

**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 Ronald Frank Hoidas, a member of the Ontario College of Teachers.

PANEL: Brent Hamelin, Chair
 Alexander Bass
 Anne Marie Levesque

BETWEEN:)	
	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
	)	Bernard Hanson
RONALD FRANK HOIDAS	)	Cavalluzzo Hayes Shilton,
(CERTIFICATE # 339164)	)	McIntyre & Cornish LLP,
	)	for Ronald Frank Hoidas,
)	
	)	Julie Maciura,
	)	Steinecke Maciura LeBlanc
	)	Independent Legal Counsel
)	
	)	Heard: October 20, 2009

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on October 20, 2009 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated January 15, 2009 was served on Ronald Frank Hoidas, requesting attendance before the Discipline Committee of the Ontario College of Teachers on January 28, 2009 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for October 20, 2009.

Ronald Frank Hoidas was in attendance at the hearing.

THE ALLEGATIONS

The allegations against Ronald Frank Hoidas in the *Notice of Hearing, (Exhibit 1)* dated January 15, 2009, are as follows:

IT IS ALLEGED that Ronald Frank Hoidas is guilty of professional misconduct as defined in section 30(2) 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 specifically section 264(1)(c) thereof or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and 1(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);
and

- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

At the hearing on October 20, 2009, counsel for the College sought to withdraw the allegations contained in paragraphs (b),(c) and (e) of the *Notice of Hearing*, being alleged breaches of Ontario Regulation 437/97, subsections 1(7), 1(14), 1(15) and 1(19). The Committee agrees that these allegations shall be withdrawn.

STATEMENT OF UNCONTESTED FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced a *Statement of Uncontested Facts, Plea of No Contest and Joint Submission on Penalty (SUF – Exhibit 2)*, which provides as follows:

1. Ronald Frank Hoidas (the “Member”) is a member of the Ontario College of Teachers. Attached is a copy of the Registered Member Information respecting the Member [Exhibit A].
2. At all material times, the Member was employed by the Simcoe Muskoka Catholic District School Board (the “Board”) as an occasional teacher.
3. On or about 14 September 2007, the Member was a supply teacher conducting a [XXX] class to which he was assigned at [XXX] School (the “School”) in Barrie. At the same time, A was a [XXX] male student of the School.

4. At some point during the class, three of the male students (the “other students”) started to place duct tape on parts of A’s body, including eventually his mouth, and/or used duct tape to secure A to a chair (the “duct taping”). A, who had recently celebrated his [XXX] birthday, had agreed to the duct taping and was a willing participant in the activity.
5. While the other students were doing the duct taping of A, another student used the camera accessory of his cell phone to make a video of the incident.
6. After the other students had started to place the duct tape on A, the Member:
 - (a) told them that they should not use duct tape on A’s mouth; that they were not to use a marker; and stated words to the effect, “Hey, we’re going overboard” and “This is not the time or the place”; and
 - (b) asked a student in the class to go to the office and get a vice-principal, but that student declined to do what the Member requested.
7. Other than as described in paragraph 6 above, the Member took no other action to prevent the duct taping from occurring.
8. As soon as the other students had completed the duct taping, they immediately started removing the duct tape.

9. The Member failed to prevent or stop the other students from removing the duct tape from the skin of A, despite yelling and swearing by A due to the pain of removing the duct tape from A's skin.

10. The incident lasted approximately 3-4 minutes. The Member was present in the classroom for the entire incident. Other than the immediate pain associated with removing the duct tape from his skin, A was not injured by the duct taping.

11. The Member was not aware that the student referred to in paragraph 5 above was making a video of the incident. The resulting video was uploaded to the internet website, YouTube, with the title "[XXX]". That video, which was posted on 25 September 2007 with tag lines which included the first and last names of A and the nickname of the School, has been viewed over 1000 times. A DVD copy of the video is attached as Exhibit "B".

12. By letter dated 14 December 2007, the Board terminated the Member's employment.

PLEA OF NO CONTEST

13. By this document, the Member admits, for the purposes of this proceeding only, the truth of the facts and Exhibits referred to in paragraphs 1 to 12 above ("the Admitted Facts"). The Member hereby acknowledges that the facts referred to in paragraphs 7 and 9 above, constitute professional misconduct and pleads no contest to the allegations of professional misconduct against him, being more particularly a breach of Ontario Regulation 437/97, subsection 1(5) and 1(18 - unprofessional).

14. By this document, the Member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) he understands that by signing this document, he is consenting to the evidence and Exhibits as set out in paragraphs 1 to 12 above, being presented to the Discipline Committee at the hearing of this matter;
- (c) he understands that by pleading no contest to the allegations, he is waiving the right to require the College to prove the case against him and the right to have a full hearing on these issues; and
- (d) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and with the advice of legal counsel.

