

**ONTARIO COLLEGE OF TEACHERS**  
**DISCIPLINE COMMITTEE**

**ORDER**

**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 Janet Elizabeth Gibson.

The Discipline Committee reconvened to hear submissions on penalty on March 27, 2003,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

- and -

**JANET ELIZABETH GIBSON**  
**CERTIFICATE #185717**

**PRESENT:**

Members of the Panel

Nancy Hutcheson (Chair)

Solette N. Gelberg

George Merrett

Christopher Wirth, of Stockwoods, Independent Counsel to the Panel

David Leonard, McCarthy Tétrault LLP, Counsel for the Ontario College of Teachers, assisted by Jennifer Robinson, Law Clerk

Maurice Green, Green and Chercover, Counsel for the member

Janet Gibson was present.

A man identified as Ms Gibson's husband

On September 23, 2002, the Discipline Committee rendered an oral decision finding Janet Gibson guilty of professional misconduct in that she contravened subsections 1 (5), (7), (14), (15), (18) and (19) of the Professional Misconduct Regulation and that she displayed a lack of judgement and a disregard for the welfare of a student of a nature that demonstrates that the member is unfit to carry out her professional responsibilities. The Committee directed the Registrar to revoke her Certificate of Qualification and Registration immediately.

Also, on September 23, 2002, the Discipline Committee made an interim order directing that there be no publication of any information that would lead to the disclosure of the identity of the student or the member involved in this matter. This decision remained subject to an interim publication ban pending the receipt and review of a psychiatric report of Dr. A. Choy and the reconvening of the Committee to receive and review the report and to hear submissions of counsel.

The Committee reconvened on March 27, 2003 to hear submissions to determine whether the interim publication ban should remain or be lifted.

The Committee learned that the finding of professional misconduct was placed on the College's Public Register, contrary to the spirit of the Committee's decision regarding publication, albeit for a short period of time. The Committee was subsequently told that the finding was removed from the Public Register pending receipt and review of Dr. Choy's report and the reconvening of the Committee for a final determination regarding publication.

The Committee received and reviewed Dr Choy's written psychiatric report of January 21, 2003, notes that it contains personal and third party information and orders that it be sealed, save and except for any further hearings of the Discipline Committee.

The Committee heard the Joint Submission regarding publication in *Professionally Speaking/Pour parler profession*. The Committee also heard submissions with regard to any other publication over which the College has control, including, but not limited to

legal requirements for notification of school boards and notations required on the Public Register.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing be published in the official publication of the Ontario College of Teachers, *Professionally Speaking /Pour parler profession*. However, the Committee accepts the Joint Submission of counsel and orders that the name of the member, the name of the student, and any other identifying factors be withheld. Apart from the restrictions on the information that will be published in the official publication of the College, *Professionally Speaking/Pour parler profession*, the Committee orders that the interim publication ban be lifted.

The Committee finds that the College's duty to report to employers and to ensure that the information about professional misconduct is on the record for any future employers is paramount in the protection of students and the public interest.

The Registrar is directed to make notations on the Public Register and notifications to employers as directed by legislation. [OCTA, 23(2), 30(5), 32(13) and 43.4(1)]

**DATED AT TORONTO, THIS 28<sup>TH</sup> DAY OF MAY, 2003  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Nancy Hutcheson, **Chair**

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Solette N. Gelberg

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George Merrett