

**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 Richard Donald Lorne Burdett, OCT, a member of the Ontario College of Teachers.

PANEL: Danny Anckle, Chair
 Alexander (Sandy) Bass, OCT
 Annilee Jarvis, OCT

BETWEEN:	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Daniela De Bartolo,
	)	Litigation Paraprofessional
- and -)	
)	
RICHARD DONALD LORNE BURDETT	)	Joshua Phillips,
(CERTIFICATE #202006)	)	Green & Chercover,
	)	for Richard Donald Lorne Burdett
)	
)	
	)	Rebecca Durcan,
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel
)	
	)	Heard: January 31, 2011

DECISION, REASONS FOR DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on January 31, 2011 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated October 20, 2008 was served on Richard Donald Lorne Burdett, requesting his presence on November 13, 2008 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for January 31, 2011.

Richard Donald Lorne Burdett was in attendance.

THE ALLEGATIONS

The allegations against Richard Donald Lorne Burdett in the *Notice of Hearing*, (Exhibit 1) dated October 20, 2008, are as follows:

IT IS ALLEGED that Richard Donald Lorne Burdett 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* or 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*.

At the hearing on January 31, 2011, College counsel sought to withdraw the allegation of professional misconduct in paragraph (c), namely that the Member breached Ontario Regulation 437/97, subsection 1(14). The Committee agrees that this allegation shall be withdrawn.

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced a *Statement of Uncontested Facts, Plea of No Contest and Joint Submission on Penalty* (Exhibit 2), which provides as follows:

STATEMENT OF UNCONTESTED FACTS

1. Richard Donald Lorne Burdett (the “Member”) is a 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 respecting the Member.
2. At all material times, the Member was employed by the Toronto District School Board (the “Board”) as a teacher at [XXX] (the “School”) where he taught [XXX].
3. At all material times, the Student was a female student of the School. The Member [XXX] the Student [XXX] when she was in [XXX]. The Member was also a [XXX] for which the Student [XXX] while she was in [XXX] and for another [XXX] for which she was the [XXX] while she was in [XXX].
4. During the 2006-2007 academic year, the Member:
 - (a) engaged in electronic communication with the Student of a personal and/or sexual nature;

- (b) made inappropriate suggestions of a sexual nature to the Student and to one or more other female students;
- (c) engaged in inappropriate communications regarding private relationships of female students and their boyfriends;
- (d) while on a school sponsored [XXX] [XXX], failed to discourage, and participated in an activity known as “spooning”, which was engaged in by the Student and other female students in his bedroom.

5. The spooning incident referred to at paragraph 4(d) and in the MSN electronic chats (see below), involved approximately four female students, including the Student while a group of the School’s students was at [XXX] with the Member during [XXX]. The [XXX], known as [XXX], is not a [XXX] but is pre-booked for schools, youth organizations and community groups. It has a dormitory and separate staff rooms. The incident occurred in the Member’s bedroom. The Member was clothed during that incident but the students had on their pyjamas. The group from the School on the [XXX] comprised [XXX] students, a female teacher, and the Member.

6. Copies of the MSN printouts of electronic chats referred to at paragraph 5(a) and which have references to the allegations at 5(b), 5(c) and 5(d) between the Member and the Student are attached as follows:

- (a) 19-24 February 20, 2007 - prior to the [XXX] trip (pages 1-16 – **Exhibit “B”**);
- (b) 23-29 March 2007 – after returning from the [XXX] trip (pages 1-26 – **Exhibit “C”**);
- (c) 29 March-5 April 2007 (pages 1-10 - **Exhibit “D”**) ;
- (d) 9-30 April 2007 (pages 1-22 – **Exhibit “E”**)

