

**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 Garrow.

The Discipline Committee held a hearing on July 3, 5, 2001, January 14, 15, February 11, 12, 2002,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**JAMES EDWARD GARROW  
CERTIFICATE #366779**

**PRESENT:**

Members of the Panel  
Dick Malowney (Chair)  
Nancy Hutcheson  
Janet Cornwall

The Honourable Lloyd Houlden, retired judge, Independent Counsel to the Panel

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

James Edward Garrow represented himself.

This decision is subject to a publication ban. On July 3, 2001, the Discipline Committee made an order directing that there may be no publication of any information which may disclose the identity of the students involved in this matter.

A Notice of Hearing, dated November 9, 2000 was served on James Edward Garrow, requesting attendance before the Discipline Committee of the Ontario College of Teachers on December 5, 2000 to set a date for hearing, and specifying the charges. The hearing date was set for July 3, 2001.

It is alleged that James Edward Garrow 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 abused a student or students physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to keep records as required by his professional duties, contrary to Ontario Regulation 437/97, subsection 1(10);
- (d) he failed to supervise adequately a person or persons under his professional supervision, contrary to Ontario Regulation 437/97, subsection 1(11);
- (e) he abandoned his teaching position and the students for whom he was responsible;
- (f) he failed to comply with the *Act* and with the *Education Act, Revised Statutes of Ontario, 1990*, ch. E.2, and particularly section 264(1)(a), (b), (d), (e), (g) and (i) thereof or the regulations made under those Acts, particularly Regulations

- 298/90 section 20, subsections (a), (b), (d), (f) and (h) contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (g) he performed his teaching duties in an unsatisfactory manner resulting in deficiencies in classroom management, organization, discipline and communication with students;
  - (h) 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);
  - (i) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19);
  - (j) he failed to cooperate in a College investigation, contrary to Ontario Regulation 437/97, subsection 1(22);
  - (k) he failed to take reasonable steps to ensure that requested information was provided in a complete and accurate manner, such information being required to be so provided under the *Act* and regulations contrary to Ontario Regulation 437/97, subsection 1(23);
  - (l) he failed to respond adequately or within a reasonable time to a written inquiry from the College, contrary to Ontario Regulation 437/97, subsection 1(25); and
  - (m) he displayed a lack of knowledge, skill or judgement 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.

The Ontario College of Teachers' Registry states that James Garrow is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #9).

On July 3, 2001, the Discipline Committee of the Ontario College of Teachers commenced a hearing to determine whether James Edward Garrow was guilty of professional misconduct.

The member was not represented by counsel and represented himself.

**EVIDENCE:**

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing (Exhibit #1), alleging that James Edward Garrow 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), (10), (11), (14), (15), (18), (19), (22), (23) and (25).

Counsel presented evidence that James Edward Garrow is a member of the Ontario College of Teachers (Exhibit #1). At all material times, the member was employed by the Upper Canada District School Board as a teacher.

[XXX] and [XXX], both students in James Garrow's [XXX], testified that in or about mid-to-late May, 1999, James Garrow instructed student [XXX] to videotape student [XXX], without her permission, while the member handed an evaluation of her work to [XXX], to the embarrassment and distress of said student.

[XXX], [XXX] and [XXX], all students in James Garrow's [XXX], testified that between February, 1999 and the end of May, 1999, the member made personal, disparaging and/or derogatory remarks to students in his class, such as but not restricted to:

- (a) "retarded wonders"; and
- (b) "scums of the earth".

[XXX] testified that when discussing her future as a journalism professional, James Garrow told her that she was not pretty, and "you can't be on TV". She stated, "It shocked me".

Robert Greene, teacher and Program Leader for [XXX] at [XXX] School testified that on or about June 2, 1999, James Garrow came to Robert Greene's house. James Garrow stated that he would not be coming in to school the next day and that he was returning to his home in Guelph. He added, "I probably won't be coming back." Robert Greene asked if James Garrow wanted him to tell the Principal and the member replied, "yes".

Michael O'Donnell, Principal, [XXX] School, testified that James Garrow, without reasonable excuse or leave, absented himself from his employment with the Upper Canada District School Board at [XXX] School from on or about June 2, 1999 and despite

letters, telephone communications and telecopied communications (Exhibit #3, Exhibit #10, Exhibit #11), James Garrow failed to resume his employment. Principal O'Donnell testified that no letter of resignation was ever received from the member, although the member alleged that he placed a letter on the Principal's desk, on or about June 2, 1999.

Anne Hysert, Head of Human Resources, Upper Canada District School Board testified that the board dismissed the member from his employment with them for abandoning his position and breaching his professional duties as a teacher, effective July 8, 1999 (Exhibit #3).

Similar evidence was called by counsel for the College to show a pattern of conduct on the part of James Garrow. The evidence was as follows:

Claude Arsenault, Principal of [XXX] School, testified that James Garrow, who had been hired as a teacher in the fall of 2000, called in sick on January 22, 2001, left no plans for a supply teacher and never returned to his position. Claude Arsenault had spoken to the member several times regarding final exams and exam papers, but although James Garrow promised to produce them, he never did so. The Principal had asked the member to send the final marks to the school. James Garrow wondered to the Principal, "what if they had no final exam, would they all fail?"

