

**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 James Edward Deagle.

The Discipline Committee held a hearing commencing on March 5, 2001,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**JAMES EDWARD DEAGLE  
CERTIFICATE #248358**

**PRESENT:**

Members of the Panel

Dick Malowney (Chair)

Bernard Adam

Karen Mitchell

Donald Wright, ADR Chambers, Independent Counsel to the Panel

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

William Markle, Q.C., Markle May Phibbs, Counsel for the member, assisted by Donna  
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James Edward Deagle

A Notice of Hearing, dated October 3, 2000 was served on James Edward Deagle, requesting attendance before the Discipline Committee of the Ontario College of Teachers on October 16, 2000 to set a date for hearing, and specifying the charges. The hearing date was set for March 5, 2001.

It is alleged that James Edward Deagle is guilty of professional misconduct or incompetence in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he abused 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 with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2 and particularly s. 264(1)(c) thereof, or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) he performed his teaching duties in an unsatisfactory and incompetent manner resulting in deficiencies in classroom management, discipline and communication with students;
- (e) he failed to comply with instructions from supervisors, and particularly the "safe schools policy" of the [REDACTED] and the "hands off policy" of [REDACTED] regarding the cessation of use of physical punishment as a form of discipline;

- (f) he performed acts or omissions that, having regard to all the circumstances, would reasonably be regarded by members as being disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (g) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (h) he displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of a student or 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;

The Notice of Hearing states that James Edward Deagle is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On March 5, 2001, the Discipline Committee of the Ontario College of Teachers commenced a hearing into whether James Edward Deagle was guilty of professional misconduct.

**EVIDENCE:**

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that James Edward Deagle 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), (14), (15), (18) and (19).

At all material times, James Edward Deagle was employed by the [REDACTED] as a teacher.

Witness [REDACTED], a student [REDACTED], testified that James Edward Deagle came over to him [REDACTED], grabbed him by the throat, pushed him against the closet and said “don’t do that again.” [REDACTED] then went to his teacher [REDACTED] and asked if a teacher was allowed to grab a student to which the teacher replied no. [REDACTED] indicated that he did not come in contact with the closet and did not strike his head in any way. On cross-examination, [REDACTED] testified that he was not grabbed by the throat, but that the member came over and pushed him all in one motion.

Witness [REDACTED], a student [REDACTED], testified that he saw the member grab [REDACTED] by the throat, choking him and slammed him into the closet.

Witness [REDACTED], another student [REDACTED], stated that [REDACTED] made some noises and the member told him not to do it and pushed him in the closet. However, in cross-examination, [REDACTED] stated that he had not in fact, seen the contact between the member and [REDACTED].

Constable Paul Hill testified that he was called by the Children’s Aid Society and by Principal [REDACTED] regarding allegations of physical assault against a student. He spoke

with the student [REDACTED] and his parents regarding the assault incident. On December 11, 1998, Constable Hill proceeded to James Edward Deagle's residence and charged him with assault.

[REDACTED], Principal, testified to previous discussions she had had with the member indicating that although some parents had given him permission to discipline their children in a hands on way, she had cautioned him against that. She stated that she had had discussions with the member regarding Board policy (Exhibit #3) indicating that teachers, in essence, are not to touch students and that she felt that the member understood that.

She further testified that on December 7, 1998, she was approached by [REDACTED] who was accompanied by [REDACTED] [REDACTED] stated that he had been assaulted by James Edward Deagle. She met with the member and said he seemed very relaxed and very tired and indicated that he knew what the concern was and that he had "lost it". He told her, "I lost it and I did it." He said to her, "Do what you have to do".

[REDACTED], Superintendent of the [REDACTED], testified that the member's actions went against the Board's visions and values and "was contrary to what they say throughout the system at every opportunity." The Superintendent further testified that, "our position is that our standards should be higher than what the courts are in terms of behaviour, but it doesn't have to be a criminal act before we say that this is inappropriate or this is unacceptable."

Teacher [REDACTED] testified that she received a number of letters from the member in her mailbox at the school (Exhibit #14) that she thought were strange. She stated that she had not talked to the police about receiving the letters as she was new at the school, didn't think it was a big deal, that she "just wanted it to go away," and thought that eventually it would go away. She stated that she took the first letter lightly, but then started to feel annoyed by further letters because she didn't know the member well. One of the letters came in the form of a poem and the word "kill" in the poem really bothered her. She stated that she didn't know what he was thinking and it scared her.

