

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 William Johan Fabel, OCT, a member of the Ontario College of Teachers

PANEL: Ted Coulson, Chair, OCT
Don Cattani, OCT

BETWEEN:)	
	)	Jane Langford,
	)	McCarthy Tétrault LLP,
ONTARIO COLLEGE OF TEACHERS	)	for Ontario College of Teachers,
	)	assisted by Jennifer Robinson,
- and -	)	Law Clerk
)	
	)	David Bloom,
William Johan Fabel	)	Cavalluzzo Hayes Shilton
Certificate #185036	)	McIntyre & Cornish LLP,
	)	for William Johan Fabel
)	
)	
	)	Julie Maciura,
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel
)	
	)	Heard: August 30, 2010

PENALTY DECISION

On April 30, 2010, the Discipline Committee (the “Committee”) rendered a written decision finding William Johan Fabel (the “Member”) guilty of professional

misconduct. In particular, the Committee found that the Member committed an act of professional misconduct when he made comments to his students which described the weight of his former wife in a derogatory manner. The Committee found that these facts supported a finding of professional misconduct pursuant to Ontario Regulation 437/97 subsection 1(18), being an act or omission that, having regard to all circumstances would be regarded by members as unprofessional.

The Committee reconvened the hearing on August 30, 2010 to hear submissions on the issue of penalty.

SUBMISSIONS OF COLLEGE COUNSEL

College counsel suggested that the appropriate penalty would be that the Member be given an oral reprimand, that he be instructed to complete a course in language sensitivity issues in the professional context and that the finding and order be published in the official publication of the College without the name of the Member.

SUBMISSIONS OF COUNSEL FOR THE MEMBER

Counsel for the Member submitted that the Committee should exercise its discretion and that there should be no penalty. In the alternative, Counsel suggested that the appropriate penalty would be counselling, the fact of which would not be recorded on the Register. Counsel suggested that a course is not warranted at this time as the Member is not teaching currently, has apologized in his testimony, and has

completed, through the military, training in harassment issues and the investigation of harassment cases.

PENALTY DECISION

The Committee makes the following order as to sanction:

(a) the Registrar of the Ontario College of Teachers is directed to impose a term, condition, or limitation on the Member's Certificate of Qualification and Registration, the fact of which is to be recorded on the Register until such time as it is fulfilled; that prior to the Member accepting employment where a Certificate of Qualification and Registration is required, the Member is to enrol in and complete, at his own expense, a course of instruction regarding language sensitivity issues, pre-approved by the Registrar, and that the Member, upon completion of the course, shall deliver directly to the Registrar, written certification from the course provider that the Member has successfully completed the course.

(b) pursuant to paragraph 30(5)3 of the Ontario College of Teachers Act, the finding and order of the Committee shall be published in summary, without the name of the Member in the official publication of the College, Professionally Speaking/Pour parler profession.

(c) pursuant to the Committee's authority under section 25.01 of the College Bylaws, the Committee orders that the fact of the finding of professional misconduct not be recorded on the Register.

REASONS FOR PENALTY

Out of many allegations of professional misconduct, the Committee found only one which constituted professional misconduct.

The Committee determined that the Member should be required to complete a course in language sensitivity issues prior to returning to the classroom. This is appropriate because the findings of fact indicated several instances where the Member employed insensitive language, including the incident which gave rise to the finding of professional misconduct. Completion of this course will allow the Member to gain personal insight into how he can become a more effective professional.

The Committee agreed with both parties' recommendation that the finding and order be published in the College's official publication, without the name of the Member.

The Committee determined that the fact of the finding of professional misconduct not be published on the Register due to the minor nature of the misconduct and due to the fact that the misconduct occurred many years ago.

The Committee finds that it is in the interest of the public that the Member confront the issue that gave rise to the finding of professional misconduct by taking a language sensitivity course. This serves as a specific deterrent to the Member.

Publication of the finding in *Professionally Speaking/Pour parler profession* will serve as a general deterrent to the profession and advise the public that the College

upholds the integrity of the profession. Given the nature of the misconduct, there is no need for publication of the Member's name in order to heighten specific and general deterrence.

Dated: August 30, 2010

Ted Coulson, OCT
Chair, Discipline Panel

Don Cattani, OCT
Member, Discipline Panel