

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISIONS AND ORDERS

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

AND IN THE MATTER OF discipline proceedings against Gary Wayne Deighan.

The Discipline Committee held a hearing on September 27, 1999

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**GARY WAYNE DEIGHAN
(CERTIFICATE #178328)**

PRESENT:

Members of the Panel

Kathleen McFadyen (Chair)

Jean Hanson

Larry Capstick

The Honourable Lloyd Houlden, Independent Counsel to the Panel

Caroline Zayid and Trevor Evans, McCarthy Tétrault, Counsel for the Prosecution

Ian Fellows, Green Chercover, Defense Counsel. Gary Wayne Deighan was present.

A Notice of Hearing, dated October 6, 1998 was served on Gary Wayne Deighan, requesting attendance before the Discipline Committee of the Ontario College of Teachers on October 19, 1998 to set a date for hearing, and specifying the charges. The hearing date was scheduled for September 27, 1999. It is alleged that Gary Wayne Deighan 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 failed to comply with the *Education Act* or the regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- c) he contravened a law and that contravention is relevant has caused or may cause a student under his supervision to be put at risk, contrary to Ontario Regulation 437/97, subsection 1(16);
- d) he performed acts or omissions 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
- e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

The Notice of Hearing states that Gary Wayne Deighan is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit 1).

On September 27, 1999, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Gary Wayne Deighan was guilty of professional misconduct.

FINDINGS OF FACT:

On January 1, 1997, the member resisted the arrest of a police officer and member of the Ontario Provincial Police and was involved in an altercation with that uniformed officer. As a result of that altercation, Gary Wayne Deighan was charged with and convicted of assaulting a police officer with intent to resist the lawful arrest of himself, contrary to section 270(1)(b) of the *Criminal Code of Canada* and was sentenced to three months imprisonment.

It is conceded that the acts committed by the member did not involve his activities as a teacher, nor was any student involved in those acts. An Acknowledgement and Undertaking was presented to the Committee. The Acknowledgement and Undertaking was amended by the Committee (Counsel and the member approved the amendment). The amended Acknowledgement and Undertaking is attached to these reasons as Exhibit A.

DECISIONS AND ORDERS:

The Committee accepts the amended Acknowledgement and Undertaking between the Ontario College of Teachers and Gary Wayne Deighan and directs that it shall be in effect for two years from the date of this decision. Provided the member complies with the terms of the Acknowledgement and Undertaking, the charges will be withdrawn.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, without the name of the member, be published in the official publication of the Ontario College of Teachers and in any other manner or medium that the Committee considers appropriate in the particular case.

**DATED AT TORONTO, THIS 27th DAY OF SEPTEMBER, 1999
BY ORDER OF THE DISCIPLINE COMMITTEE**

Kathleen McFadyen, Chair

Jean Hanson

Larry Capstick