

**ONTARIO COLLEGE OF TEACHERS**

**DISCIPLINE COMMITTEE**

**REASONS FOR DECISIONS AND ORDERS**

*IN THE MATTER OF THE ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:*

**AND IN THE MATTER OF** discipline proceedings against Terry Shih Chuan Chew.

The Discipline Committee held a hearing on May 28, 2001,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**TERRY SHIH CHUAN CHEW  
CERTIFICATE #255152**

**PRESENT:**

Members of the Panel

Marilyn Laframboise (Chair)

Dick Malowney

Solette N. Gelberg

The Honourable Lloyd Houlden, Independent Counsel to the Panel

Jane Langford, McCarthy Tétrault, Counsel for the Ontario College of Teachers, assisted by Trevor Evans, Senior Law Clerk

The member was not present nor was he represented.

This decision is subject to a publication ban. On May 28, 2001, the Discipline Committee made an order directing that there may be no publication of any information which may disclose the identity of the student involved in this matter.

At the commencement of the hearing, there was a motion requesting that the hearing be held in-camera and that the motion regarding that request be held in-camera. The Committee agreed to hear the submissions for an in-camera hearing, in-camera, and did so. Having heard all the arguments regarding an in-camera hearing, it was the Committee's decision that the protection of the public interest outweighed the member's reasons for requesting an in-camera hearing.

A Notice of Hearing dated February 23, 2001 was served on Terry Shih Chuan Chew, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on March 26, 2001 to set a date for a hearing, and specifying the charges. The hearing date was set for May 28, 2001.

It is alleged that Terry Shih Chuan Chew 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 physically, 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 and particularly section 264(1)(c) thereof or the Regulations made thereunder, contrary to Ontario Regulation 437/97, subsection 1(15);

- (d) he performed an act or 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);
- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) he displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of students of a nature of extent that demonstrates that the member is either unfit to carry out his professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

The Notice of Hearing states that Terry Shih Chuan Chew is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On May 28, 2001, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Terry Shih Chuan Chew was guilty of professional misconduct.

The member was not in attendance at the hearing, nor was he represented by counsel. The panel was satisfied that Terry Chew had been properly advised about the hearing because of his counsel's earlier motion to hold the session in-camera.

## EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that Terry Shih Chuan Chew 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, subsections 1 (5), (7), (15), (18) and (19). It was also alleged that he displayed a lack of knowledge, skill or judgement 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 made subject to terms, conditions or limitations.

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

1. Terry Shih Chuan Chew is a member of the Ontario College of Teachers.
2. At all material times, the member was employed as a teacher at Gordon Graydon Memorial Secondary School in the City of Mississauga, by the Peel District School Board.
3. At all material times, [REDACTED], whose date of birth is [REDACTED], was a 14-year-old student at Gordon Graydon Memorial Secondary School.
4. During the first semester of the 1998-1999 school year, [REDACTED] was a [REDACTED] student in the member's [REDACTED] class. After the course ended, the member wrote a note to [REDACTED] inviting her to keep in touch with him. The note included the following: "if you need to chat about a concern or, you just want to shoot the breeze, I am all ears

- for you anytime". The note was signed, "Luv ya, Chew." [REDACTED] periodically came to the member's office to speak to him.
5. On or about March 26, 1999, [REDACTED] went to Mr. Chew's office and while conversing with him, she was looking at his bulletin board. He came up behind her and started massaging her shoulders. She did not say anything and he moved his right hand and touched one of her breasts over her clothing. He then asked her if that bothered her and she replied that it did and she left the office.
  6. On or about April 12, 1999, the member was charged with sexual assault contrary to section 271 of the *Criminal Code of Canada* and sexual exploitation contrary to section 153 of the *Criminal Code of Canada*, by the Peel Regional Police.
  7. On January 18, 2000 the member pleaded guilty to the charge of sexual assault, and was found guilty of that charge. On February 18, 2000, he was sentenced to a conditional sentence of six months to be served in the community, followed by eighteen months probation.
  8. By letter dated December 15, 1999, the member wrote to the Peel District School Board advising that he would be resigning from his position as a full time teacher effective January 14, 2000.
  9. On January 14, 2000, the Peel District School Board accepted the resignation of the member.

Counsel presented evidence that Terry Shih Chuan Chew is a member of the Ontario College of Teachers (Exhibit #2). At all material times, Terry Shih Chuan Chew was employed by Peel District School Board as a teacher.

An Agreed Statement of Facts was filed as Exhibit #2. That statement was dated May 25, 2001 and had been signed by L. Thomas Forbes, McCarthy Tétrault, on behalf of the Ontario College of Teachers and by Ian Fellows, Green and Chercover, on behalf of the member.