7. Some of the inappropriate references contained in Exhibit B are:

- (a) on 20 February 2007, the Member gave the Student his home telephone number (9:34 p.m.). Later that evening, he told the Student that he was off to bed – “wifey awaits”. The Student responded with, “yay go get laid”. To which the Member responded “see you tomorrow baby” (10:56 p.m.);
- (b) on 24 February 2007 while discussing a sleep-over that the Student was to go to, the Member said, “you can sleep at my place. In my bed with wifey, then she can come in and see us and have this look on her face” (2:03 p.m.);
- (c) on 24 February 2007, while discussing two other persons, the Student wrote, “apparently she is the biggest virgin”, to which the Member replied, “you used to be too” (2:08 p.m.);
- (d) later that day while discussing hotel rooms in [XXX], the Member made a reference to the Student looking the other way when one of her roommates (student [XXX]) would not be spending the night in their room. Shortly after that, the Member asked the Student, “are you wearing clothes?” to which she replied that she was parading around in her push up bra and low cut shirts (2:23 p.m.).

8. Some of the inappropriate references contained in Exhibit B are:

- (a) on 23 March (p 1), the Member wrote to the Student in apparent reference to a dream he said he had about her saying that it might be a bit explicit for MSN. She said that she would delete what he said. He then asked if she was home alone and she said that her dad was reading the paper in the kitchen but they were fine. He then said that the dream was, “sinful really but it was insanely real. It involved me going down on you on at a cottage and everything seemed real, taste, texture, etc. Sorry that is too much info”. He then said that the dream woke him up. The Student asked if he was sure it was her and he said, “it was you, trust me”. She then gave the emoticon for a smile and he responded with the emoticon for being embarrassed. She wrote, “mighty interesting, thank you for sharing”. The

Member then wrote, "DELETE THIS", to which the Student replied, "just did". Very shortly after that, the Member wrote, "man, it was soo real" (9:08 p.m. p 2);

- (b) on 24 March 2007 at 1:45 p.m., the Student wrote to the Member – "I have some breasts on me" and gave him the URL for a Facebook photo. The Member responded, "that's a pair, yes". The Student then said that she looked saggy and he replied, "they look perky there" (1:45 p.m. p 3-4);
- (c) apparently, in a continued reference to the dream referred to above, the Member wrote, "besides, it was more the feel, the texture that was really real". The Student then wrote, "NO BRAZILLIAN!!!" – an apparent reference to pubic waxing to which he replied, "I can't remember". The Student then asked what the texture was and he wrote, "I was more focused on what I was actually doing than I was on the hair style." He then said that the Student was not loud and seemed to be intensely enjoying the experience (1:49 p.m. p 4);
- (d) later that day (10:41 p.m.), the Member wrote to the Student, "you don't even have naked pics of yourself. Only near misses". Shortly before signing off after the Member told the Student good night, she replied about imaging him going up to find his wife in some new lingerie or something. He responded, "don't my life fucking sucks" (p 7-8);
- (e) on 25 March 2007 at 9:33 p.m., after the Student wrote, "I'll enter hell with you, bebe", the Member responded with, "I'll enter you with hell, babe" (p.9)
- (f) on 25 March 2007 at 11:19 p.m., after the Student was discussing a crush which she had on an older man at work, the Member wrote, "How can you be good in bed, you just started. You are a rookie." (p.11);
- (g) later that night, at 11:52 p.m., the Member wrote to the Student "Wow, I really think [XXX] (another student) wants me to have sex with her!" He referred to [XXX] and that student was telling him all about how she

wanted to lose her virginity anytime to pretty much anyone. When they got to her place, she made it very clear that her mom was out and wouldn't be home until late. After the Student suggested that [XXX] wanted to "hop on the Burdett bandwagon" the Member responded, "She just wants to get laid. I could be anyone." (p 12);

- (h) a short while later, after the Student wrote to him, "Tell me you'd do me before her, given the chance" the Member replied, "That would be inappropriate." "There are two things stopping me from doing you – family and job." The Student then said "Next year one of those things won't be relevant" and he replied "True enough" (12:10 a.m. p 13).

