

**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
Mark Anthony Hancock, 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
)	
- and -)	
)	
MARK ANTHONY HANCOCK	)	Joshua Phillips,
(CERTIFICATE #263681)	)	Green & Chercover,
	)	for Mark Anthony Hancock
)	
)	
	)	Nancy Spies,
	)	Stockwoods,
	)	Independent Legal Counsel
)	
	)	Heard: November 16, 2004

REASONS FOR DECISION, DECISION AND ORDER (S)

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on November 16, 2004 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated July 8, 2004 was served on Mark Anthony Hancock, requesting attendance before the Discipline Committee of the Ontario College of Teachers on September 15, 2004 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for November 16, 2004.

Mark Anthony Hancock was not in attendance at the hearing.

The Allegations

The allegations against Mark Anthony Hancock in the *Notice of Hearing*, (*Exhibit 1*) dated July 8, 2004, are as follows:

IT IS ALLEGED that Mark Anthony Hancock is guilty of professional misconduct as defined in sections 30(2) and 40 (1.1), and/or is incompetent as defined in section 30 (3) of the *Ontario College of Teachers Act, 1996* (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 particularly 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 November 16, 2004 the Committee made an order that there be no publication of any information that may disclose the identities 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 and Guilty Plea*. (ASF - *Exhibit 2*)

The *Agreed Statement of Facts and Guilty Plea* provides as follows:

1. Mark Anthony Hancock (the "Member") is a member of the Ontario College of Teachers. Attached hereto is a copy of the Ontario College of Teachers Registered Member Information of the Member. (ASF-*Exhibit 2, Tab A*)
2. At all material times the Member was employed as a teacher by the Upper Canada District School Board (the "Board"). From approximately December 1997, until 19 June 2003, the Member was assigned to a secondary school.

3. During the 2000-2001 academic year, [REDACTED], whose date of birth is [REDACTED], was a female student in one of the Member's Grade 11 classes. The Member also taught [REDACTED] during the 2001-2002 and 2002-2003 academic years, when she was in Grade 12 and OAC respectively.
4. During the 2002-2003 academic year [REDACTED], who resides in [REDACTED], was a female exchange student at the School.
5. At all material times [REDACTED] was a female friend of [REDACTED] who had been a student of the Member in approximately 2001.
6. On or about 7 November 2002 the Member was present at a staff meeting at the School at which the Professional Advisory of the Ontario College of Teachers, which was approved by the council of the College on 27 September 2002, was discussed. The agenda for the meeting and a copy of the Professional Advisory are attached. In addition, aspects of the report by Mr. Justice Robins as well as the *Student Protection Act*, the *Education Act* and the *Ontario College of Teachers Act* and Ontario Regulation 437/97 relating to professional misconduct were discussed at that meeting. (ASF-Exhibit 2, Tabs B & C)

Misconduct Involving [REDACTED]

7. During the 2002-2003 school year the Member confided in [REDACTED] about his personal, marital and financial problems.

8. During the fall of 2002, the Member arranged for [REDACTED] to come to his home, by asking her to babysit and tutor his children.
9. [REDACTED] babysat the Member's children and helped them with their homework approximately four times per week following which she was often asked by the Member's wife, whose name was Jennie, to stay for dinner.
10. Around November 2002, [REDACTED] started helping the Member with catering at the school. At around that time, she described the Member as being "a good friend."
11. During November or December 2002, [REDACTED] went on a school trip to Algonquin College, which was also attended by the Member. While on that trip, [REDACTED] spent time with the Member because she did not have any friends in that class.
12. During the 2002-2003 academic year the Member engaged in a relationship with [REDACTED] which included hand holding and kissing. The relationship progressed in March 2003 to sexual intercourse, as described in more detail in the paragraphs below. While engaging in that relationship with [REDACTED], the Member:
 - (a) made inappropriate comments to [REDACTED] including telling her that she had to get out of her parents' house before her parents destroyed her;
 - (b) spent time with [REDACTED] alone in his office with the door closed and the windows covered;
 - (c) spent time alone with [REDACTED] at the School during evenings and weekends;
 - (d) gave [REDACTED] a key to his office at the School;

(e) used [redacted]'s friend, [redacted], a previous female student of his who graduated in June 2001, to communicate with [redacted]; and

(f) provided [redacted] with a cellular telephone so that he could keep in touch with her.

13. In or around February 2003 the Member and [redacted] began discussing personal feelings, and on the evening of 6 February 2003, he told her that she was a special person and that he had not met anyone like her before. The Member then hugged [redacted] and on the following day she wrote the Member a letter expressing her feelings towards him. After reading the letter the Member and [redacted] tore the letter into small pieces.

