

**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 Robert John Creedon, a member of the Ontario College of Teachers.

PANEL: Danny Anckle, Chair
 Rosemary Fontaine
 Brent Hamelin

BETWEEN:)	
	)	Heather Meredith,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
	)	Romuald F. Kwolek,
	)	Orazietti, Kwolek, Walz, Dunn,
ROBERT JOHN CREEDON	)	for Robert John Creedon
(CERTIFICATE #189546))	
)	
	)	Luisa Ritacca,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: May 11, 2007

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on May 11, 2007 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated May 25, 2006, was served on Robert John Creedon, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on June 14, 2006 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for May 11, 2007. Robert John Creedon was in attendance at the hearing.

THE ALLEGATIONS

The allegations against Robert John Creedon in the *Notice of Hearing*, (*Exhibit 1*) dated May 25, 2006, are as follows:

IT IS ALLEGED that Robert John Creedon is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) 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 abused a student or 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, or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (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);

- (e) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40 (1.1) of the *Act*.

At the hearing on May 11, 2007, College counsel sought to withdraw the following allegations of professional misconduct contained in the *Notice of Hearing*: breaches of Ontario Regulation 437/97, subsections 1(7), 1(15) and sections 1 and 40 (1.1) of the *Act*. The Committee agrees that these allegations shall be withdrawn.

AGREED STATEMENT OF FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced an *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty (ASF – Exhibit 2)*.

The Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty provides as follows:

1. Robert John Creedon (the “Member”) is a member of the Ontario College of Teachers. Attached hereto and marked as **Exhibit “A** “is a copy of the Ontario College of Teachers Registered Member Information of the Member.
2. At all materials times, the Member was employed by the Pic Mobert First Nation School Authority (the “Board”).

3. During the 2002/2003 and 2003/2004 academic years, the Member was employed by the Board as a teacher at the Netamisakomik Centre for Education (the “School”).

4. During the 2004-2005 academic year, the Member was employed by the Board half time as principal of the School and half time as a special education teacher at the school.

5. During the 2004-2005 academic year, the Member behaved in an unprofessional and inappropriate manner towards male and female students of the School in that he replied to a question from Grade 6-8 students regarding what he had done the previous evening while at home, by telling them that he had a yeast infection and was rubbing cream on a delicate area.

6. During the 2002-2003 academic year, the Member behaved in an unprofessional and inappropriate manner in that, while on a School trip, the Member shared a room with three male students. The Member understood that School policy required him, given the age group being chaperoned, to sleep in the same room although in a different bed, as the students.

GUILTY PLEA

7. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 6 above (the “Admitted Facts”). The Member hereby acknowledges that his conduct as described in the Admitted Facts constitutes conduct that is unprofessional and pleads guilty to allegations of professional misconduct against him being more particularly, breaches of Ontario Regulation 437/97, subsections 1(5), (14), (18) and (19).

8. The Member states that:
- (a) he understands fully the nature of the allegations that have been made against him;
 - (b) he understands that by pleading guilty to the particulars as set out herein, he is waiving his right to require the College to prove the case against him and the right to have a hearing into those allegations;
 - (c) he voluntarily decided to plead guilty; and
 - (d) he states that this guilty plea was made voluntarily, unequivocally and with the benefit of independent legal counsel.

9. In light of the admitted facts and circumstances, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

JOINT SUBMISSION ON PENALTY

10. 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 Discipline Committee:

- (a) requires the Member to appear before the Committee immediately following the completion of the Hearing into this matter to be reprimanded, and that the fact of the reprimand be recorded on the Register for a period of three years;

- (b) direct the Member to enroll in and complete, at his own expense, within six (6) months from the date of the Decision of the Discipline Committee, a course of instruction, pre-approved by the Registrar, regarding appropriate boundaries and boundary violation issues and the Member shall deliver directly to the Registrar, proof of the successful completion of the course within thirty (30) days of its completion; and
- (c) direct that the findings and Order of the Committee, including the Member's full name, be published in summary, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

11. By this document, the Member acknowledges his understanding that any agreement between the College and the Member with respect to the penalty proposed in this document does not bind the Discipline Committee.

DECISION

Having examined the Exhibits filed, and based on the plea of guilt, the *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty*, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Robert John Creedon committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(14), 1(18) and 1(19), as set out in the *Notice of Hearing*.

REASONS FOR DECISION

The Member pleaded guilty and acknowledged that his conduct as described in paragraphs 1 to 6 (the “Admitted Facts”) of the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty* (ASF - Exhibit 2) constitute professional misconduct.

The Committee accepted the Member’s guilty plea and the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty*.

On two separate occasions, the Member behaved in an unprofessional and inappropriate manner towards male and female students. On one occasion he disclosed information of a personal nature to students and on another, shared a room with three male students on an overnight school trip.

By this conduct, the Member failed to comply with the standards of the profession under Ontario Regulation 437/97 subsection 1(5) and engaged in acts that are unprofessional and conduct unbecoming under 1(18) and 1(19) and breached subsection 1(14), by failing to comply with the Act or the regulations or the bylaws.

PENALTY DECISION

The Committee accepts the joint submission on penalty and makes the following order as to penalty:

- (a) The Member is required to appear before the Committee immediately following the completion of the hearing into this matter to be reprimanded,

and the fact of the reprimand is to be recorded on the Register for a period of three years;

- (b) The Member is directed to enroll in and complete, at his own expense, within six (6) months from the date of the Decision of the Discipline Committee, a course of instruction, pre-approved by the Registrar, regarding appropriate boundaries and boundary violation issues and the Member shall deliver directly to the Registrar, proof of the successful completion of the course within thirty (30) days of its completion; and
- (c) 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, with the Member's full name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

The Committee is satisfied that the successful completion of the boundaries course, pre-approved by the Registrar, will serve to remediate the Member and is an important step that will assist him, should he consider returning to the classroom.

The reprimand by his peers in respect of these actions serves as a specific deterrent to the Member and publication of the findings and order of the Committee, in summary, with the name of the Member, in *Professionally Speaking/Pour parler profession*, serves as a

general deterrent to the profession, sending a message that appropriate behaviour is required by members of the College.

The Committee is satisfied that the penalty is appropriate in the circumstances and it serves and protects the public interest.

Date: May 11, 2007

Danny Anckle
Chair, Discipline Panel

Rosemary Fontaine
Member, Discipline Panel

Brent Hamelin
Member, Discipline Panel