9. Some of the inappropriate references contained in Exhibit C are:

- (a) on 16 April at 11:08 p.m., when the Student referred to her mother being rude to her boyfriend, the Member wrote, "could be because she knows he is fucking her daughter." (p 3)
- (b) during a chat on 29 April the Student referred to the Member as "Rich" (11:41 p.m. p 16, and 12:03 a.m. p 19);
- (c) at 12:09 a.m. on 30 April, the Member told the Student that he had most of July, "here by myself. We can throw a little spoon fest here if you want." (p 21).

10. Many MSN chats between the member and the Student, referred to above, occurred late at night and on weekends.

11. In addition to the MSN chats referred to above, the Member also exchanged several text messages over a considerable period of time with the Student.

12. There has been no sexual contact of a physical nature between the Member and the Student.

13. Mr. Burdett's close relationship with [XXX] was not hidden from other students and staff. He did not provide her with gifts, he did not make promises or threats, he did

not engineer opportunities to be with her, he did not alienate her from friends or family, he did not interfere in her personal or romantic life ([XXX] had a boyfriend throughout the period in question).

14. Upon being confronted with these allegations, the Member promptly admitted them to his employer and acknowledged that his conduct was inappropriate and represented a significant lack of judgment. He voluntarily sought counselling to gain insight into his behaviour.

15. He has further voluntarily subjected himself to assessment by forensic psychiatrist Dr. Derek Pallandi, who completed a report dated 22 March 2010, attached as **Exhibit “F”**. Significant among Dr. Pallandi’s findings are:

- (a) the Member does not suffer from a mental disorder or sexual deviancy (p. 9);
- (b) it cannot be rationally or reasonably concluded that a sexual relationship would have resulted from ongoing communication with [XXX] and any such suggestion is purely speculative (p.10);
- (c) the Member does not pose any significant physical risk to anyone nor a risk of engaging in sexual harmful behaviour toward any person, including a student (p.11);
- (d) that the Member need be subjected to no restrictions or limitations in his teaching, other than continuing to teach adults until he has completed a period of boundary course education and reported to a third party in respect of same.

16. On or about 30 November 2007, following an investigation, the Member was suspended by the Board for a period of thirty (30) days without pay (**Exhibit “G”**).

PLEA OF NO CONTEST

17. By this document, the Member admits, for the purposes of this proceeding only, the truth of the facts and the exhibits referred to in paragraphs 1 – 14 (the “Uncontested Facts”).

18. The Member hereby acknowledges that the Uncontested Facts referred to in paragraphs 5 to 10 above constitute conduct which is professional misconduct, and pleads no contest to the allegations of professional misconduct against him, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7), 1(15), 1(18 - dishonourable) and 1(19). Further, the Member pleads no contest to the allegation that he engaged in sexual abuse of a student or students of a nature defined in Sections 1 and 40 (1.1) of the *Act*.

19. By this document 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 Uncontested Facts being presented to the Discipline Committee;
- (c) he understands that by pleading no contest to the allegations, he is waiving the right to require the College to prove the case against him and the right to have a hearing;
- (d) he understands that depending on the penalty ordered by the Discipline Committee, the decision of the Committee and a summary of its reasons, including reference to his name, may be published in the official publication of the College;
- (e) he understands that any agreement between his counsel and counsel for the College with respect to the penalty proposed in this document does not bind the Discipline Committee;

- (f) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally, and with the advice of legal counsel.

20. 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, chapter E. 23, for the purpose of this proceeding under the *Ontario 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.