14. Between the approximate dates of 2 February 2003 and 3 June 2003, the Member, whose e-mail address was [redacted]@hotmail.com engaged in inappropriate e-mail communications with [redacted], whose e-mail address was [redacted]@icqmail.com, in which he:

(a) repeatedly told [redacted] that he loved her;

(b) made unflattering comments about [redacted]'s parents;

(c) told [redacted] that she had the dorkiest friends in history;

(d) repeatedly told [redacted] that he missed her;

(e) made unflattering comments about [redacted]'s sister;

(f) made arrangements to talk to [redacted] or to meet her in person;

(g) told [redacted] that she had to choose between him and her parents;

(h) repeatedly told [redacted] that she had to stand up to her parents;

(i) told [redacted] that he was not complete without her;

- (j) told [] he would try to understand if she did not love him;
- (k) admitted that he told his brother, "about us today basically everything except the love making;"
- (l) referred to [] as his best friend;
- (m) told [] that they were soul mates;
- (n) referred to [] as, "Angel", "hunny bun", "snugly bug", and "kissy, kissy little missy";
- (o) told [] that he wanted to give her, "a bone crusher";
- (p) wrote, "I love you so much and hate having to hide it!"
- (q) wrote, "My love for you grows deeper inside whenever I think of you 'WAIT' butterflies have just arrived and with that I will say Love You and Will See You Later."
- (r) told [] that he could not imagine a life without her;
- (s) told [] that she made him feel alive and that she energized him;
- (t) jokingly suggested, on about 16 March 2003, that [] weave some arsenic into a bracelet which she was making for his wife;
- (u) told [] that he "felt an incredible chemistry" from [] when he kissed [];
- (v) told [] that she was sexy and beautiful;
- (w) told [] on 30 May 2003, that his children would love for them to get married, and asked [] to marry him;

- (x) told [] that his children hoped that they get married very soon because it would make them happy, and told her that his children would like her to “wear the prom dress at our wedding” ;
- (y) told [] that he would wait for her if she needed time to decide if she wanted to be with him;
- (z) invited [] to take a vacation with his children and himself ; and
- (aa) told [] on 1 June 2003, that he still wanted her to work for him during the summer of 2003, whether she was living with her parents or with him.

15. Attached are copies of some of the e-mail correspondence between the Member and [] (*ASF-Exhibit 2, Tab D*)

16. At a school dance on 13 February 2003, the Member told [] that he had had an argument with his wife and he then started to cry. [] went to the Member’s office in the evening to check on him and while there the Member kissed her for the first time. On the following day, the Member gave [] a Valentine’s Day card and less than a week later he told her that he loved her.

17. On or about 1 March 2003, the Member and [] told [] that they had feelings towards each other.

18. The Member obtained permission from []’s parents, who were not aware of the developing relationship between himself and [], for [] to accompany the Member, his wife and family to Myrtle Beach, South Carolina, during March Break 2003, as a babysitter for their children. The Member and his family were accompanied on that

trip by other teachers and their families. The trip to Myrtle Beach took place from 7 March 2003 to 15 March 2003.

19. On or about 15 March 2003, on returning to the Member's home, [REDACTED] helped put the children to bed and the Member then proceeded to drive [REDACTED] home. While on their way to [REDACTED]'s residence, the Member engaged in sexual intercourse with [REDACTED] in his motor vehicle.

20. The Member engaged in further acts of sexual intercourse with [REDACTED] subsequent to 15 March 2003 and which continued after the end of the 2002-2003 academic year.

21. On or about 28 March 2003, the Member:

- (a) took [REDACTED] to the Town of Massena in New York State where he purchased an engagement ring for her and matching wedding bands for [REDACTED] and himself; and
- (b) permitted [REDACTED] to sleep overnight with him at his house while his wife and children were away.

22. On or about 12 April 2003 the Member:

- (a) told [REDACTED]'s mother that he could assure her of her daughter's sexual orientation; and
- (b) offered to buy [REDACTED] which [REDACTED]'s parents were selling because he knew that [REDACTED] was attached to them and did not want them to be sold.

23. On or about 13 April 2003 the Member's wife died by suicide.

24. On or about 30 April 2003, the Member gave [REDACTED] the sum of one thousand dollars.

25. On or after 1 May 2003, the Member began receiving nightly telephone calls from [REDACTED] during which [REDACTED] spoke to each of his children about the events of their day.
26. On or about 2 May 2003, the Member publicly kissed [REDACTED] while sitting in his motor vehicle in the parking lot of a Tim Horton's Restaurant in a neighbouring town.
27. On or about 4 May 2003, at approximately 11:00 p.m., the Member paged [REDACTED] and requested that she contact him by telephone. During the subsequent telephone conversation, the Member notified [REDACTED] that the following day would be his first day at work following his wife's death.
28. On or about 10 May 2003, the Member engaged in sexual intercourse with [REDACTED] at his home while [REDACTED] waited downstairs and while his children were sleeping.
29. On or about 16 May 2003, the Member permitted [REDACTED] and [REDACTED] to stay at his home from approximately 8:00 p.m. to 12:50 a.m. during which time [REDACTED]'s parents were under the impression that [REDACTED] was at the movies with [REDACTED]
30. On or about 19 May 2003, at approximately 3:04 a.m., the Member paged [REDACTED] with a message which stated, "I love you."
31. On or about 22 May 2003, the Board wrote to the Member expressing concerns about an alleged relationship between himself and [REDACTED]. After setting out the main areas requiring his comments, the Member was directed to have no contact with [REDACTED] or her family, either directly or indirectly, until further notice. A copy of the letter of the Board is attached. (*ASF-Exhibit 2, Tab E*)

