

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 Janet Elizabeth Gibson.

The Discipline Committee held a hearing on September 23, 2002,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**JANET ELIZABETH GIBSON
CERTIFICATE #185717**

PRESENT:

Members of the Panel

Nancy Hutcheson (Chair)

George Merrett

Solette N. Gelberg

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

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

Maurice Green, Green and Chercover, Counsel for the member

The member did not attend.

This decision remains subject to an interim publication ban pending the outcome of Dr. A. Choy's psychiatric report. On September 23, 2002, the Discipline Committee made an interim order directing that there may be no publication of any information which may lead to the disclosure of the identity of the student or the member involved in this matter.

Counsel requested that the hearing be held in-camera because of concerns for the member's personal well being. The Committee denied this request.

A Notice of Hearing dated July 5, 2001 was served on Janet Elizabeth Gibson ("Janet Gibson"), requesting attendance before the Discipline Committee of the Ontario College of Teachers on July 30, 2001 to set a date for hearing, and specifying the charges. The hearing date was set for September 23, 2002.

It is alleged that Janet Gibson is guilty of professional misconduct in that:

- (a) she failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) she abused a student or students physically, sexually, verbally, psychologically, or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) she 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 that Act, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) she committed acts that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (e) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and

- (f) she displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of a student or students of a nature or extent that demonstrates that the member is either unfit to carry out her professional responsibilities or that the member's Certificate should be made subject to terms, conditions or limitations.

The Notice of Hearing states that Janet Gibson is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On September 23, 2002, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Janet Gibson is guilty of professional misconduct.

Janet Gibson was not in attendance at the hearing, however she was 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, alleging that Janet Gibson is guilty of professional misconduct in that her 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), (14), (15), (18) and (19) and contrary to the Ontario College of Teachers Act, subsection 30(3).

Counsel presented evidence that Janet Gibson is a member of the Ontario College of Teachers. At all material times, the member was employed by Upper Grand District School Board (formerly Wellington County Board of Education) as a teacher.

A document entitled "Particulars of the Allegations" was filed as Exhibit #1. This document included the following:

1. Janet Gibson, whose date of birth is [XXX], is a member in good standing of the Ontario College of Teachers.
2. At all material times, the member was employed by Upper Grand District School Board as a teacher. The member taught [XXX] at [XXX]. In addition, the member was coach of the school's [XXX].
3. At all material times, [XXX], whose date of birth is [XXX], was a male student at the high school. During the [XXX] school year, [XXX] was a [XXX] student in the member's [XXX]. [XXX] was also a member of the [XXX]. [XXX] had been a student in the member's [XXX] class during the [XXX] and [XXX] school years.
4. During the 1994-1995 school year from approximately September 1994 to May 1995, the member sexually abused [XXX] by engaging him in a relationship which was inappropriate to the relationship of teacher and student.
5. The relationship between the member and [XXX] included, but was not restricted to, the member being alone with [XXX]; the member parking with [XXX] in secluded areas away from the high school; and, the member engaging in lengthy telephone conversations with [XXX] after school hours. Further, the member engaged in sexual intercourse with [XXX] on at least 14 occasions commencing in

- approximately early October 1994, when [XXX] was [XXX] years of age, and continuing until approximately April 1995, when the relationship ended.
6. The acts of sexual intercourse between the member and [XXX] occurred at various locations including the high school, the member's residence, motels and secluded areas in the countryside.
 7. The member maintained the relationship with [XXX] despite being told by his parents on or about January 31, 1995 that they were concerned about the relationship between the member and [XXX]. At that meeting, the member deliberately misled Mr. and Mrs. [XXX] as to the nature of her relationship with [XXX] by presenting it as being a matter of [XXX] wishing to confide in her about personal matters.
 8. Despite being asked by Mr. and Mrs. [XXX] at that meeting, on or about January 31, 1995, to discontinue any contact with [XXX] which did not constitute an appropriate student-teacher relationship, the member continued to maintain an inappropriate and sexual relationship with [XXX].
 9. On or about February 24, 1995, the member was directed by the principal of the high school to, in her best interest, avoid meeting with or talking to [XXX] other than in school settings. The principal confirmed this conversation by letter to the member on February 24, 1995 and the member signed an acknowledgement of receipt of that letter.
 10. Between September 1994 and June 1995, the member further abused [XXX] by:
 - (a) having numerous personal telephone conversations with [XXX] after school hours;

