

MEMORANDUM OF AGREEMENT

BETWEEN:

Ontario College of Teachers

- and -

Bruce Robert Hemsworth

WHEREAS Bruce Robert Hemsworth is a member of the Ontario College of Teachers (Registry number 264 320);

AND WHEREAS, J.W. (Joe) Atkinson, former Registrar and Chief Executive Officer (the "complainant") has filed a complaint, dated January 9, 2003, with respect to the conduct or actions of Bruce Robert Hemsworth;

THE PARTIES to this agreement are the Ontario College of Teachers (the "College") and Bruce Robert Hemsworth (the "member"). The Registrar's signature on this Memorandum of Agreement (the "MOA") does not bind the Investigation Committee in its function to consider and dispose of this matter.

The parties agree to resolve the complaint as follows:

1. the member acknowledges that in September 2002, he pleaded guilty to three counts of indecent assault involving three female students. The member acknowledges that his actions constitute professional misconduct;
2. the parties agree and understand that the terms of this MOA constitute a proposed settlement of this matter and that the terms are subject to ratification by the Investigation Committee of the College. Accordingly, this MOA is not considered final and binding on the parties until such time as it is ratified by the Investigation Committee;
3. the parties agree and understand that if the Investigation Committee ratifies this MOA, there shall be no appeal of any or all of the terms of this agreement, to any forum of the College;
4. pursuant to subsection 14(2) of the *Ontario College of Teachers Act, 1996*, the member agrees and undertakes to resign his membership in the College to take effect upon ratification of the MOA by the Investigation Committee;
5. the member agrees and understands that, upon ratification of this MOA, the Registrar shall cancel his certificate of qualification and registration pursuant to subsection 14(3) of the *Ontario College of Teachers Act, 1996*;

6. the member agrees and understands that upon ratification of this MOA, he will surrender his certificate of qualification and registration to the Registrar;
7. the member agrees and undertakes not to reapply to the College for a certificate of qualification and registration for a period of three years to commence upon the ratification of this MOA by the Investigation Committee;
8. the member agrees and understands that should he apply for a certificate of qualification and registration, pursuant to section 18 of the *Ontario College of Teachers Act, 1996*, the Registrar shall review this MOA in considering the member's application;
9. subject to paragraph 7 of the MOA, the member agrees and undertakes not to seek or engage in any employment whereby a certificate of qualification and registration is required;
10. the member agrees and understands that a notation will be placed on the public register maintained by the Registrar, in accordance with section 23 of the *Ontario College of Teachers Act, 1996*, which will include the following information:
 - (a) on (date of ratification by the Investigation Committee), the member resigned his membership in the College;
 - (b) on (date of ratification by the Investigation Committee), the Registrar cancelled the member's certificate of qualification and registration; and
 - (c) at the time of the member's resignation, a professional misconduct investigation was in progress at the College regarding the member's indecent assault of three female students;
11. the member agrees and understands that the College will publish his name with a summary of the complaint and the nature of the resolution contained in this MOA. Such publication will be made in the College's official publication, *Professionally Speaking/Pour parler profession*, on the College's website, or in such other manner as the Registrar and Chief Executive Officer deems appropriate;
12. the member agrees and understands that upon ratification of this MOA by the Investigation Committee, the College shall maintain a copy of the Investigation Committee's Decision and Reasons, including this MOA, in the College's Margaret Wilson Library. The member agrees and understands that said Decision and Reasons are available for public review;
13. the member agrees and understands that the College will provide notice of the cancellation of the member's certificate of qualification and registration to any Canadian school or school board, any Canadian teacher federation or affiliate, the Ontario Directors of Education and Heads of Private Schools, and the teacher licensing and governing bodies in Canada and elsewhere who are routinely notified by the College of such cancellations;
14. pursuant to section 43.4 of the *Ontario College of Teachers Act, 1996*, the member agrees and understands that if the Investigation Committee ratifies this MOA, the College will provide the member's former employer, the Keewatin-Patricia District School Board, with the committee's Decision and Reasons, including this MOA;

- 15. the parties agree and undertake to take no further action with respect to the complaint provided that the terms of this MOA are complied with;
- 16. the member agrees and understands that should he breach this MOA by seeking to be licensed as a teacher or by seeking employment as a teacher in any jurisdiction during the period he has agreed not to teach, the College may provide a copy of this MOA to any school, board, or licensing body who inquires about the member's record with the College;
- 17. the member agrees and understands that, in the event he breaches a term of this MOA, the College may conduct an investigation into this matter as permitted under the *Ontario College of Teachers Act, 1996*;
- 18. the member agrees and understands that, in the event he breaches a term of this MOA, the College may provide the Investigation, Executive, Discipline, or Fitness to Practise Committees with all the information necessary to fulfil its statutory mandate;
- 19. the member agrees and understands that, in the event he breaches a term of this MOA, he is estopped from alleging, by way of defense, that the College failed to investigate or dispose of the complaint in a timely manner and that he has been prejudiced by such delay;
- 20. the member agrees and understands that:
 - (a) if the Investigation Committee requests any modifications to this MOA, the Manager, Intake and Hearings, will consult the parties as to whether the modifications are acceptable. If the parties accept the modifications, they will sign and date the revised MOA and return it to the College, within ten business days from the date of the discussion with the Manager, Intake and Hearings. The revised MOA is considered final and binding once the Investigation Committee has ratified it; and
 - (b) if the Investigation Committee does not ratify the MOA, or the parties do not accept all of the modifications, the complaint will proceed through the investigation process at the College and will be considered by another panel of the Investigation Committee without prejudice. The Investigation Committee will not be provided with nor will it consider this MOA.

Dated at Thunder Bay this 22 day of June 2003

Ronald Hemsworth
Witness

Bruce Robert Hemsworth
Bruce Robert Hemsworth

Dated at Toronto this 25th day of June

June 2003

N. Carpenter
Witness

W. Douglas Wilson
W. Douglas Wilson
Registrar and Chief Executive Officer