

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 Glenn John Byford

The Discipline Committee held a hearing on July 5, 2000

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**GLENN JOHN BYFORD
(CERTIFICATE #210736)**

PRESENT:

Members of the Panel

Larry Capstick (Chair)

Donna Marie Kennedy

Solette N. Gelberg

The Honourable Patrick Galligan, Independent Counsel to the Panel

L. Thomas Forbes, Q.C. assisted by Trevor Evans, McCarthy Tétrault, Counsel for the Prosecution

Glenn John Byford was not present nor was he represented.

A Notice of Hearing, dated March 9, 2000 was served on Glenn John Byford, requesting attendance before the Discipline Committee of the Ontario College of Teachers on March 23, 2000 to set a date for hearing and specifying the charges. The date set for hearing was July 5, 2000.

It is alleged that Glenn John Byford is guilty of professional misconduct or incompetence as defined in sections 30(2) and (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 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 and the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2 and particularly section 264(1)(c) thereof or the Regulations made under the Act, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) he contravened laws, and those contraventions are relevant to his suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (e) he performed acts that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and

- (g) 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 responsibilities or that the member's certificate should be subject to terms, conditions or limitations.

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

On July 5, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Glenn John Byford was guilty of professional misconduct.

Glenn John Byford was not in attendance at the hearing, nor was he represented by counsel. Proof of service of the Notice of Hearing was presented and accepted by the panel.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that Glenn John Byford 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, section 1, subsections (5), (7), (14), (15), (16), (18) and (19).

Particulars of the alleged misconduct are set out in Exhibit #1 and they are to the effect that:

1. Glenn John Byford is a member of the Ontario College of Teachers.
2. At all material times, Glenn John Byford was employed by the Rainbow District School Board and its predecessor, the Sudbury Board of Education, as a music teacher at La Salle Secondary School, Sudbury.
3. On or between September 1, 1992 and May 31, 1995, Glenn John Byford engaged in sexual activity with a female student at La Salle Secondary School, [REDACTED], commencing when she was 15 years old and in grade 10 and continuing until the end of [REDACTED]'s grade 11 school year.
4. The sexual activity between [REDACTED] over the said period including, kissing, fondling, mutual masturbation, mutual oral sex and sexual intercourse and occurred at various locations on school premises including Glenn John Byford's office, the school stage, the staff room, the staff washroom and in another music teacher's room. The said sexual activity also took place at various locations off of school premises and on the occasion of school trips to Montreal, Toronto and Calgary.
5. In addition to the said sexual activity, over the said period, Glenn John Byford called student [REDACTED] on the telephone on occasions to tell her he was masturbating himself.
6. On or between January 5, 1998 and August 28, 1998, Glenn John Byford called on the telephone on various occasions another grade 11 female student at La Salle Secondary School, [REDACTED], asked her personal questions about her sex life and what activities she and her boyfriend performed, suggested to her that he had performed oral sex on a girl when he was in high school masturbating her at the

same time with his fingers and asked [REDACTED] if she had ever had that done to her, asked [REDACTED] whether she thought he was too old for her, told her that he was getting excited and, when she told him that she was very uncomfortable with the conversation, told her that he could not help it because she was so attractive “and had a nice ass.”

7. Some weeks later, Glenn John Byford started to call student [REDACTED] again, giving excuses and pretexts for so doing.
8. On a La Salle Secondary School band trip to New York in May 1998, Glenn John Byford went to the bedroom of three female grade 11 students in the early hours of the morning, consumed alcohol himself and acquiesced while two of the three female students, who were under the legal age for so doing, also consumed alcohol. The female students involved were [REDACTED], [REDACTED] and [REDACTED].
9. [REDACTED] was another female student at La Salle Secondary School who studied saxophone under Glenn John Byford for three years from grade 9 to grade 12, during which period, Glenn John Byford, on occasions, commented on the size of the said student’s breasts and on her clothing, such as her shirt was tight and she had “big boobs” or “big breasts” or “a big chest” to the humiliation of the said student and making her feel uncomfortable.
10. In or about January or February 1997, Glenn John Byford attempted to kiss [REDACTED], another female student at La Salle Secondary School, when she had given the member a ride to his vehicle following the birthday party of the school band’s drummer’s father and suggested to her that he wished that he was not married and that the relationship between himself and [REDACTED] was more than a normal student/teacher relationship.

11. On or about September 4, 1998, as a result of the complaints received and pending an investigation, the Board of Education suspended Glenn John Byford and on December 2, 1998, the said Board of Education terminated Glenn John Byford's employment with immediate effect for breach of statutory duty.
12. The aforesaid activities and the publicity resulting from media coverage and communication within the general public has resulted in a reputation, image and lifestyle inconsistent with that expected of a member and that which would enable Glenn John Byford to discharge the duty of a teacher to the public, the students and to his employer.

