

**DISCIPLINE COMMITTEE  
OF THE ONTARIO COLLEGE OF TEACHERS**

**IN THE MATTER OF** *the Ontario College of Teachers Act, 1996*, S.O. 1996,  
c. 12 and the Regulation (Ontario Regulation 437/97) thereunder;

**AND IN THE MATTER OF** discipline proceedings against  
Richard David Corry, a member of the Ontario College of Teachers.

PANEL:        John Tucker (Chair)  
                  Rosemary Fontaine  
                  Jacques Tremblay

BETWEEN:	)	
	)	
	)	Awanish Sinha,
	)	McCarthy Tétrault LLP,
ONTARIO COLLEGE OF TEACHERS	)	for Ontario College of Teachers,
	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -	)	
	)	Richard David Corry
	)	appeared on his own behalf,
RICHARD DAVID CORRY	)	via teleconference
(CERTIFICATE #146058)	)	
	)	
	)	Luisa Ritacca,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: April 2, 2008

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on April 2, 2008 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated May 17, 2007 (Exhibit 1) was served on Richard David Corry (the “Member”), providing him with notice that the Discipline Committee of the Ontario College of Teachers would meet on June 5, 2007 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for April 2, 2008.

The Member attended the hearing via teleconference.

## **THE ALLEGATIONS**

The allegations against Richard David Corry in the *Notice of Hearing, (Exhibit 1)* dated May 17, 2007, are as follows:

**IT IS ALLEGED** that Richard David Corry is guilty of professional misconduct as defined in section 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 failed to comply with the *Act* and 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);
- (c) he contravened a law, the contravention of which is relevant to the Member’s suitability to hold a Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (d) he contravened a law, the contravention of which has caused students under the Member’s professional supervision to be put at or to remain at risk, contrary to Ontario Regulation 437/97, subsection 1(17);
- (e) 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

- (f) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19).

**PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:**

1. Richard David Corry (the “Member”) is a member of the Ontario College of Teachers.
2. At all material times, the Member was employed by the [REDACTED] Board as a teacher at an elementary school.
3. Victim No. 1, and Victim No. 2, were female persons known to the Member at all material times.
4. On or about 2 July 2006 at the [REDACTED], the Member committed an assault on Victim No. 1 and in so doing, used a weapon, namely a .303 rifle, contrary to the *Criminal Code* (Canada).
5. On or about 2 July 2006 at the [REDACTED], the Member committed an assault on Victim No. 2 and in so doing, used a weapon, namely a .303 rifle, contrary to the *Criminal Code* (Canada).
6. On or about 2 July 2006, at the [REDACTED], the Member stored a .303 rifle in a careless manner and on the same day, carried the said .303 rifle for a purpose dangerous to the public peace.
7. On or about 4 July 2006, the following charges were laid against the Member by the [REDACTED] Police Service:
  - (a) that he on or about 2 July 2006 at the [REDACTED], did commit an assault on Victim No. 1 contrary to Section 266 of the *Criminal Code* (Canada);
  - (b) that he on or about 2 July 2006 at the [REDACTED], did commit an assault on Victim No. 2, contrary to Section 266 of the *Criminal Code* (Canada);

- (c) that he on or about 2 July 2006 at the [■], the Member, in committing an assault on Victim No. 1, used a weapon, namely a .303 rifle, contrary to Section 267(a) of the *Criminal Code* (Canada);
- (d) on or about 2 July 2006 at the [■], the Member, in committing an assault on Victim No. 2, used a weapon, namely a .303 rifle, contrary to Section 267(a) of the *Criminal Code*(Canada);
- (e) on or about 2 July 2006 at the [■], the Member, without lawful excuse, stored a firearm, namely a .303 rifle, in a careless manner, contrary to Section 86(3) of the *Criminal Code* (Canada); and
- (f) on or about 2 July 2006 at the [■], the Member did carry a weapon, namely a .303 rifle, for a purpose dangerous to the public peace, contrary to Section 88(2) of the *Criminal Code*) Canada.

8. The charges referred to in paragraph 7 are presently before the Court.

### **MEMBER'S PLEA**

The Member pleaded not guilty to the allegations in the *Notice of Hearing*.

### **THE EVIDENCE**

Counsel for the College entered into evidence the following additional documents:

*Registered Member Information* (Exhibit 2)

Richard D. Corry is a member of the Ontario College of Teachers as shown on the *Registered Member Information*.

*Brief of Court Documents – Her Majesty the Queen v. David Richard Corry* (Exhibit 3 )

A *Brief of Court Documents* with respect to the criminal proceedings against the Member was submitted into evidence. This *Brief* consisted of:

A. Certified copy of Information dated July 4, 2006

- B. Transcript of Proceedings re R v. Corry before the Honourable Madam Justice Alder on September 17, 2007
- C. Transcript of Sentencing Hearing before the Honourable Madam Justice Alder on December 12, 2007
- D. Certified copy of Probation Order dated December 24, 2007
- E. Prohibition Order imposed at Sentencing, dated December 24, 2007
- F. Transcript of Reasons for Sentence delivered by the Honourable Madam Justice Alder on December 24, 2007

The Member entered into evidence three teacher performance reviews dated July 1999, May 2002, and June 2006. (Exhibit 4)

The Brief of Court Documents indicates that the Member pleaded guilty to and was convicted of the following:

- (a) that he on or about 2 July 2006 at the [REDACTED], did commit an assault on Victim No. 1 contrary to Section 266 of the *Criminal Code* (Canada);
- (b) that he on or about 2 July 2006 at the [REDACTED], did commit an assault on Victim No. 2, contrary to Section 266 of the *Criminal Code* (Canada);
- (c) on or about 2 July 2006 at the [REDACTED], the Member, without lawful excuse, stored a firearm, namely a .303 rifle, in a careless manner, contrary to Section 86(3) of the *Criminal Code* (Canada); and
- (d) on or about 2 July 2006 at the [REDACTED], the Member did carry a weapon, namely a .303 rifle, for a purpose dangerous to the public peace, contrary to Section 88(2) of the *Criminal Code* Canada.

