

**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 John  
M.C. Herda, a member of the Ontario College of Teachers.

PANEL:                    Bernard J. Adam, Chair  
                                 Doug Carter  
                                 Pauline Demers

BETWEEN:	)	
	)	David Leonard, McCarthy Tétrault,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans, Senior
	)	Law Clerk
- and -	)	
	)	
JOHN M.C. HERDA	)	William Markle, Markle, May,
(CERTIFICATE #168159	)	Phibbs, for John M.C. Herda,
	)	assisted by Donna Ptak
	)	
	)	
	)	Christopher Wirth, Stockwoods,
	)	Independent Legal Counsel
	)	
	)	Heard: January 26, 2004

**REASONS FOR DECISION, DECISION AND ORDER(S)**

This matter came on for hearing before a panel of the Discipline Committee on January  
26, 2004 at the Ontario College of Teachers at Toronto.

John M. C. Herda was in attendance.

On January 26, 2004, the Discipline Panel made an order that there be no publication of any information that may disclose the identity of the student(s) involved in this matter.

Counsel for the College advised the Discipline Panel that the College was seeking an order from the Discipline Panel granting the College leave to withdraw the allegations set out in the Notice of Hearing against John M.C. Herda. The Member consents to the withdrawal of the allegations.

Independent legal counsel advised the Panel that the Panel had jurisdiction to make the order requested, pursuant to section 4.1 of the *Statutory Powers Procedure Act*, which provides that if the parties consent, a proceeding may be disposed of by a decision of the panel without a hearing.

The Panel considered the submissions of College counsel and counsel for the Member. Upon the consent of the parties, the Discipline Panel authorizes the College to withdraw the allegations of professional misconduct against John M.C. Herda set out in the Notice of Hearing dated August 8, 2002.

Date: January 26, 2004

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Bernard J. Adam  
Chair, Discipline Panel

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Doug Carter  
Member, Discipline Panel

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Pauline Demers  
Member, Discipline Panel