- (b) sending [XXX] a birthday card for his [XXX] birthday on [XXX]. This card included a note, which stated, "I hope this is only the first of many birthdays that I can celebrate with you."
- (c) Giving [XXX] personal gifts, namely a compact disc for his [XXX] birthday on [XXX] and a compact disc and sweater at Christmas 1994. The tag on the Christmas gift stated, "Merry Christmas to the love of my life. I can't wait for the fun we'll have in 1995. Love, Janet."
- (d) Giving [XXX] a suggestive Christmas card in December 1994, in which she wrote, "Merry Christmas or should I say Merry Kissmas. I Love you and I can't wait to give you what you really want. Love, J."
- (e) Accepting birthday and Christmas cards from [XXX];
- (f) Sitting beside [XXX] having her head on his shoulder and permitting him to have his head on her shoulder while on a school ski trip to [XXX] between approximately February 14, 1995 and February 19, 1995. Further, during this school ski trip, the member spent a great deal of time with [XXX]
- (g) Giving to [XXX], during that school ski trip to [XXX], a Valentine card inscribed, "Happy Valentine's Day SWEETHEART", on the inside of which she had written "February 14 1995, [XXX] cookie, love muffin, sweetie, darling, boy toy, baby...I hope this is just the beginning. Hugs & Kisses.

[XXX]



[XXX]

All my love Janet

xxoo.”

- (h) Wrote a note to [XXX] dated March 28, 1995, which stated, “I want you to know what you mean to me. You are a person with whom I dare to be myself. My soul can go naked with you. You seem to ask me to put nothing on, only to be what I really am. When I am with you, I don’t have to be on my guard. I can say what I think as long as it is genuinely me. You understand those contradictions in my nature that cause others to misjudge me. With you I breathe freely. I can avow my little vanities and envies and absurdities and in opening them up to you they are dissolved in the white ocean of your loyalty. You understand. You can weep with me and laugh with me. Through and underneath it all you see, know, and love me. Thanks for everything. Love always, J.”
- (i) On or about May 12, 1995, the member was suspended with pay from her teaching duties at the high school, and on or about October 11, 1995, the member was dismissed by the board for violating her duties as a teacher under the *Education Act*.
- (j) The member will not oppose a submission by the Ontario College of Teachers that she be found guilty of professional misconduct as defined in sections 30(2) and (3) of the Act, as well as Ontario Regulation 437/97, subsections 1 (5), (7), (14), (15), (18) and (19); and that she displayed in her professional responsibilities a lack of knowledge, skill and/or judgement of a nature or extent that demonstrates that the member is unfit to carry out her professional responsibilities or that the Certificate held by the

member be made to subject to terms, conditions or limitations contrary to Ontario Regulation 437/97, section 30(3) of the Act.

- (k) If the Discipline Committee should find the member guilty of professional misconduct, the member will not oppose a submission by the Ontario College of Teachers that the appropriate penalty would be the revocation of her Certificate of Qualification and Registration.

The member entered a plea of no contest.

FINDINGS OF FACT:

Based on the Particulars of the Allegations, the panel finds the following facts:

- (1) During the 1994-1995 school year, from approximately September 1994 to May 1995, the member sexually abused [XXX], [XXX], by engaging him in a relationship which was inappropriate to the relationship of teacher and student.
- (2) The relationship between the member and [XXX] included, but was not restricted to, the member being alone with [XXX]; the member parking with [XXX] in secluded areas away from the high school; and, the member engaging in lengthy telephone conversations with [XXX] after school hours. Further, the member engaged in sexual intercourse with [XXX] on at least 14 occasions commencing approximately in early October 1994, when [XXX] was [XXX] years of age, and continuing until approximately April 1995, when the relationship ended.