21. In light of the uncontested 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

22. 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 directs:

- (a) that the Member appear before the Committee immediately following the hearing of this matter to receive a reprimand and the fact of the reprimand is to be recorded on the Register of the Ontario College of Teachers (the "Register");
- (b) the Registrar to suspend the Certificate of Qualification and Registration of the Member for a period of twelve (12) months commencing on February 3, 2011 and the fact of the suspension is to be recorded on the Register;
- (c) however, the imposition of the portion of the suspension between September 1, 2011 and February 2, 2012 is postponed until August 31, 2011 and will never be imposed if the Member completes the

requirements set out in paragraph (d)(i), d(ii) and d(iii) below on or before August 31, 2011;

- (d) the Registrar to impose the following terms, conditions and limitations on the Member's Certificate of Qualification and Registration, the fact of such terms, conditions or limitations to be recorded on the Register of the College until such time as they are fulfilled:
 - (i) the Member shall enrol in and successfully complete, at his own expense, within one year of the date of the Order in this matter, a course of instruction pre-approved by the Registrar regarding appropriate boundaries and boundary violation issues;
 - (ii) within thirty (30) days of his completion of the course outlined in (i) above, the Member shall provide to the Registrar a written certificate from the course provider stating:
 - A. that he or she has reviewed a copy of the Statement of Uncontested Facts, Plea of No Contest and Joint Submission on Penalty document which was made an exhibit at the hearing of this matter, and the Decision and Reasons of the Discipline Committee; and
 - B. that the Member has successfully completed the course;
 - (iii) the Member is to provide a report to the Registrar from a registered psychological therapist stating that:
 - A. he or she has reviewed the documentation referred to at paragraph 22(d)(ii)(A) above; and
 - B. the Member has successfully undergone treatment;
 - (iv) that within the period of thirty days prior to returning to work as a teacher, the Member shall provide the Registrar with a report of a

psychiatrist stating that he or she has reviewed the documentation referred to at paragraph 22(d)(ii)(A) above; has examined the Member not more than thirty days prior to the date of the report, and has found that the Member poses no undue risk to students;

- (v) the Member shall take all reasonable steps to cause the Board or any other school board at which the Member is subsequently employed (collectively “the School Board”) to conduct at least one Teacher Performance Appraisal on the Member within two years of his return to work and the member shall immediately upon receipt provide the Registrar with copies of the first two (if more than one is conducted) Teacher Performance Appraisals of the Member. Despite such reasonable steps, should the Member be unable to provide at least one Teacher Performance Appraisal mentioned above, the Member shall immediately notify the Registrar of that fact;
- (vi) that notwithstanding the timelines in paragraphs (c) and (d) (i), (ii) and (iii) above for fulfilling the terms, conditions and limitations set out in paragraphs (d) (i), (ii) and (iii), the Member shall fulfill those terms, conditions and limitations before he returns to work as a teacher;
- (vii) the Committee directs that there be publication of the findings and Order of the Committee, with the name of the Member, in summary form in the official publication of the College, *Professionally Speaking/Pour parler profession.*

DECISION

Having considered the evidence, onus and standard of proof, and the submissions made by Counsel for the College and Counsel for the Member, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds

that Richard Donald Lorne Burdett committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7), 1(15), 1(18) and 1(19); and further that the Member engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the *Act*.

REASONS FOR DECISION

The Member admitted the truth of the facts and exhibits referred to in paragraphs 1 to 14 (the “uncontested facts”) of the *Statement of Uncontested Facts, Plea of No Contest, and Joint Submission on Penalty* (Exhibit 2). He acknowledged that the uncontested facts referred to in paragraphs 5 to 10 above constitute conduct which is professional misconduct and pleaded no contest to the allegations of professional misconduct.

The Committee accepted the Member’s plea of no contest and the facts in the *Statement of Uncontested Facts, Plea of No Contest, and Joint Submission on Penalty*. The Committee finds that during the 2006-2007 academic year, the Member:

- (a) engaged in electronic communication with a Student of a personal and sexual nature;
- (b) made inappropriate suggestions of a sexual nature to that Student and to one or more other female students;
- (c) engaged in inappropriate communications regarding private relationships of female students and their boyfriends;
- (d) while on a school sponsored [XXX] [XXX], failed to discourage, and participated in an activity known as “spooning”, which was engaged in by the Student and other female students in his bedroom.