Counsel presented evidence that Glenn John Byford is a member of the Ontario College of Teachers, (Exhibit #1). At all material times, Glenn John Byford was employed by Rainbow District School Board and its predecessor, the Sudbury Board of Education, as a secondary school teacher.

An Agreed Statement of Facts and a Guilty Plea was filed as Exhibit #2. That statement had been signed by Glenn John Byford.

FINDINGS OF FACT:

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

- (1) Glenn John Byford is a member of the Ontario College of Teachers

- (2) Between September 1992 and December 1999, Glenn John Byford was employed by the Rainbow District School Board and its predecessor, the Sudbury Board of Education as a music teacher at La Salle Secondary School.
- (3) On or between September 1, 1992 and May 31, 1995, Glenn John Byford engaged in sexual activity with [REDACTED], a female student at La Salle Secondary School, Sudbury, commencing when she was 16 years old in grade 10 and continuing until the end of [REDACTED]' grade 12 school year. During this period of time, [REDACTED] was taught music by Glenn John Byford.
- (4) The sexual activity between Glenn John Byford and [REDACTED] over the said period including kissing, fondling, mutual masturbation, mutual oral sex and sexual intercourse which occurred at various locations on school premises including Glenn John Byford's office, the school stage, staff areas and in another music teacher's room. The said sexual activity also took place at various locations outside of school premises and while on school trips to Montreal, Toronto and Calgary.
- (5) In addition to the said sexual activity, over the said period, Glenn John Byford called the student [REDACTED] on the telephone on occasions to tell her he was masturbating himself.
- (6) On or about September 4, 1998, as a result of complaints received and pending an investigation, the Board of Education suspended Glenn John Byford and the said Board of Education terminated his employment on December 2, 1998, with immediate effect for breach of statutory duty.
- (7) The aforesaid activities and the publicity resulting from media coverage and communication within the general public has resulted in a reputation, image

- and lifestyle inconsistent with that expected of a member and that which would enable Glenn John Byford to discharge the duty of a teacher to the public, the students and to his employer.
- (8) On or about April 17, 2000, Glenn John Byford pleaded guilty to a charge of sexual exploitation of a minor and was sentenced to 18 months imprisonment and was ordered to serve a period of 18 months probation following his release from prison, one of the terms of which is that he is not to teach anyone under the age of 18 years.
- (9) By this document, Glenn John Byford, accepts that the matters referred to in the preceding paragraphs constitute professional misconduct and pleads guilty to the allegations of professional misconduct with respect to [REDACTED] set out in the Notice of Hearing attached hereto as Schedule "A" being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), (7), (14), (15), (16), (18) and (19).
- (10) The Committee heard evidence from [REDACTED], a former student, who described several incidents where Glenn John Byford spoke to her by telephone or in person in an inappropriate manner. The content of those conversations were of a personal and sexual nature.

No evidence was presented to support allegations regarding involvement of students [REDACTED] and [REDACTED].

REASONS:

Glenn John Byford admitted to the inappropriate relationship and sexual exploitation of [REDACTED].

Having heard from [REDACTED], the Committee found [REDACTED] to be a credible witness and further, the Committee accepts that Glenn John Byford's behaviour toward [REDACTED] was inappropriate.

Glenn John Byford admitted his sexual exploitation of [REDACTED] and both the Ontario College of Teachers and Glenn John Byford requested that his Certificate of Qualification and Registration be revoked.

The Committee concurred with the decision of Poupore, J. in the Musico decision in December, 1996 "It must be known that our society holds teachers and the role they play in the life of our young people second only to that of parents. In order for our society to go forward, this trust must continue and when it is breached it must be dealt with harshly so that those who aspire to the teaching profession, as well as those who already hold such positions will know that this type of conduct will in no way be tolerated."

DECISIONS AND ORDERS:

Accordingly, the Committee finds Glenn John Byford guilty of professional misconduct under subsections 1(5), (7), (14), (15), (16), (18) and (19) of the Professional Misconduct

Regulation, as alleged, and directs the Registrar to revoke Glenn John Byford's Certificate of Qualification and Registration immediately.

Pursuant to section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers. The Committee also orders that, in any publication, whether that of the College or in any media, that the names of the students not be published and that they may only be identified by two initials.

**DATED AT TORONTO, THIS 26th DAY OF JULY, 2000
BY ORDER OF THE DISCIPLINE COMMITTEE**

Larry Capstick, **Chair**

Donna Marie Kennedy

Solette N. Gelberg