

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 CRM

The Discipline Committee held a hearing on September 28 1999,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

CRM

PRESENT:

Members of the Panel

Kathleen McFadyen (Chair)

Jean Hanson

Larry Capstick

The Honourable Lloyd Houlden, Independent Counsel to the Panel

Caroline Zayid and Trevor Evans, McCarthy Tétrault, Counsel for the Prosecution

Wendi Maroon, Defense Counsel and CRM, the member, were present via teleconference.

A Notice of Hearing, dated June 30, 1999 was served on CRM, requesting attendance before the Discipline Committee of the Ontario College of Teachers to set a date, and specifying the charges. A date for hearing was set for September 27, 1999. It is alleged that CRM 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 a student sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- c) he failed to comply with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, section 264(1)(c) and the Regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(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); and
- e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

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

On September 28, 1999, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether CRM was guilty of professional misconduct.

CRM and Defense Counsel were in attendance at the hearing via teleconference. Proof of service of the Notice of Hearing was presented and accepted by the panel (Exhibit 1).

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit 1, alleging that CRM 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), (15), (18) and (19).

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

1. CRM is a member of the Ontario College of Teachers.
2. At all material times, the member was employed as a teacher at the [REDACTED].
3. At all material times, [REDACTED] was a student at [REDACTED] Secondary School in [REDACTED], Ontario.
4. In or about December 1997, a parent of the student at [REDACTED] complained to the principal about electronic mail exchanges between the Member and his [REDACTED] year old daughter of a personal and inappropriate nature, with the member addressing the student as "hi, babe." At a meeting attended by the member, the principal and the parent, the matter was addressed, the member apologized and the electronic mail exchanges ceased.
5. In or about February, 1998, the member commenced electronic mail exchange on the internet with [REDACTED], a [REDACTED] year-old female student at [REDACTED] Secondary School,

- adopting the alias or pseudonym "Christian Mackenzie", informing the student that he was a 22-year-old teacher at a high school in the Windsor area.
6. Through February and March, 1998, the Member exchanged inappropriate electronic mail with [REDACTED] of a personal nature during which the member advised [REDACTED] that he wanted to be with her, that he no longer wanted to be with his wife because she did not like having sex with him, that his wife did not like sex very much and that he wanted to take the student to bed and make love to her.
 7. In February or March 1998, the member stalked [REDACTED] by attending at the [REDACTED], there watching her while she [REDACTED] and followed [REDACTED] to school, so that he was able to describe to her the clothing that she was wearing and the route that she had taken.
 8. In addition to the electronic mail changes, the member telephoned [REDACTED] at her home in February and March 1998 to pursue his attempted seduction of her.
 9. On or between February and March or early April 1998, the member lured from [REDACTED] personal information regarding herself and her family.
 10. By his statements to [REDACTED] detailed above and his indications to her that the member wanted to make love to her and/or have sex with her, the member attempted to seduce [REDACTED].
 11. By electronic mail exchanges and telephone calls between February and early April 1998, in which the member directed [REDACTED] to meet with him at certain times and at certain locations and to correspond with him electronically at certain times on certain days, the member attempted to control and manipulate [REDACTED], telling her when he would be "online" and directing her to e-mail him and to be online at certain days or times.

12. When interviewed by the police in connection with the matters referred to above, in late March or early April 1998, the member at first denied being the correspondent but then admitted it, admitted that the e-mail that he sent was inappropriate and claimed that he was “playing out a fantasy on the net.”
13. In early April 1998, the member was cautioned by the [REDACTED] Police Department in respect of his activities concerning [REDACTED] and warned to have no further contact with her.
14. On April 21, 1998, the member was given the opportunity to resign his position as a teacher at [REDACTED] effective April 22, 1998, rather than have that position terminated by the Board of Directors of [REDACTED].
15. On April 21, 1998 the member resigned his position as a teacher at [REDACTED] effective at noon on April 22, 1998.
16. On December 21, 1998, in response to the receipt by him of notification of the complaint by [REDACTED], the mother of [REDACTED], the member wrote that he had requested the principal of [REDACTED] to release him from his contractual obligations and allow him to resign his position as teacher at the school, “because of mine and the school’s growing concern about my addiction to the internet” whereas, as stated above, the member was given the option to resign in order to avoid termination for cause.
17. In that same response, the member fails to address at all the complaints in respect of his correspondence with and behaviour affecting [REDACTED].

An Agreed Statement of Facts was filed as Exhibit 2. That statement was signed by CRM and witnessed by Wendi Maroon, Defense Counsel and Caroline Zayid, College

Counsel. Counsel for the College and Defense Counsel presented a Joint Submission (Exhibit 3).

FINDINGS OF FACT:

The panel accepts the Agreed Statement of Facts (Exhibit 2) which is attached to this document.

REASONS:

The Committee accepts the Joint Submission (Exhibit 3) signed by the member's Counsel and Counsel for the Ontario College of Teachers.

DECISIONS AND ORDERS:

Accordingly, the Committee finds CRM guilty of professional misconduct under section 1, subsections (5), (7), (15), (18) and (19) of the Professional Misconduct Regulation, as alleged.

The Committee read the following into the record:

"The Discipline Committee accepts the Joint Submission, and therefore:

1. Finds that CRM is guilty of professional misconduct.
2. Directs that the Registrar revoke CRM's Certificate of Qualification and Registration immediately.
3. That the finding and order be published without identification of CRM including the name of the school, the religious affiliation of the school or any geographical location involved.

4. That the member may not apply for reinstatement under section 33 of the Act during the period from the date of this order until the latter of
- a) two years from the date of this order, or
 - b) 30 days after receipt of written confirmation by the Registrar that CRM has satisfactorily completed a course of program dealing with boundary violations which had been approved in advance by the Registrar.

Counsel for the College is not asking for costs.

In addition to the e-mail communication with the student, the Committee expresses its concern about CRM's inappropriate behaviour of following the student and referencing personal observations."

**DATED AT TORONTO, THIS 28th DAY OF September, 1999
BY ORDER OF THE DISCIPLINE COMMITTEE**

Kathleen McFadyen, (Chair)

Jean Hanson

Larry Capstick