

**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 William Patrick Duncan Channon, OCT, Member of the Ontario College of Teachers.

PANEL: Mel Greif, Chair
Alexander Bass, OCT
Darlene Mead, OCT

BETWEEN:)	
)	
)	
ONTARIO COLLEGE OF TEACHERS	)	Dianne Paquette,
	)	Dispute Resolution Officer,
	)	Ontario College of Teachers
)	
- and -)	
)	
WILLIAM PATRICK DUNCAN	)	Heather Alden,
CHANNON)	)	Ontario Secondary School Teachers’
(CERTIFICATE #428297)	)	Federation,
	)	for William Patrick Duncan Channon
)	
)	
	)	Bonni Ellis,
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel
)	
	)	Heard: June 16, 2010
)	

REASONS FOR DECISION, DECISION AND ORDER

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on June 16, 2010 at the Ontario College of Teachers (the “College”) at Toronto.

William Patrick Duncan Channon (the “Member”) was in attendance at the hearing.

A *Notice of Hearing* dated June 4, 2010 was served on the Member, requesting attendance before the Discipline Committee of the Ontario College of Teachers on June 16, 2010 for the hearing of this matter.

THE ALLEGATIONS

The allegations in the *Notice of Hearing* (Exhibit 1), dated June 4, 2010 are as follows:

IT WAS ALLEGED that William Patrick Duncan Channon is guilty of professional misconduct as defined in subsection 30(2) 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 committed an act 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
- (c) he engaged in a conduct unbecoming of a member, contrary to Ontario Regulation 437/97, subsection 1(19).

MEMORANDUM OF AGREEMENT

The Dispute Resolution Officer for the College advised the Committee that subject to ratification by the Committee, agreement had been reached on the facts and introduced a *Memorandum of Agreement* (“MOA”), (Exhibit 2) which provides as follows:

AGREED STATEMENT OF FACTS

1. William Patrick Duncan Channon is a member of the Ontario College of Teachers; as it further appears from a copy of the Certificate of Qualification and Registration, attached as **Exhibit 3**.
2. At all material times, the Member was a teacher at West Ferris Secondary School (the "School") with the Near North District School Board (the "Board").
3. According to T.W. Shultz, the Board's Superintendent of Business, the Member has not had any previous employment issues and has always received satisfactory/good performance appraisals; as it further appears in the Ontario Court Pre-Sentence Report dated October 7, 2008, attached as **Exhibit 4**.
4. In October 2007, a Honda generator belonging to the School as part of the School's emergency plan was taken. The generator had the initials WFSS etched into the engine block; as it further appears in pictures of the generator, attached as **Exhibit 5**, as well as a copy of the Ownership Registration, document marked as **Exhibit 6**.
5. The generator was taken from the School by Mr. Moffat, a teacher at the School, and stored in his home for an extended period of time; as it appears from a letter of discipline from the Board to Mr. Moffat dated January 11, 2008, attached as **Exhibit 7**.
6. According to the Member, Mr. Moffat bragged that he had taken a generator from the School without the Principal's permission and it had been a "good score".
7. The Member states that he was not aware that the generator was part of the School emergency plan.
8. On or about October 31, 2007, the Member broke the side window of Mr. Moffat's garage with a rock and entered the premises without permission. The Member then proceeded to place this generator in his car; as it further appears from the Police Occurrence Report dated December 4, 2007, attached as **Exhibit 8**.
9. The Member advertised out of town a generator for sale prior to its removal from Mr. Moffat's garage in three separate online news environments and indicated to Mr. John Meadows, an interested buyer, that the Honda generator was his own; as it further appears in a Report from the Director of Education to School Board Trustees, dated February 19, 2008, attached as **Exhibit 9**.
10. The Member disclosed to the purchaser that he was a teacher at West Ferris Secondary School; as it further appears from the Director of Education's Report attached hereto as **Exhibit 9**.

