

**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  
David Bruce Field, a member of the Ontario College of Teachers.

PANEL: Nancy Hutcheson, Chair  
Janet Cornwall  
Ted Coulson

BETWEEN:	)	
	)	Eric Block,
	)	McCarthy Tétrault,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -	)	
	)	
DAVID BRUCE FIELD	)	Howard Goldblatt,
(CERTIFICATE #169536)	)	Sack Goldblatt Mitchell,
	)	for David Bruce Field,
	)	assisted by Jennifer Keating
	)	
	)	Christopher Wirth,
	)	Stockwoods,
	)	Independent Legal Counsel
	)	
	)	Heard: March 21, 2005

**REASONS FOR DECISION, DECISION AND ORDER (S)**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on March 21, 2005 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated March 3, 2004 was served on David Bruce Field, requesting attendance before the Discipline Committee of the Ontario College of Teachers on April 7, 2004 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for March 21, 2005.

David Bruce Field was in attendance at the hearing.

### **The Allegations**

The allegations against David Bruce Field in the *Notice of Hearing*, (*Exhibit 1*) dated March 3, 2004 are as follows:

**IT IS ALLEGED** that David Bruce Field 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”), and/or is incompetent as defined in section 30 (3) of 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, and specifically section 264(1)(c) thereof 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);
- (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; and

- (g) he displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of 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.

### **Publication Ban**

On March 21, 2005 the Discipline Committee made an order that there be no publication of any information that may disclose the identity of the students involved in this matter.

### **Agreed Statement of Facts**

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 2, an Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty. (ASF – Exhibit 2)*

The *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* provides as follows:

1. David Bruce Field (the "Member") is a Member of the Ontario College of Teachers. Attached hereto is a copy of the Ontario College of Teachers Register Status Information respecting the Member. (*ASF-Exhibit 2, Tab A*)
2. At all material times, the Member was employed by the [REDACTED] which is the predecessor of the [REDACTED].
3. During the 1987-1988 school year, the Member was a teacher of [REDACTED] students at [REDACTED] (the "School").
4. At the same time, [REDACTED], and [REDACTED] were female students of the Member at the School in either [REDACTED].

5. From time to time during the 1987-1988 school year, the Member patted the buttocks of some and/or all of the students referred to in paragraph 4 above.
6. The Member intended the aforementioned touching to be a gesture of encouragement and/or warmth towards his students and the touching was not intended to harm or cause discomfort, nor was the touching for sexual fulfillment or personal gratification.
7. By his conduct, the Member failed to respect appropriate physical boundaries between students and teachers and caused some of his students to feel uncomfortable and/or upset.
8. On or about August 24, 1988, the Member was charged with three counts of sexual assault and sexual interference in relation to students [REDACTED] and [REDACTED] (formerly [REDACTED]) in respect of the conduct described in paragraphs 5, 6 and 7 above.
9. The Member was immediately suspended from teaching, with pay, pending the outcome of the criminal proceedings.
10. The charges of sexual interference were subsequently stayed.
11. Following a trial in 1989, the Member was convicted of three counts of sexual assault. The conviction was quashed on appeal and a new trial ordered.
12. On or about January 8, 1991, the charges were withdrawn and the Member returned to [REDACTED] as an occasional teacher.
13. From September 1991 until 2002, the Member was employed by the [REDACTED], formerly the [REDACTED], as an elementary teacher in [REDACTED], respectively.
14. On or about September 19, 2002, the Member was charged with sexual assault and sexual interference in relation to the students referred to in paragraph 5, including [REDACTED], and [REDACTED] (formerly [REDACTED]), the subjects of the original criminal charges.
15. The Member was again immediately suspended from teaching, with pay, pending the outcome of the criminal proceedings.

16. On or about October 3, 2002, the College was notified of the charges against the Member by the Director of Education of the [REDACTED].
17. On or about June 12, 2003, the charges in respect of [REDACTED] (formerly [REDACTED]), [REDACTED] and [REDACTED] were dismissed following a preliminary hearing.
18. On or about August 7, 2003, the charges in respect of [REDACTED] and [REDACTED] were stayed pursuant to section 11(b) of the *Charter*.
19. On or about December 9, 2003, the last remaining charges in respect of [REDACTED] were withdrawn.
20. In light of the outstanding College proceeding against the Member, he has remained suspended from teaching.
21. Save and except for the conduct referred to in paragraph 5, the Member has never been the subject of an oral or written complaint and/or disciplined for inappropriate touching or sexual misconduct.
22. The Member cooperated with the Ontario College of Teachers throughout the investigation relating to the conduct referred to in paragraph 5 above.
23. By this document, the Member pleads no contest to the facts stated above and acknowledges that the Discipline Committee may find that the conduct referred to in paragraph 5 and 6 constitutes professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(18) and 1(19).
24. By this document, 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 no contest he is waiving his right to require the College to prove the case against him and the right to have a hearing; and
  - c) he states that this plea of no contest was made voluntarily, unequivocally and with the benefit of independent legal counsel.