James Garrow did ultimately forward final marks to Principal Arsenault. However, he never completed a final assessment of his students, although this is a Ministry of Education expectation.

James Garrow testified that he considered that the accusations against him had been concocted by students who were “out to get” him. Further, he stated that he was forced to abandon his position at [XXX] School as a result of repeated violations of his constitutional rights and human rights as a result of his outspoken political views. He stated, “I did not abandon my position. I resigned my position under duress from the harassment I had received from the vice-principal and principal.” He also stated that he received printed materials in his school mailbox on a regular basis, which he considered to be harassing in nature. He stated that he did not call [XXX] fat or ugly, but that he simply said, “the camera was sometimes unkind and whatever attributes we have are magnified”. He stated that [XXX]’s remarks are a fabrication “just like the other students’ remarks”. The member said he never submitted any documentation in writing regarding his allegations of harassment. No written evidence was presented. He stated, “It didn’t come to the point where I felt I needed to write a letter”; however, he stated that it did come to the point where he had to leave immediately. He also stated that he did complain to the principal verbally but that his comments “fell on deaf ears”. With regards to leaving his position, he stated that “circumstances made it okay, deaf ears made it okay, the fact that my rights were violated made it okay.” The member objected to the students’ testimony by stating that they did not tell the truth about any derogatory comments he had made and about the videotape incident. He claimed they “were fearful for their lives in a small community” and that one of the students “had already been thrown through a plate-glass window”.

The member did not call any witnesses to support his defence.

James Garrow failed to take reasonable steps to ensure that his current address, telephone number and other requested information was provided in a complete and accurate manner to the College (Exhibit #1, Exhibit #4, Exhibit #7, Exhibit #8, Exhibit #10).

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

Based on clear, cogent and compelling evidence, the panel finds the following facts:

1. At all material times, the member was employed as a [XXX] teacher at [XXX] School by the Upper Canada District School Board.
2. James Garrow failed to take reasonable steps to ensure that his current address, telephone number and other requested information was provided in a complete and accurate manner to the College (Exhibit #1, Exhibit #4, Exhibit #7, Exhibit #8, Exhibit #10).
3. In or about mid-to-late May, 1999 the member did instruct student [XXX] to videotape student [XXX] without her permission while the member handed a poor evaluation of her work to [XXX], to the embarrassment and distress of said student.
4. Between February, 1999 and the end of May, 1999 the member did make personal disparaging and/or derogatory marks to students in his class such as, but not restricted to:
  - a) "retarded wonders"; and
  - b) "scums of the earth."

5. Between February, 1999 and the end of May, 1999 the member did tell student [XXX] that she wasn't pretty and "you can't be on TV". This shocked her.
6. The member did abandon his employment with the Upper Canada District School Board from [XXX] School on or about June 2, 1999 and, despite letters, telephone communications and telecopied communications, the member, without reasonable excuse or leave, did fail to resume his employment.
7. The member failed to submit a letter of resignation to the board.
8. On July 8, 1999, the Upper Canada District School Board did dismiss the member from his employment for abandoning his position and for breaching his professional duties as a teacher.
9. The member did state, "Circumstances made it okay, deaf ears made it okay, the fact that my rights were violated made it okay," when trying to rationalize abandoning his position.
10. The member showed lack of remorse for his actions and apparent disdain for the investigation and the hearing process as well as a consistently disrespectful demeanor throughout the hearing.
11. The Committee often found the member's testimony to be contradictory, inflammatory and irrelevant to the matter at issue, in contrast to the other witnesses' evidence, which was found to be cogent and to have a high degree of credibility. Many witnesses gave evidence corroborating the statements made by other witnesses.

**DECISION AND ORDERS:**

Based on the reasons outlined above, the Committee finds James Edward Garrow guilty of professional misconduct under subsections 1 (5) and (7) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to suspend James Edward Garrow's Certificate of Qualification and Registration for a period of nine months, effective immediately. In addition, the Committee determines a reprimand is in order, to be administered immediately after the adjournment of this hearing.

The Committee also imposed a fine in the amount of \$3000.00 (three thousand dollars) to be paid by the member to the Minister of Finance for payment into the Consolidated Revenue Fund, within six months of the date of this decision.

If the member should fail to pay the fine within the six-month period, the suspension will be continued until such payment is made or until eighteen months have passed. If the member fails to pay the fine within eighteen months, the matter will be brought back to this panel of the Committee for consideration of a breach of Ontario Regulation 437/97, subsection 1 (21) *Failing to comply with an order of a panel of the Discipline Committee or an order of a panel of the Fitness to Practise Committee.*

### **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 Committee, a practice that has significant general deterrent value.

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 13th DAY OF FEBRUARY, 2002  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Dick Malowney, **Chair**

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Nancy Hutcheson

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Janet Cornwall