Teacher [REDACTED] testified that she had met the member in [REDACTED] when she was teaching and had taken over the member's [REDACTED] class while he was on stress leave. She stated that the member wanted to know how she could "handle the kids." She stated that she felt uncomfortable being in the same school with the member, as well as feeling uncomfortable in the same room with him during her testimony.

[REDACTED] stated that she first started receiving letters from the member in March of 1998 (Exhibit #15). She found the letters strange. One letter in particular, came in the form of a joke which she found "disgusting", the content focussing on artificial insemination of a farmer's wife by a bull. She refused to read beyond the first few "disgusting paragraphs". [REDACTED] was offended by the drawings of sperm on an envelope for a letter that the member wrote to [REDACTED]. [REDACTED] was also offended by the content of another letter the member wrote to her, relating to an aboriginal boy coming into his manhood, when [REDACTED] stated that the member knew she was aboriginal. She found it odd that while the

member was on probation for the assault conviction, he was sending “so many silly letters” and it concerned her the amount of time he spent creating and colouring them.

When asked why she did not go directly to the member to ask him to stop sending the letters, she stated that she felt that his behaviour was unpredictable and bizarre based on her observations of his sudden bouts of anger, when dealing with the children in the [REDACTED]. Being a single person in a small community and a beginning teacher, she stated that she didn’t know the school policy or procedures, and wondered why someone twenty years older than she would send her these letters.

#### **FINDINGS OF FACT:**

1. James Edward Deagle is a member of the Ontario College of Teachers.
2. At all material times, the member was employed as a teacher at [REDACTED].
3. Between about October 1997 and June 1998, the member was absent from his employment at [REDACTED].
4. Between about April 1998 and June 1998, the member harassed, upset and frightened a young female teacher at [REDACTED] by sending or delivering to her a series of unsolicited, unwanted and unnecessary letters and communications.
5. On or about December 7, 1998, the member physically assaulted a [REDACTED] male student, [REDACTED], grabbing him by the neck and pushing him into the coat closet in his classroom at the said school. Following the said incident, the member was

- removed from the classroom and reassigned to other duties by the said Board of Education.
6. On December 24, 1998, the member was charged with assault arising out of the incident involving student [REDACTED]. That charge and the member's subsequent appearances in Court were reported to the public by the media.
  7. On or about June 10, 1999, following a two day trial in which students [REDACTED] and [REDACTED] gave evidence and the member elected not to do so, the member was found guilty of assaulting student [REDACTED], subsequently overturned on appeal.
  8. Between about September and October, 1999, the member harassed and frightened two young female teachers at [REDACTED], [REDACTED] and [REDACTED] by sending to them a series of unsolicited, unwanted, unprofessional and offensive communications.
  9. Evidence showed that there had been a physical incident had occurred but the testimony of the student witnesses was inconsistent.

#### **DECISIONS AND ORDERS:**

The Committee finds James Edward Deagle guilty of professional misconduct under subsections 1(5), (7), (14), (15), (18), and (19) of the Professional Misconduct Regulation, as alleged. The Committee also finds that the member performed his teaching duties in an unsatisfactory and incompetent manner resulting in deficiencies in classroom management, discipline and communication with students, and that he failed to comply with instructions from supervisors, and particularly the "safe schools policy" of the [REDACTED]

and the “hands off policy” of [REDACTED] regarding the cessation of use of physical punishment as a form of discipline.

The Committee finds that James Edward Deagle did physically assault a student. In the matter of the conduct unbecoming a member, although there was no intended pattern of harassment evidenced or observed, the numerous inappropriate letters sent to young female teachers on staff were sufficiently inappropriate as to constitute conduct unbecoming a member.

Notice:

The Discipline Committee noted that the member has already suffered much personal and financial embarrassment in that he has been submitted to public trial with charges as well as the financial penalties imposed by his employer. It is the opinion of the panel that such has been sufficient to demonstrate to the member the seriousness of his actions in respect to these matters. As such, the Discipline Committee directs that James Edward Deagle shall be verbally reprimanded and advised that his behaviour was inappropriate to the profession, and to emphasize to the member the importance by which the College places conduct unbecoming by a member to the profession.

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.

**DATED AT TORONTO, THIS 8TH DAY OF NOVEMBER, 2001  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Dick Malowney, **Chair**

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Bernard Adam

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Karen Mitchell