The member received a conditional discharge and 18 months probation. During probation, the Member was directed to attend for any assessment, therapy, treatment or counselling with respect to alcohol abuse or any area deemed appropriate by the probation officer. The Member

was also directed to perform 200 hours of community service work. A prohibition order was also imposed on the Member from possessing any weapons, ammunition or explosives as defined in the Criminal Code for a period of time.

The Member was affirmed as a witness, testified on his own behalf and made submissions to the Committee. The Member asked the Committee to consider the positive teacher performance reviews (Exhibit 4). He stated that he was retired from teaching and had no plans to teach in the future. He testified that he had 30 years of exemplary behaviour compared to one evening of very serious behaviour. He indicated that he had an unblemished record during his lengthy career as a teacher, having taught over 900 students successfully, without any complaints.

## **DECISION**

### **(i) Onus and Standard of Proof**

The College bears the onus of proving the allegations in accordance with the standard of proof set out in *Re Bernstein and College of Physicians and Surgeons of Ontario* (1977) 15 O.R. (2d) 477. The standard of proof applied by the Committee, in accordance with the *Bernstein* decision, was a balance of probabilities with the qualification that the proof must be “clear and convincing” and based upon “cogent evidence” accepted by the Committee. The Committee also recognized that the more serious the allegation to be proved, the more cogent must be the evidence. The Committee considered the allegations in this case to be very serious and assessed the evidence on that basis.

**(ii) Decision**

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

In particular, the Committee finds that Richard David Corry committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(14) 1(15) 1(16) 1(17) 1(18) – disgraceful and dishonourable and 1(19), as set out in the *Notice of Hearing*.

**REASONS FOR DECISION**

Rules 13.05 and 13.06 of the *Rules of Procedure of the Discipline Committee of the Ontario College of Teachers* allow the Committee to accept as proof that an offence was committed by a person, where there is a finding of guilt and conviction in a Canadian court, provided that there is no evidence to the contrary and that no appeal has been granted.

On July 2, 2006 the Member committed a series of assaults, stored a firearm in a careless manner and carried a weapon for a purpose dangerous to the public peace. The member pleaded guilty and in December 2007 was found guilty on 4 criminal counts.

Therefore, the Committee determined that the Member was guilty of professional misconduct as defined in subsection 30(2) of the Act in that he contravened a law, the contravention of which is relevant to the Member's suitability to hold a Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1(16). While these actions did not occur in the school setting, the Committee determined that the behaviour of the Member if translated into

the classroom could result in actions which might cause students under the Member's professional supervision to be put at risk, contrary to Ontario Regulation 437/97, subsection 1(17).

By committing assaults and making death threats which involved the use of a firearm, the Member failed to comply with the *Act* and 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). The Member mixed prescription drugs with alcohol, subsequently lost his temper and committed violent acts. Although the acts occurred in the Member's home, they have resonance to the Member's professional judgment as someone who could be in a position of authority over students.

The physical assault on the [■] and [■], combined with the threats involving a firearm were regarded by the Committee as disgraceful and dishonourable, contrary to Ontario Regulation 437/97, subsections 1(18) and conduct unbecoming a member contrary to Ontario Regulation 437/97, subsection 1(19).

## **PENALTY DECISION**

Counsel for the College submitted that the appropriate penalty in the circumstances is revocation of the Member's certificate of qualification and registration. He initially requested publication of the findings of the Committee, with the name of the Member but without the names of the victims, the city in which the events occurred and the name of the Member's school board in *Professionally Speaking/Pour parler profession*. He then acknowledged the difficult task the Committee had balancing the need to inform the public and possible negative impact on the victims.

The Member made a submission with regards to publication only. He indicated that his spouse is also a member of the College and the publication of his name would have negative affect on her. He admitted that his actions had caused her a great deal of suffering. The Member submitted that she should be spared the embarrassment and the possible negative impact on her professional reputation that publication of his name would cause.

The Committee makes the following order as to penalty:

1. The Registrar is directed to revoke immediately the Certificate of Qualification and Registration of the Member, which Certificate the Member is to surrender immediately to the Registrar.
2. Pursuant to Section 30 (5) (3) of the Ontario College of Teachers Act, the findings and order of the Committee shall be published in summary, without the name of the Member, the name of the Board, the name of the town or any other identifying information in the official publication of the College, *Professionally Speaking/Pour parler profession.*

#### **REASONS FOR PENALTY DECISION**

The Committee finds that revocation of the Member's certificate of qualification and registration is appropriate as the crimes for which the Member was convicted are extremely serious. These crimes discredit him in the eyes of the public and the profession. These actions lead the Committee to conclude that the Member should no longer have the privilege to perform the duties of a teacher.

Revocation and publication of the findings is appropriate, and alerts the public that the Member's conduct is unacceptable in the eyes of the profession. These penalties serve as a general deterrent and send a clear message that these actions will be dealt with harshly.

The Committee must always consider the right of the public to be informed and the right of a victim to be spared further victimization. The Committee determined that publication of the Member's name or any identifying information would have an adverse affect on one of the victims, who is a member of the College. In this case, publication of the findings without the name of the Member's name balances the public interest and the right of the victim.

Date: April 3, 2008

---

John Tucker  
Chair, Discipline Panel

---

Rosemary Fontaine  
Member, Discipline Panel

---

Jacques Tremblay  
Member, Discipline Panel