### **Member's Plea**

By this document, the Member pleads no contest to the facts stated above and acknowledges that the Discipline Committee may find that the conduct referred to in paragraph 5 and 6 constitutes professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(18) and 1(19).

### **Joint Submission as to Finding**

In light of the facts and circumstances stated above, the Ontario College of Teachers submits that the Discipline Committee find the Member guilty of professional misconduct.

### **Joint Submission as to Penalty**

Furthermore, the College and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this case would be that the Committee:

- (a) direct the Registrar to impose the following terms and conditions on the Member's Certificate of Registration, said terms and conditions to be recorded on the Register until said terms and conditions are met or until such time as the Discipline Committee has imposed an alternative penalty:
  - (i) The Member agrees and undertakes to enrol in and complete, at his own expense, a course of study approved in advance by the Registrar, in appropriate boundaries for physical contact with primary aged children. The Member shall deliver directly to the Registrar proof of the successful completion of said course within one (1) year from the date of this Order;
  - (ii) The Member agrees to provide to the Registrar within three (3) months from the date of this Order evidence to reasonably satisfy the Registrar that the

Member has not been the subject of any oral or written complaint or formal discipline during his employment by the [ ] for inappropriate touching or sexual misconduct;

- (iii) The Member agrees and undertakes to inform the Registrar immediately of any formal disciplinary action arising from inappropriate touching of students within two (2) years of the date of this Order; and
  - (iv) The Member agrees that the Registrar shall advise the [ ] of the terms of this Order.
- (b) directs that the findings and Order of the Discipline Committee, including the Member's full name, be published in the official publication of the College, *Professionally Speaking/Pour parler profession.*

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

### **Decision as to Finding**

Having examined the Exhibits filed, and based on the plea of no contest in the *Agreed Statement of Facts, Plea of No Contest 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 David Bruce Field committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsection 1(5), 1(18) and 1(19).

### **Penalty Decision**

The Committee accepts the *Joint Submission on Penalty* and makes the following order as to penalty:

1. The Registrar is directed to impose the following terms and conditions on the Member's certificate of qualification and registration, said terms and conditions to be recorded on the Register until said terms and conditions are met or until such time as the Discipline Committee has imposed an alternative penalty:
  - (i) The Member agrees and undertakes to enrol in and complete, at his own expense, a course of study approved in advance by the Registrar, in appropriate boundaries for physical contact with primary aged children. The Member shall deliver directly to the Registrar proof of the successful completion of said course within one (1) year from the date of this Order;
  - (ii) The Member agrees to provide to the Registrar, within three (3) months from the date of this Order, evidence to reasonably satisfy the Registrar that the Member has not been the subject of any oral or written complaint or formal discipline during his employment by the [ ] for inappropriate touching or sexual misconduct;
  - (iii) The Member agrees and undertakes to inform the Registrar immediately of any formal disciplinary action arising from inappropriate touching of students within two (2) years of the date of this Order; and
  - (iv) The Member agrees that the Registrar shall advise the [ ] of the terms of this Order.
  
2. 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 Decision**

The Committee based its decision to accept the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* on several mitigating factors. The conduct to which the Member has agreed is not of a sexual nature. Although criminal charges were laid, they were ultimately dismissed or withdrawn. Further, save and except for the conduct under examination in this proceeding, the Member has not been the subject of an oral or a written complaint and/or disciplined for inappropriate touching or sexual misconduct. The Member co-operated fully with the College's investigation into this matter.

The Committee also noted that the Member has been suspended for a prolonged period of time, during which he was the subject of significant media scrutiny.

The Committee is satisfied that the Member understands the seriousness of the allegations against him and that he is well aware of the expectation to uphold the standards of the profession.

The Committee finds that this penalty has taken the preceding factors into account and is appropriate in this matter.

The necessity to complete a course reinforces with the Member the appropriate boundaries that must be maintained between a teacher and a student.

This penalty serves as a general deterrent and protects the public interest.

Date: March 22, 2005

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Nancy Hutcheson  
Chair, Discipline Panel

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Janet Cornwall  
Member, Discipline Panel

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Ted Coulson  
Member, Discipline Panel