15. The Member provides this plea of no contest pursuant to rule 3.02 of the *Rules of Procedure* of the Discipline Committee under protection of the *Evidence Act*, R.S.O. 1990, Ch. E23 for the purpose of this proceeding under the *College of Teachers Act*, 1996, Chapter 12 and for no other purpose. The Member's plea of no contest does not constitute an admission by the Member as to the facts or findings in any other civil, criminal or administrative proceedings.

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

JOINT SUBMISSION ON PENALTY

17. The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee would be that the Committee:

- (a) directs that the Member appear before the Committee immediately following the hearing of this matter to receive a reprimand, and the fact of the reprimand is to be recorded on the Register of the Ontario College of Teachers for the longer of 1 year from the date of this Order or such time as the Member fulfils the requirements of paragraph (b) below;
- (b) directs the Registrar of the Ontario College of Teachers to impose a term, condition or limitation (“term”) on the Member’s Certificate of Qualification and Registration that the Member is to complete, at his own expense, within three (3) months from the date of an Order by the Discipline Committee, a course of instruction, pre-approved by the Registrar, regarding appropriate class-room management, and that the Member shall deliver directly to the Registrar, within thirty (30) days of completion of that course, a written certificate from the course provider stating the Member has successfully completed the course. The fact of such term to be recorded on the Register of the College until such time as it is fulfilled; and
- (c) directs that there be publication of the findings and Order of the Committee in summary form in the official publication of the College, Professionally Speaking/Pour parler profession, without reference to the Member’s name.

18. By this document, the Member acknowledges his understanding that any agreement between the College and the Member with respect to the penalty proposed in this document does not bind the Discipline Committee.

DECISION

Having examined the Exhibits filed, and based on the Member's plea of no contest and the *Statement of Uncontested Facts, Plea of No Contest and Joint Submission on Penalty*, and the submissions made by counsel for the College and counsel for the Member, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Ronald Frank Hoidas committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5) and 1 (18 - unprofessional),

REASONS FOR DECISION

The Member admits the truth of the facts and Exhibits referred to in paragraphs 1 to 12 of the *Statement of Uncontested Facts, Plea of No Contest, and Joint Submission on Penalty* and acknowledges that the facts described in paragraphs 7 and 9 thereof constitute professional misconduct. He pleaded no contest to these allegations of professional misconduct. The Committee accepted the Member's plea of no contest and the facts contained in the *Statement of Uncontested Facts, Plea of No Contest, and Joint Submission on Penalty*.

The Member, in allowing three male students in a class he was supervising, to duct tape another student to a chair, duct taping parts of his body, including his mouth, failed to maintain the standards of the profession. The Member failed to prevent or stop the other students from removing the duct tape from the student's skin, despite yelling and swearing by the student due to the pain of removing the duct tape. By his inaction, in all respects of this incident, the Member demonstrated unprofessional conduct.

PENALTY DECISION

The Committee makes the following order as to penalty:

- (a) the Member is to appear before the Committee immediately following the hearing of this matter to receive a reprimand, and the fact of the reprimand is to be recorded on the Register of the Ontario College of Teachers for the longer of 1 year from October 20, 2009 or such time as the Member fulfills the requirements of paragraph (b) below;
- (b) the Registrar of the Ontario College of Teachers is directed to impose a term, condition or limitation (“term”) on the Member’s Certificate of Qualification and Registration that the Member is to complete, at his own expense, within three (3) months from October 20, 2009, a course of instruction, pre-approved by the Registrar, regarding appropriate classroom management, and the Member shall deliver directly to the Registrar, within thirty (30) days of completion of that course, a written certificate from the course provider stating the Member has successfully completed the course. The fact of such term to be recorded on the Register of the College until such time as it is fulfilled; and
- (c) The findings and order of the Committee shall be published in summary, without the name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession.*

REASONS FOR PENALTY DECISION

The reprimand of the Member by his peers in respect to his unprofessional conduct serves to reinforce the necessity to maintain classroom discipline and control of students at all

times. The fact that the reprimand of the Member took place will be recorded on the Register serves as a specific deterrent to the Member.

The Committee determined that the course of instruction regarding appropriate classroom management will assist the Member in addressing the concerns which have given rise to his misconduct and help him to understand and implement acceptable limits of behaviour within the classroom. This will also assure the public that the issues which gave rise to the misconduct are being addressed. The penalty informs the public that the College of Teachers does not take this type of misconduct lightly and deals appropriately with matters brought to its attention.

Publication of the findings and order of the Committee, in summary, without the name of the Member, in *Professionally Speaking/Pour parler profession* provides a general deterrent to the profession, instructs the profession, and serves the public interest.

The Committee is satisfied that the penalty is appropriate in the circumstances and that it serves and protects the public interest.

Date: October 20, 2009

Brent Hamelin
Chair, Discipline Panel

Alexander Bass
Member, Discipline Panel

Anne Marie Levesque
Member, Discipline Panel