11. On November 2nd, 2007, The Member personally delivered the item to Mr. Meadows, who paid \$950.00 in cash to the Member; as it further appears from the Director of Education's Report attached hereto as **Exhibit 9**.
12. The College produces herewith as **Exhibit 10**, the exchange of e-mails between the Member and the purchaser, Mr Meadows.
13. The Member reported being sick and took a sick day from the School to complete this transaction; as it further appears from the Police Occurrence Report attached hereto as **Exhibit 8**, as well as the Director of Education's Report attached hereto as **Exhibit 9**.
14. The purchaser, realizing there were markings on the motor of the generator which identified the School, contacted the Principal to enquire whether this sale was legitimate; as it further appears from the Director of Education's Report attached hereto as **Exhibit 9**.
15. The College produces herewith as **Exhibit 11**, e-mail exchange between Mr Collins, the Principal of the School and the purchaser, Mr. Meadows.
16. The North Bay Police Service conducted a criminal investigation with respect to the stolen Honda generator belonging to the School; as it further appears from the Police Occurrence Report attached hereto as **Exhibit 8**.
17. The Member wishes to convey to the Discipline Committee that on the way home from selling the generator, the Member was overcome with disgust and guilt for his actions and threw the money in a garbage can, as stated to police on December 6, 2007; as it further appears from the Police Occurrence Report attached hereto as **Exhibit 8**.
18. According to the Member, at the time of the event, he was under intense emotional stress due to financial pressures caused by an ongoing custody dispute involving his wife and her former partner as well as serious family indebtedness. The family was contemplating declaring bankruptcy. He further states that he was under intense emotional stress due to marital problems and sleep deprivation caused by his young daughter not sleeping through the night.
19. In or about January 2008, the Member voluntarily began attending counselling sessions for approximately 5-6 months through the School Board's Employee Assistance Program (Warren Shappell); as it further appears from documents provided by the Member under seal (*Document to be provided by Member's Counsel*).
20. The Member wishes to convey to the Discipline Committee that the counselling helped him recognize the full impact of his actions and to properly deal with the

stressors that had triggered his destructive career/personal path to avoid similar behaviour in the future.

21. In the Spring of 2008, the Member made full financial restitution; as it further appears in a letter from Member's Counsel to the College Investigator dated October 23, 2008, **attached as Exhibit 12.**
22. On October 7th 2008, the Member was convicted of breaking and entering and was given a suspended sentence, placed on probation for six months and ordered to perform 50 hours of community service work; as it further appears from the Ontario Court of Justice Probation Order, attached as **Exhibit 13.**
23. The Member successfully completed his community service work; as it further appears from the Exhibit attached hereto as **Exhibit 14. (*Exhibit to be provided by Member's Counsel*)**
24. By letter, the Board terminated the Member's employment on February 19th 2008; a copy of which is attached and marked as **Exhibit 15.**
25. The Member wishes to convey to the Discipline Committee that he felt great shame in subsequently having to declare bankruptcy; as it further appears from (*Exhibit to be provided by Member's Counsel*), attached as **Exhibit 16.**
26. The Member indicates that since these events, he has been unemployed and had to move with his young family to live with his parents pending the opportunity to place his life back on track.
27. The Member admits and recognizes that notwithstanding the fact that his actions were provoked by extreme financial duress, his behaviour was foolish and wrong.
28. The Member has made no attempt to evade responsibility for his actions and has fully collaborated with the Board and the Police investigations.

PLEA

29. For the purpose of this proceeding only, the Member admits that he acted inappropriately when he:
 - a) Broke into and entered into a colleague's home and wilfully removed a generator knowing it was the property of the School;
 - b) Advertised this same generator for sale without having any legal right to do so;
 - c) Deceitfully claimed that this generator was his rightful property; and

- d) Effectively sold the item.
30. The Member recognizes and acknowledges that his conduct as stated in Section 29 above constitutes professional misconduct, to which he unequivocally pleads no contest.
31. More particularly, the Member recognizes and acknowledges that his conduct constitute breaches of Ontario Regulation 437/97:
- a) Subsection 1 (5): Failing to maintain the standards of the profession.
 - b) Subsection 1 (18): An act or omission that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.
 - c) Subsection 1 (19): Conduct unbecoming a member.
32. By this document the Member states that:
- (a) He understands fully the nature of the allegations against him;
 - (b) 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;
 - (c) He voluntarily decided to plead no contest; and,
 - (d) He understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and with the advice of legal counsel.
33. The Member provides this plea 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 College of Teachers Act 1996, chapter 12, and for no other purpose.
34. In light of the uncontested facts and the Member's plea of no contest, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