32. The Member continued to spend time with [REDACTED] and communicate with her after her parents directed him not to do so and after the Board directed him not to do so.
33. On or about 30 May 2003, on which date the school prom occurred, the Member:
- (a) bought a corsage and a card for [REDACTED];
 - (b) bought a card for [REDACTED] from his children; and
 - (c) made arrangements for [REDACTED] to take [REDACTED] to his residence during that night.
34. On or about 31 May 2003, the Member went to the movies with [REDACTED]
35. By letter dated 4 June 2003, a copy of which is attached, the Board wrote to the Member detailing the results of their investigation into the actions of the Member towards [REDACTED] and advised him that members of the Administration would be making a recommendation to the Board on 18 June 2003 that his employment be terminated for cause. (*ASF-Exhibit 2, Tab F*)
36. During the investigations by the Board, interviews of custodians of the School were conducted, and the custodians provided observations of instances of inappropriate activities on the part of the Member and his involvement with [REDACTED] on the premises of the School. Attached is a copy of the notes of the interviews of the custodians. (*ASF-Exhibit 2, Tab G*)
37. On or about 13 June 2003, the Member permitted [REDACTED] to move into his residence with him.

Misconduct Involving [■]

38. With respect to [■], the Member acted inappropriately towards her in that he took a photograph of [■] as she exited from the shower wearing only a towel while she was on an overnight school trip to Kingston on or about 20 or 21 November 2002. Attached is a copy of a handwritten statement of [■] in which she described that incident. (*ASF-Exhibit 2, Tab H*)

Termination of Employment

39. On or about 19 June 2003, the Member's employment with the Board was terminated for just cause for his inappropriate conduct. Attached is a copy of a letter dated 19 June 2003 from the Board to the Member terminating his employment. (*ASF-Exhibit 2, Tab I*)

Member's Plea

By this document, the Member, Mark Anthony Hancock, accepts that the matters referred to in paragraphs 7, 8, 10 to 22, 24 to 30, 32 to 34, 37 and 38 above constitute conduct which is disgraceful, dishonourable and unprofessional and pleads guilty to the allegations of professional misconduct and incompetence against him, being more particularly breaches of Ontario Regulation 437/97 subsection 1(5), 1(7), 1(14), 1(15), 1(18) and 1(19), as set out in the *Notice of Hearing*. Further, the Member pleads guilty to engaging in sexual abuse of a student or students of a nature defined in sections 1 and 40(1)(1) of the Act. In addition, the Member pleads guilty to displaying 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.

The Member states that:

- (a) he understands fully the nature of the allegations;
- (b) he understands that, by pleading guilty to the allegations, he is waiving the right to require the College to prove the case against him and the right to have a hearing; and
- (c) he voluntarily decided to plead guilty.

Joint Submission as to Finding

In light of the admitted facts and circumstances, the Ontario College of Teachers and the Member jointly submit that the Discipline Committee find the Member guilty of professional misconduct and incompetence.

Decision as to Finding

Having examined the Exhibits filed, and based on the guilty plea, the *Agreed Statement of Facts and Guilty Plea*, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct and incompetence. In particular, the Committee finds that Mark Anthony Hancock committed acts of professional misconduct and incompetence, being more particularly breaches of Ontario Regulation 437/97 subsection 1(5), 1(7), 1(14), 1(15), 1(18) and 1(19), as set out in the *Notice of Hearing*. Further, the Committee finds that the Member engaged in sexual abuse of a

student or students of a nature defined in sections 1 and 40 (1.1) of the Act. In addition, the Committee finds that the Member 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.

Joint Submission as to Penalty

The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be that the Committee direct the Registrar of the Ontario College of Teachers to immediately revoke the Certificate of Qualification and Registration of the Member, which certificate the Member agrees to immediately surrender to the Registrar of the Ontario College of Teachers.

The Ontario College of Teachers and the Member jointly submit that the findings and Order of the Committee, be published in summary, with the Member's full name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

Penalty Decision

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

1. The Registrar of the Ontario College of Teachers is directed to revoke immediately the Member's certificate of qualification and registration, which the Member is to surrender immediately to the Registrar.

2. Pursuant to Section 30 (5) (3) of the *Ontario College of Teachers Act*, the decision and reasons shall be published in summary, with the name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

Reasons for Decision

The Committee concluded that the proposed penalty is reasonable and serves and protects the public interest.

The order meets the objective of general deterrence and sends a clear message to members to maintain appropriate boundaries between students and teachers.

The order meets the objective of specific deterrence to the Member in that it sends a message to this Member that his conduct is entirely unacceptable, by revoking his certificate of qualification and registration.

Date: November 16, 2004

Nancy Hutcheson
Chair, Discipline Panel

Janet Cornwall
Member, Discipline Panel

Ted Coulson
Member, Discipline Panel