

**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 Jon Anthony de Veth, OCT, a member of the Ontario College of Teachers.

PANEL: Mel Greif, Chair
Brent Hamelin, OCT
Robert Ryan, OCT

BETWEEN:	)	Erica Richler
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
	)	Jon Anthony de Veth,
JON ANTHONY DE VETH	)	on his own behalf
(CERTIFICATE # 128390))	
	)	Julie Maciura,
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel
)	
	)	Heard: October 13, 2010

PENALTY DECISION

On November 22, 2010, the Discipline Committee (the “Committee”) rendered a written decision finding Jon Anthony de Veth (the “Member”) guilty of professional misconduct. In particular, the Committee found that the Member committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(15), 1(18) and 1(19) as set out in the *Notice of Hearing*.

OVERVIEW

Jon Anthony de Veth is a member of the Ontario College of Teachers. At all material times he was employed by the [XXX] as principal of the [XXX] (the “School”). During the 2007-2008 academic year, between September 7, 2007 and May 28, 2008, the Member published a weekly newsletter, entitled “Friday Flyers” which contained school announcements together with content which may have been offensive to some teachers. It is for the Committee to determine whether the Member is guilty of professional misconduct for writing and distributing these flyers.

REASONS FOR DECISION

In its written decision of November 22, 2010, the Committee determined that Anthony de Veth committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(15), 1(18) and 1(19) as set out in the *Notice of Hearing*.

In its written decision of November 22, 2010 the Committee considered the following facts. The Member, who was a principal of a school, should have recognized his obligation to demonstrate leadership in the quality of communication and to set standards for the entire school community. These standards should conform to the expectations of the wider community. The Member has clearly not maintained these standards. The Committee, having reviewed the content of the Flyers, finds that they contain the following inappropriate and offensive content:

names of staff members in jokes, some of which were of a sexual nature or made reference to drugs or alcohol; names of students with comments about behavioural issues,

disabilities and sexual jokes; general jokes of a sexual nature; jokes with a specific reference to race; jokes directed at school staff, staff meetings and functions with a special regard to the use of drugs and alcohol; jokes that reference female anatomy and derogatory jokes about wives in general; jokes that denigrated harassment and discrimination training; inappropriate comments of a jocular nature about terrorism, learning disabilities, mental health, capital punishment and transvestites.

Communicating this type of information once to the staff would be significant in itself. In this instance, the Member communicated in this manner on an ongoing basis weekly through 23 weeks of the school year. The Committee finds and members of the teaching community should find such comments to be a breach of the standards and to be unprofessional and unbecoming a member. Members should and would recognize the damage these types of communication have on a community.

The Committee requested the parties to provide written submissions with respect to penalty by December 30, 2010 and would thereafter render a decision in writing with respect to penalty. The Committee received a written submission dated December 6, 2010 from College counsel. The Committee did not receive a submission from the Member, who was acting on his own behalf.

The Committee reconvened on January 13, 2011 to review the submission received from College counsel and to determine the issue of penalty.

SUBMISSIONS OF COLLEGE COUNSEL

The College made the following submissions as to penalty:

- (a) that the Member appear before the Committee to receive a reprimand and the fact of the reprimand to be recorded on the register of the Ontario College of Teachers,
- (b) that the Registrar be directed to impose the following terms, conditions or limitations on the Member's certificate, the fact of such terms, conditions or limitations to be recorded on the register of the College until such time as they are fulfilled:
 - (i) that the Member advise the Registrar in writing of his return to any position for which membership in the Ontario College of Teachers is required 60 days before he commences such a position;
 - (ii) that prior to the Member's return to any position for which membership in the Ontario College of Teachers is required, the Member shall enroll in and successfully complete, at his own expense, a course of instruction pre-approved by the Registrar, regarding appropriate boundaries and boundary violation issues; and
 - (iii) within 30 days of his completion of the course outlined in (i) above, shall provide to the Registrar a written certificate from the course provider stating that he or she has reviewed a copy of the Decision and Reasons of the Discipline Committee and that the Member has successfully completed the course.
- (c) directs that that there be publication of the findings and Order of the Committee, in summary form as well as the Member's name, in the official publication of the College, *Professionally Speaking/Pour parler profession.*

PENALTY DECISION

The Committee makes the following Order as to Penalty:

1. The Member is required to appear before the Committee within six months from January 13, 2011 to be reprimanded and the fact of the reprimand is to be recorded on the public register;
2. The Registrar is directed to impose the following terms, conditions or limitations on the Member's certificate, the fact of such terms, conditions or limitations to be recorded on the register of the College until such time as they are fulfilled:
 - (i) that the Member advise the Registrar in writing of his return to any position for which membership in the Ontario College of Teachers is required 60 days before he commences such a position;
 - (ii) that prior to the Member's return to any position for which membership in the Ontario College of Teachers is required, the Member shall enroll in and successfully complete, at his own expense, a course of instruction pre-approved by the Registrar, regarding appropriate professional boundaries and boundary violation issues; and
 - (iii) within 30 days of his completion of the course outlined in (i) above, shall provide to the Registrar a written certificate from the course provider stating that he or she has reviewed a copy of the Decision and Reasons of the Discipline Committee and that the Member has successfully completed the course.
3. 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 name of the Member,

in the official publication of the College, *Professionally Speaking/Pour parler profession.*

REASONS FOR PENALTY DECISION

The reprimand serves as a specific deterrent to the Member and will remind him of his obligations as an administrator and educator. The reprimand is educative and provides an opportunity for the Committee to make it clear to the Member its concern regarding the nature and contents of his communications to his school community, especially given the fact that at the time of the hearing he believed that there was nothing inappropriate about the Friday Flyers. The reprimand provides a general deterrent to the membership regarding the profession's disdain about this type of behaviour.

The course on professional boundaries will educate and rehabilitate the Member and will help to restore and preserve the public confidence in the profession. The public will be assured that the College takes appropriate steps to remediate members prior to permitting them back into the school community as the course must be completed prior to any return to teaching.

Publication of the findings and order, including the Member's name, ensures transparency of the process, thereby protecting the public interest and provides general deterrence to the profession as members will see the consequences of this type of behaviour.

The Committee and members of the teaching profession would find communication of the nature made by this Member to be a breach of the standards, unprofessional and unbecoming and emphasizes the need for publication. The Committee determined that its decision serves to protect the public interest.

Date: January 13, 2011

Mel Greif
Chair, Discipline Panel

Brent Hamelin, OCT
Member, Discipline Panel

Robert Ryan, OCT
Member, Discipline Panel