By engaging in these activities, the Member committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7), 1(15), 1(18 - dishonourable) and 1(19); and further that the Member engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the *Act*.

SUBMISSIONS ON PUBLICATION

The Committee received submissions from Counsel for the College and Counsel for the Member with respect to publication of the Member's name in *Professionally Speaking/Pour parler profession*

Counsel for the College argued that the Member's name should be published. He submitted that the nature and seriousness of the misconduct warranted publication of the Member's name. Counsel indicated that publication serves as both a specific and general deterrent. He submitted that hearings are open to the public and that resulting decisions are publicly accessible. In order to support the transparency of the proceedings, publication of the Member's name should follow.

Counsel for the Member argued that the matter is appropriate to warrant publication without the Member's name in the official publication of the College. Counsel submitted that the Member acknowledged the seriousness of his behaviour and voluntarily sought counselling. The Member further agreed to assessment by a forensic psychiatrist. He accepted and served a 30-day suspension from his Board.

Counsel further submitted that there was no grooming behaviour as there was no secrecy with the Member's relationship with the Student, and it was not hidden from other

students and staff. He did not provide her with gifts, he did not make promises or threats, he did not engineer opportunities to be with her, and did not alienate her from friends or family.

Member's Counsel submitted this was an isolated incident in a 20-year career and that he continues to be employed by the Board. Given these mitigating factors and the seriousness of the penalty imposed by the Committee, publishing the Member's name is not necessary as an additional deterrent.

Both counsel submitted case law in support of their respective positions regarding publication.

PENALTY

The Committee makes the following order as to penalty:

- (a) the Member is to appear before the Committee immediately following the hearing of this matter to receive a reprimand and the fact of the reprimand is to be recorded on the Register of the Ontario College of Teachers (the "Register");
- (b) the Registrar is directed to suspend the Certificate of Qualification and Registration of the Member for a period of twelve (12) months commencing on February 3, 2011 and the fact of the suspension is to be recorded on the Register;
- (c) however, the imposition of the portion of the suspension between September 1, 2011 and February 2, 2012 is postponed until August 31, 2011 and will never be imposed if the Member completes the requirements set out in paragraph (d)(i), d(ii) and d(iii) below on or before August 31, 2011;
- (d) the Registrar is directed to impose the following terms, conditions, and limitations on the Member's Certificate of Qualification and Registration, the fact of such terms,

conditions, or limitations to be recorded on the Register until such time as they are fulfilled:

- (i) the Member shall enrol in and successfully complete, at his own expense, within one year of the date of the Order in this matter, a course of instruction pre-approved by the Registrar regarding appropriate boundaries and boundary violation issues;
- (ii) within thirty (30) days of his completion of the course outlined in (i) above, the Member shall provide to the Registrar a written certificate from the course provider stating:
 - A. that he or she has reviewed a copy of the Statement of Uncontested Facts, Plea of No Contest and Joint Submission on Penalty document which was made an exhibit at the hearing of this matter, and the Decision and Reasons of the Discipline Committee; and
 - B. that the Member has successfully completed the course;
- (iii) the Member is to provide a report to the Registrar from a registered psychological therapist stating that:
 - A. he or she has reviewed the documentation referred to at paragraph (d)(ii)(A) above; and
 - B. the Member has successfully undergone treatment;
- (iv) that within the period of thirty days prior to returning to work as a teacher, the Member shall provide the Registrar with a report of a psychiatrist stating that he or she has reviewed the documentation referred to at paragraph (d)(ii)(A) above; has examined the Member not more than thirty days prior to the date of the report, and has found that the Member poses no undue risk to students;

