual assault and gross indecency on [XXX] and that his actions constitute professional misconduct.

The Committee finds that the Member breached the standards of the profession and breached section 264 (1) (c) of the *Education Act* and Ontario Regulation 437/7,

subsection 1(5), 1(14) and 1(15) by his acts of sexual assault and gross indecency with [XXX], who was a minor when these assaults first began to occur.

The Committee also finds that the Member's sexual abuse of [XXX] is contrary to Ontario Regulation 437/97, subsection (18) and as such the Member engaged in conduct that would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

The Committee finds that by sexual assaulting [XXX], the Member contravened laws relevant to his suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1(16) and engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

Penalty

Counsel for the College submitted that the appropriate penalty be as follows:

1. revocation of the Member's certificate of qualification and registration;
2. imposition of a five year time limit within which the Member may not apply for reinstatement; and
3. publication of the findings of the Discipline Committee, with the name of the Member in *Professionally Speaking/Pour parler profession*.

Penalty Decision

The Committee makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke the Member's certificate of qualification and registration, which the Member is to immediately surrender to the Registrar.
2. Pursuant to section 30(7) of the *Ontario College of Teachers Act*, the Member may not apply for reinstatement for a period of at least ten years following the date of this order.
3. Pursuant to Section 30 (5) (3) of the Ontario College of Teachers Act, the findings and order of the Committee shall be published in summary, including the Member's name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

Reasons for Penalty Decision

The substantial media coverage of this case, locally and provincially, resulted in a reputation which portrayed an, image and lifestyle inconsistent with that expected of a member and contrary to the ethical standards and standards of practice for the teaching profession. (Exhibit 5 - Newspaper Clippings)

The penalty must meet the objective of general deterrence to the members of the profession and the objective of specific deterrence to the Member. Accordingly, the Committee was satisfied that revocation of the Member's certificate of qualification and registration is the appropriate penalty.

Section 33 (4) of the *Ontario College of Teachers Act* specifies that an application for reinstatement following revocation shall not be made earlier than one year from the date of the order. This is of grave concern to the Committee due to the nature of the criminal convictions and term of imprisonment.

The Member was a person with the power to influence the conduct and actions of [XXX] and he exercised that power for his own sexual gratification and against the interests of [XXX]. [XXX]'s parents were deeply grateful to the Member for the support he gave them and [XXX] following the death of their [XXX], [XXX]'s [XXX]. The Member gained the trust of [XXX]'s family and then committed many breaches of that trust against [XXX]

The Member started engaging in criminal sexual activities with [XXX] when [XXX] was approximately 11 years old. He supplied pornographic videos, alcohol, and drugs to [XXX] and engaged in mutual massage and masturbation. The Member told [XXX] that this activity was what best friends did. The Member persisted in this criminal conduct over a period of five years and abused the relationship and trust of [XXX]. The Member came to the aid of [XXX]'s family in a time of need. In offering his support, he gained their trust, a trust that he ultimately betrayed.

The Member was in a position of trust over [XXX], a vulnerable person, and sexually violated him over and over for his own gratification.

For these reasons, the Committee concluded that Robert William Bridgeman may not apply for reinstatement for a period of 10 years.

The Committee is satisfied that this decision serves and protects the public interest.

Date: October 19, 2004

Rosemary Fontaine
Chair, Discipline Panel

Janet Cornwall
Member, Discipline Panel

Ted Coulson
Member, Discipline Panel