

**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 Anthony Bucci, a member of the Ontario College of Teachers.

PANEL: Jacques Tremblay, Chair  
Rosemary Fontaine  
Amin Saab

BETWEEN:	)	
	)	Brian Wasyliv,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -	)	
	)	
ANTHONY BUCCI	)	Gary Hopkinson,
(CERTIFICATE #430946)	)	Green & Chercover,
	)	for Anthony Bucci
	)	
	)	
	)	Christopher Wirth,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: October 16, 2006

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on October 16, 2006 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated February 21, 2006 was served on Anthony Bucci (the “Member”), requesting attendance before the Discipline Committee of the Ontario College of Teachers on March 6, 2006 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for October 16, 2006.

Anthony Bucci was not in attendance at the hearing.

## THE ALLEGATIONS

The allegations against Anthony Bucci in the *Notice of Hearing*, (*Exhibit 1*) dated February 21, 2006 are as follows:

**IT IS ALLEGED** that Anthony Bucci is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the *Ontario College of Teachers Act, 1996* (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 abused a student or students physically, sexually, verbally, psychologically or emotionally contrary to Ontario Regulation 437/97, subsection 1(7);
- (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);
- (d) 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);

- (e) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1.) of the Act.

## AGREED STATEMENT OF FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 2, an Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty. (ASF – Exhibit 2)*

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

1. Anthony Bucci (the "Member") is 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 of the Member.
2. At all material times the Member was employed as a teacher at the York Region District School Board (the "Board"). During the 2003-2004 school year, the Member taught English and was a guidance counsellor at Richmond Hill High School in Richmond Hill, Ontario (the "School").
3. At all material times, [REDACTED] whose date of birth is [REDACTED], and [REDACTED] whose date of birth is [REDACTED], were students of the School. During the 2003-2004 school year, the Member acted inappropriately towards [REDACTED] and [REDACTED] as set out in the paragraphs that follow.

4. Prior to 1 November 2003, the Member, [ ] and [ ] made arrangements to go to a hotel.

5. On Saturday, 1 November 2003, the Member:

- (a) picked up [ ] and [ ] on a street which was close to their residences, during the afternoon, and drove them to the Marriott Courtyard Hotel, located at 65 Minthorn Court, Markham, where he rented a room with a Jacuzzi tub, for three guests. The Member was assigned to Room 422. Copies of the Registration Card and bill from the hotel are attached as **Exhibit B**;
- (b) while in the hotel room, the Member and [ ] engaged in consensual sexual activity, which involved kissing and the Member touching [ ]'s body in a sexual way; and
- (c) in the evening, left the hotel with [ ] and [ ] and dropped them off at a pub in Richmond Hill.

6. The Member's employment with the Board was terminated on or about 28 September 2004.

#### PLEA OF NO CONTEST

7. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 6 above (the "Admitted Facts"). The Member hereby acknowledges that his conduct as described in paragraphs 4 and 5 of the Admitted Facts, constitutes conduct that is unprofessional and pleads no contest to the allegations of professional

misconduct against him being more particularly, breaches of Ontario Regulation 437/97 subsections 1(5), (7), (14), (15), (18) and (19).

8. The Member states that:

- (a) he understands fully the nature of the allegations that have been made against him;
- (b) he understands that by pleading no contest to the particulars as set out herein, he is waiving his right to require the College to prove the case against him and the right to have a hearing into those allegations;
- (c) he voluntarily decided to plead no contest ; and
- (d) he states that this plea of no contest was made voluntarily, unequivocally and with the benefit of independent legal counsel.

9. In light of the admitted facts and circumstances, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

#### JOINT SUBMISSION ON PENALTY

10. The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter is that the Discipline Committee 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 agrees to immediately surrender to the Registrar of the Ontario College of Teachers.

11. The Ontario College of Teachers and the Member jointly submit that the findings and order of the Committee, be published, in summary, with the Member's full name, in the official publication of the College, Professionally Speaking/Pour parler profession.

12. 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

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, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Anthony Bucci committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7), 1(14), 1(15), 1(18) and 1(19).

## REASONS FOR DECISION

The Committee accepts the evidence contained in the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty. (Exhibit 2)* The Member admits that he acted inappropriately in that he reserved a hotel room for three, picked up two female

students on a street close to their residences and took them to a hotel where he engaged in consensual sexual activity with one of the students. Later in the evening, the Member dropped off the students at a pub. The behaviour of the Member in these circumstances and as admitted, constitutes professional misconduct.

## PENALTY DECISION

The Committee accepts the Joint Submission on Penalty and makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke the Certificate of Qualification and Registration of the Member, which Certificate the Member is to surrender immediately to the Registrar of the Ontario College of Teachers; and
2. 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, with the Member's full name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

## REASONS FOR PENALTY DECISION

The Committee finds that the Member planned to engage in sexual activity with a student in that he reserved a hotel room for three, arranged to meet, pick up and drive the two students to the hotel. At the hotel, he engaged in sexual activity with one of the students. He then dropped them off at a pub. This premeditated act on the part of the Member is conduct unbecoming a member and is disgraceful, dishonourable and unprofessional. The Member abused his position in that he engaged in these activities for his own sexual

gratification without regard to the well being of students. In these circumstances, the Member's certificate of qualification and registration must be revoked.

Revocation is appropriate to demonstrate that the Member's conduct is unacceptable in the eyes of the profession and of the public. This penalty also serves to protect the reputation of the profession in the minds of the public. Publication of the Committee's order is necessary as a general deterrent to guide members of the profession as to what is acceptable conduct between teachers and students.

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

Dated: October 16, 2006

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Jacques Tremblay  
Chair, Discipline Panel

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Rosemary Fontaine  
Member, Discipline Panel

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Amin Saab  
Member, Discipline Panel