JOINT SUBMISSION

35. In light of the uncontested facts and the plea of no contest to the allegation above, and upon the Discipline Committee making the finding of professional misconduct requested by the parties, 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:

- (a) Require the Member to appear before the Committee to be reprimanded, with the fact of the reprimand to be recorded on the Register at a date set by the parties no later than December 15, 2010.
- (b) Direct the Registrar of the Ontario College of Teachers to suspend the Certificate of Qualification and Registration of the Member for the period of 8 months of the date of the written Discipline Committee Decision and the fact of the suspension be recorded on the public register of the College; and,
- (c) Directs that there be publication of the findings and Order of the Committee in Summary form, without the Member's name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

DECISION

Having examined the Exhibits filed, and based on the *Memorandum of Agreement*, the plea of no contest, and the submissions made by the College's Dispute Resolution Officer and by the Member's Counsel, the Committee ratifies the *Memorandum of Agreement*. The Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that William Patrick Duncan Channon committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(18) and 1(19).

REASONS FOR DECISION

The Committee accepts the Member's plea of no contest and the agreed facts contained in the *Memorandum of Agreement*. (Exhibit 2)

The Member misappropriated school equipment and this was compounded by the degree of premeditation that preceded the act of theft. The equipment that was stolen was

essential to school safety in that it was an emergency plan generator. The Member broke into a colleague's residence and took possession of the generator without permission. The Member sold the generator to an unsuspecting buyer for the sum of \$950.00.

The Member was convicted of breaking and entering and was given a suspended sentence, placed on probation for six months and ordered to perform 50 hours of community service work.

The above actions amount to professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(18) and 1(19).

PENALTY DECISION

The Committee accepts the Joint Submission on Resolution and makes the following order:

1. The Member is required to appear before the Committee to be reprimanded following the hearing, with the fact of the reprimand to be recorded on the Register.
2. The Registrar is directed to suspend the certificate of qualification and registration of the Member for a period of 8 months from June 16, 2010, and the fact of the suspension is to be recorded on the public register of the College; and,
3. The findings and order of the Committee shall be published in summary, without the name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession.*

REASONS FOR PENALTY DECISION

At the time of the Member's actions, he was under intense emotional stress both in his personal life and financially. The Member did make restitution, took counselling sessions and paid for repairs to the private residence where the generator was stored. The Committee considered the above in accepting the proposed penalty.

A reprimand is appropriate in this instance as the Member's conduct required a direct admonition. It was important that the Member come to the full realization of the extent of his behaviour and its meaning to the profession as a whole, and for that matter, its consequences in the maintenance of the public trust. The reprimand, by peers, also serves as a specific deterrence to the Member. The fact of the reprimand will be recorded on the Public Register and as such will provide general deterrence to the profession.

A suspension of the Member's certificate for 8 months is appropriate in this case in light of the serious nature of the misconduct and the fact that the Member knowingly contravened the law. In spite of the fact that there were mitigating factors, the premeditated nature of the Member's actions necessitated a serious penalty. A suspension of 8 months serves notice to the profession and to the public that criminal activity will not be tolerated.

The Committee accepted the joint submission on resolution which included publishing the findings in the official publication of the College, *Professionally Speaking/Pour parler profession* without the name of the Member. In reaching this conclusion the Committee was guided by case law where this penalty was imposed for cases with similar conditions and mitigating factors. The publication decision responds to the need for transparency and accountability and will serve the public interest as well as inform the

profession. Publication of the findings and order, without the name of the Member, provides a general deterrent to the profession from engaging in similar behaviour.

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

Date: June 16, 2010

Mel Greif
Chair, Discipline Panel

Alexander Bass, OCT
Member, Discipline Panel

Darlene Mead, OCT
Member, Discipline Panel