

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 GCR.

The Discipline Committee held a hearing on Tuesday, January 19, 1999,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

GCR

PRESENT:

Members of the Panel

Donna Marie Kennedy (Chair)

Larry Capstick

Diane Leblovic

The Honourable Patrick Galligan, Independent Counsel to the Panel

Mr. L. Thomas Forbes, Q.C. and Mr. Chris Sach-Anderson, Counsel for the Prosecution

GCR was not present nor was he represented.

A Notice of Hearing, dated September 25, 1998 was served on GCR requesting attendance before the Discipline Committee of the Ontario College of Teachers on October 19, 1998 for a date to be set for hearing , and specifying the allegations. The date for hearing was set at January 18, 1999.

It is alleged that GCR is guilty of professional misconduct as per the Notice of Hearing, 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 physically, sexually, verbally, psychologically or emotionally contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the *Education Act* and the regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- (d) he contravened a law, and that contravention is relevant to his suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (e) he committed an act 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,
- (f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

The Agreed Statement of Facts (Exhibit 7) states that GCR is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On January 19, 1999, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether GCR was guilty of professional misconduct.

GCR was not in attendance at the hearing, nor was he represented by counsel. Proof of service of the Notice of Hearing was presented and accepted by the panel.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing (Exhibit 1) alleging that GCR 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, sections 1(5), 1(7), 1(15), 1(16), 1(18), 1(19). Particulars of the alleged misconduct are set out in the Notice of Hearing (Exhibit 1).

Counsel presented evidence that GCR is a member of the Ontario College of Teachers, (Exhibit 1). At all material times, GCR was employed by the Sault Ste. Marie School Board as a principal.

An Agreed Statement of Facts was filed as Exhibit 7. That statement had been signed by GCR, witnessed by Michael Pierman, and L. Thomas Forbes, Q.C.

FINDINGS OF FACT:

Based on the Agreed Statement of Facts, the panel finds the following facts:

- (1) GCR (the “Member”) is a Member of the Ontario College of Teachers;
- (2) The Member was employed by the Sault Ste. Marie Board of Education from 1957 to June 30, 1992. The Member was a principal as of June, 1992;
- (3) On June 15, 1991 GCR was arrested and charged with two offences:
 - (a) unlawful sexual assault on [REDACTED] contrary to Section 271 of the Criminal Code of Canada, and
 - (b) being in a position of trust or authority toward [REDACTED], a young person, did for a sexual purpose touch directly the body of [REDACTED] with his hands contrary to Section 153 (1) (a) of the Criminal Code of Canada;
- (4) GCR was subsequently convicted of count (b) referred to in paragraph number 3 above and received a four month prison sentence;
- (5) As of June 30, 1992, GCR resigned and terminated his contract with the Sault Ste. Marie Board of Education;
- (6) The Ontario College of Teachers submit that the above mentioned facts and circumstances constitute professional misconduct and ask that the Discipline Committee revoke the certificate of qualification and registration of GCR;
- (7) GCR submits and requests that he be permitted to resign as a member of the Ontario College of Teachers.

GCR was found guilty of being in a position of trust or authority toward a young person and did for a sexual purpose touch directly the body of the young person with his hands contrary to section 153(1) of the Criminal Code of Canada (Exhibit 7). GCR was sentenced to four months in prison (Exhibit 7).

The Panel accepts the Agreed Statement of Facts as outlined in Exhibit 7.

REASONS:

The Panel accepts that GCR touched a young person for sexual purposes with his hands.

DECISIONS AND ORDERS:

The Panel finds no reason to grant GCR's request that he be permitted to resign as a Member of the Ontario College of Teachers.

Accordingly, the Committee finds GCR guilty of professional misconduct under sections 1(5), 1(7), 1(15) 1(16), 1(18), 1(19), of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke GCR's Certificate of Qualification and Registration immediately.

Notice

It is important to the College's role in the governance of the profession to provide evidence to members that the College is active in self-regulation and is vigilant to breaches of its bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College's disciplinary Committees, and is, in the opinion of the panel, a practice that has significant general deterrent value.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers Act, the Panel orders that the findings of this hearing be published in the official publication of the Ontario College of Teachers. After considering all of the facts and circumstances of this particular case, the Panel exercised its discretion and determined not to publish the name of the member at this time.

**DATED AT TORONTO, THIS 20th DAY OF JANUARY, 1999
BY ORDER OF THE DISCIPLINE COMMITTEE**

Donna Marie Kennedy, **Chair**

Larry Capstick

Diane Leblovic