- (3) The acts of sexual intercourse between the member and [XXX] occurred at various locations including the high school, the member's residence, motels and secluded areas in the countryside.
- (4) The member maintained the relationship with [XXX] despite being told by his parents on or about January 31, 1995 that they were concerned about the relationship between the member and [XXX]. At that meeting, the member deliberately misled Mr. and Mrs. [XXX] as to the nature of her relationship with [XXX] by presenting it as being a matter of [XXX] wishing to confide in her about personal matters.
- (5) Despite being asked by Mr. and Mrs. [XXX] at that meeting, on or about January 31, 1995, to discontinue any contact with [XXX] which did not constitute an appropriate student-teacher relationship, the member continued to maintain an inappropriate and sexual relationship with [XXX].
- (6) On or about February 24, 1995, the member was directed by the principal of the high school, in her best interest, to avoid meeting with or talking to [XXX] other than in school settings. The principal confirmed this conversation by letter to the member on February 24, 1995 and the member signed an acknowledgement of receipt of that letter.
- (7) Between September 1994 and June 1995, the member further abused [XXX] by:
 - (a) having numerous personal telephone conversations with [XXX] after school hours;
 - (b) sending [XXX] a birthday card for his [XXX] birthday on [XXX]. This card included a note, which stated, "I hope this is only the first of many birthdays that I can celebrate with you."

- (c) giving [XXX] personal gifts, namely a compact disc for his [XXX] birthday on [XXX], and a compact disc and sweater at Christmas 1994. The tag on the Christmas gift stated, "Merry Christmas to the love of my life. I can't wait for the fun we'll have in 1995. Love, Janet."
- (d) giving [XXX] a suggestive Christmas card in December 1994, in which she wrote, "Merry Christmas or should I say Merry Kissmas. I Love you and I can't wait to give you what you really want. Love, J";
- (e) accepting birthday and Christmas cards from [XXX];
- (f) sitting beside [XXX], having her head on his shoulder and permitting him to have his head on her shoulder while on a school ski trip to [XXX] between approximately February 14, 1995, and February 19, 1995.
- Further, during this school ski trip, the member spent a great deal of time with [XXX]
- (g) during that school trip to [XXX], giving [XXX] a Valentine card inscribed, "Happy Valentine's Day SWEETHEART", on the inside of which she had written "February 14, 1995, [XXX] cookie, love muffin, sweetie, darling, boy toy, baby...I hope this is just the beginning. Hugs & Kisses.
- [XXX]
- ♥
- J.P.
- All my love Janet
- xxoo."
- (h) wrote a note to [XXX] dated March 28, 1995 which stated,

“I want you to know what you mean to me. You are a person with whom I dare to be myself. My soul can go naked with you. You seem to ask me to put nothing on, only to be what I really am. When I am with you, I don’t have to be on my guard. I can say what I think as long as it is genuinely me. You understand those contradictions in my nature that cause others to misjudge me. With you I breathe freely. I can avow my little vanities and envies and absurdities and in opening them up to you they are dissolved in the white ocean of your loyalty. You understand. You can weep with me and laugh with me. Through and underneath it all you see, know, and love me. Thanks for everything. Love always, J.”

- (8) On or about May 12, 1995, the member was suspended with pay from her teaching duties at the high school, and on or about October 11, 1995, the member was dismissed by the board for violating her duties as a teacher under the *Education Act*.

The Committee finds the actions of the member to be reprehensible. Teachers have a unique responsibility to ensure the physical, emotional and psychological wellbeing of the students in their care. Janet Gibson ignored this responsibility for her own gratification.

DECISIONS AND ORDERS:

Accordingly, the Committee finds Janet Gibson guilty of professional misconduct under subsections 1 (5), (7), (14), (15), (18) and (19) of the Professional Misconduct Regulation and 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, as alleged.

The Committee directs the Registrar to revoke Janet Gibson's Certificate of Qualification and Registration immediately.

The Committee will determine whether the interim publication ban will remain or will be lifted following the reconvening of this Committee and upon the receipt and review of the psychiatric report of Dr. A. Choy.

**DATED AT TORONTO, THIS 27TH DAY OF FEBRUARY, 2003
BY ORDER OF THE DISCIPLINE COMMITTEE**

Nancy Hutcheson, **Chair**

George Merrett

Solette N. Gelberg