- (v) the Member shall take all reasonable steps to cause the Board or any other school board at which the Member is subsequently employed (collectively “the School Board”) to conduct at least one Teacher Performance Appraisal on the Member within two years of his return to work and the member shall immediately upon receipt provide the Registrar with copies of the first two (if more than one is conducted) Teacher Performance Appraisals of the Member. Despite such reasonable steps, should the Member be unable to provide at least one Teacher Performance Appraisal mentioned above, the Member shall immediately notify the Registrar of that fact;
- (vi) that notwithstanding the timelines in paragraphs (c) and (d) (i), (ii) and (iii) above for fulfilling the terms, conditions and limitations set out in paragraphs (d) (i), (ii) and (iii), the Member shall fulfill those terms, conditions and limitations before he returns to work as a teacher;
- (vii) the Committee directs that there be publication of the findings and Order of the Committee, with the name of the Member, in summary form in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

The Committee carefully considered and accepted the joint submission on penalty. The reprimand by his peers and on behalf of his profession, will act as a specific deterrent to the Member. It will reinforce to him the inappropriateness of a personal relationship between a teacher and a student, and the importance of respecting professional boundaries. It provides notice that such behaviour will not be tolerated. The fact that the reprimand will remain on the Member’s certificate for a period of three years will serve as a further specific deterrent to the Member.

The Committee determined that enrolment in a course of instruction regarding maintaining appropriate boundaries with students will reinforce to the Member the importance of respecting boundaries. Parents entrust the care of their children to members of the profession. By interacting with this Student inappropriately, the Member has breached the trust of students, parents, the public and the profession. The educative nature of the boundaries course should ensure that the Member does not repeat this behaviour and the fact of the course will reinforce to the public that the College treats matters of this type very seriously. Further, the public interest is served by the Member reviewing his progress with a psychiatrist to confirm that the Member poses no undue risk to students. The Member must also initiate and participate in at least one Teacher Performance Appraisal within two years of his return to work. The results of these reviews must be reported to the Registrar.

The suspension of the Member's certificate for one year is consistent with the seriousness of the misconduct and serves as a specific and general deterrent to the profession. The Committee viewed the Member's actions as serious in nature. The Member pleaded no contest to the allegations of professional misconduct, including having engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the *Act*. From approximately February to April 2007, the Member engaged in improper electronic communication of a personal and sexual nature with a Student, including a detailed recounting of a sexual fantasy dream involving himself and the Student. He made inappropriate suggestions of a sexual nature to that Student and to one or more other female students; and engaged in inappropriate communications regarding private relationships of female students and their boyfriends.

During this period, while on a school sponsored [XXX] [XXX], the Member not only failed to discourage, but participated in an activity known as “spooning”¹ with female students on his bed in his bedroom. The Member’s bedroom was separated from the student dormitory. Subsequently, the Member communicated electronically with the Student at 12:09 a.m. on April 30, 2007 and told her that he had most of July, “here by myself. We can throw a little spoon fest here if you want.” This electronic and physical contact between the Member and students constitutes serious professional misconduct and conduct unbecoming a member. Given the serious nature of the Member’s misconduct, a lengthy suspension is warranted and serves as a specific deterrent to the Member.

The Committee directed that there be publication in summary form, with the name of the Member in the official publication of the College, *Professionally Speaking/Pour parler profession*. The Committee was presented with case law to enable them to compare similar type cases and how they were dealt with by previous panels. In reviewing the facts of this case, the Committee found that the nature and severity of the Member’s actions, and the severe penalty imposed, warranted publication of the Member’s name. The Committee determined that the severity of the misconduct outweighed the mitigating circumstances presented by defence counsel not to publish the Member’s name. In this case, publication with name provides the transparency and openness expected by the public, acts as a specific deterrent to the Member and provides general deterrence to the profession.

¹ “Spoonings” was described by College counsel as people lying side by side in the same direction as spoons in a drawer.

The Committee is satisfied that the penalty is appropriate in the circumstances and serves and protects the public interest.

Date: February 23, 2011

Danny Anckle, Chair
Chair, Discipline Panel

Alexander (Sandy) Bass, OCT
Member, Discipline Panel

Annilee Jarvis, OCT
Member, Discipline Panel