### **FINDINGS OF FACT:**

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

- (1) Terry Shih Chuan Chew is a member of the Ontario College of Teachers.
- (2) The member received his Ontario Teaching Certificate in 1989 and has been a teacher with the Peel District School Board since 1989. At all material times, the member was employed as a teacher at Gordon Graydon Memorial Secondary School in the City of Mississauga.
- (3) At all material times, [REDACTED] whose date of birth is [REDACTED], was a 14-year-old student at Gordon Graydon Memorial Secondary School.
- (4) During the first semester of the 1998-1999 school, [REDACTED] was a [REDACTED] student in the member's [REDACTED] class. After the course ended, the member wrote a note to [REDACTED] inviting her to keep in touch with him. The note included the following: "if you need to chat about a concern or, you just want to shoot the breeze, I am all ears for you anytime". The note was signed, "Luv ya, Chew." [REDACTED] periodically went to the member's office to speak to him during the next semester.
- (5) On or about March 26, 1999, Mr. Chew invited [REDACTED] into his office during the first period, which had commenced at 8:20 a.m. Mr. Chew had seen [REDACTED] in the hallway after she had been excused from her first period gym class. [REDACTED] went

into Mr. Chew's office and while conversing with him, she was looking at his bulletin board. Mr. Chew approached [REDACTED] from behind and started to massage her back. He then moved his right hand to reach forward and grab [REDACTED]'s right breast over her clothing. He then asked her, "Do you mind if I do this?" [REDACTED] was surprised at Mr. Chew's actions and she immediately left the office.

- (6) On or about April 12, 1999, the member was charged with sexual assault contrary to section 271 of the *Criminal Code of Canada* and sexual exploitation contrary to section 153 of the *Criminal Code of Canada*, by the Peel Regional Police. Attached to the Agreed Statement of Facts as Exhibit "A" is a certified copy of the Information number 4408, which was laid in respect of the charges.
- (7) On January 18, 2000, the member pleaded guilty to the charge of sexual assault, and was found guilty of that charge. On February 18, 2000, he was sentenced to a conditional sentence of six months to be served in the community, followed by eighteen months probation. Attached to the Agreed Statement of Facts as Exhibits "B" and "C" respectively are copies of the transcripts of Guilty Plea Proceedings before Mr. Justice I.B. Cowan on January 18, 2000, and Reasons for Sentence, also before Mr. Justice Cowan on February 18, 2000.
- (8) By letter dated December 15, 1999, the member wrote to the Peel District School Board advising that he would be resigning from his position as a full time teacher effective January 14, 2000. On January 14, 2000, the Peel District School Board accepted the resignation of the member.
- (9) By the Agreed Statement of Facts, the member, Terry Shih Chuan Chew, accepts that the matters referred to in paragraphs 5 and 7 above, constitute professional misconduct and pleads guilty to the allegations of professional misconduct set

out in the Notice of Hearing attached to the Agreed Statement of Facts as Exhibit "D", being more particularly breaches of Ontario Regulation 437/97, subsections 1 (5), (7), (15), (18) and (19).

- (10) Apart from the matters referred to in this Agreed Statement of Facts, the member has never been disciplined by the Board, nor has he had any other allegation of misconduct made against him in the past.
- (11) In or about April of 1999, the member went under the care of a psychiatrist, whose assistance he sought to understand his actions and to help him deal with the current situation. The member has continued to see the psychiatrist through the intervening period and is continuing to receive treatment from the psychiatrist.
- (12) The member, who is now 39 years of age, has been married since 1994. He has two children, aged one and five. The member continues to reside with his family and to support them as best as he is able. After resigning from his employment as a teacher, he commenced employment in a retail establishment and presently earns \$12.44 per hour.
- (13) The member's father is deceased. His mother, who is 80 years of age, is in ill health and is unaware of the allegations against the member. The member is concerned that any further publicity in the matter will have an adverse impact on his family.

Exhibit 'A' attached to the Agreed Statement of Facts (Exhibit #2) showed that Terry Shih Chuan Chew was found guilty of committing a sexual assault on [REDACTED], contrary to

section 271, under the *Criminal Code of Canada* and was sentenced to six months conditional sentence and eighteen months probation.

In correspondence with the College, the member, in a letter dated May 21, 2001 , indicated his greatest regret and remorse and that he clearly went beyond the boundaries of a teacher, betraying the trust he once had from this student. He also apologized to the teaching profession and since May of 1999, has been in counselling. The member requested that the College revoke his teaching certificate and that there be a publication ban on his name.

#### **DECISION AND ORDERS:**

Having examined the exhibits filed and having considered the Agreed Statement of Facts, the Committee finds Terry Shih Chuan Chew guilty of professional misconduct under subsections 1 (5), (7), (15), (18), (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke Terry Shih Chuan Chew's Certificate of Qualification and Registration immediately.

The College requested that no costs be assessed, but made that decision prior to receiving the member's motion requesting an in-camera hearing. It is the opinion of the Committee that, given all of the facts of this matter, the member's motion requesting an in-camera hearing was inappropriate, and bordered on being frivolous. In the normal course of events, the Committee would award costs for that part of the hearing dealing with the motion to hear the matter in-camera. Therefore, in this case, if requested by the

College, costs related directly to the motion requesting an in-camera session are awarded.

In his letter to the College dated May 21, 2001, the member requested a publication ban. This request is denied. 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, the name of the student not be published and that she may only be identified by her initials, [■]

**DATED AT TORONTO, THIS 7th DAY OF JUNE, 2001  
BY ORDER OF THE DISCIPLINE COMMITTEE**

---

Marilyn Laframboise, **Chair**

---

Dick Malowney

---

Solette N. Gelberg