

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISIONS AND ORDERS

IN THE MATTER OF ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:

AND IN THE MATTER OF discipline proceedings against John Frederick Hopley.

The Discipline Committee held a hearing on Thursday, July 20, 2000,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

JOHN FREDERICK HOPLEY
Certificate #182527

PRESENT:

Members of the Panel

Donna Marie Kennedy (Chair)

Larry Capstick

Solette Gelberg

The Honourable Lloyd Houlden, Independent Counsel to the Panel

Caroline Zayid, McCarthy Tétrault, Counsel for the Prosecution assisted by Chris Sach Anderson

Joseph L. Bloomenfeld, Defense Counsel

John Frederick Hopley

A Notice of Hearing, dated December 15, 1999 was served on John Frederick Hopley, requesting attendance before the Discipline Committee of the Ontario College of Teachers on January 10, 2000, to set a date for hearing and specifying the charges. The date set for hearing was July 20, 2000.

It is alleged that John Frederick Hopley is guilty of professional misconduct 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 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) or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsection 1(15);
- d) he contravened a law and that contravention is relevant to his suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- e) he contravened a law and that contravention has caused or may cause a student under his supervision to be put at risk, contrary to Ontario Regulation 437/97, subsection 1(17);
- f) he performed acts or omissions 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); and
- g) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

The Notice of Hearing states that John Frederick Hopley is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On July 20, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether John Frederick Hopley was guilty of professional misconduct.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that John Frederick Hopley is guilty of professional misconduct in that his 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, sections 1(5), (7), (15), (16), (17), (18) and (19).

Particulars of the alleged misconduct are set out in Exhibit #1 and they are to the effect that:

1. John Frederick Hopley is a member of the Ontario College of Teachers.
2. From on or about September 1, 1988 until October 1, 1996 and at all material times, John Frederick Hopley was employed as a teacher by the Dufferin-Peel Catholic District School Board and its predecessor, the Dufferin-Peel Roman Catholic Separate School Board.

3. Between on or about January 1, 1996 and September 9, 1996, John Frederick Hopley was employed as a science and biology teacher at St. Thomas Aquinas Secondary School, Brampton.
4. At all material times, [REDACTED] was a student at St. Thomas Aquinas Secondary School. From September 1995 to January 1996 [REDACTED] was a student in the Member's [REDACTED] class. From February 1996 to June 1996 [REDACTED] was a student in the Member's [REDACTED] class. Between September 1995 and June 1996, [REDACTED] was also a member of the [REDACTED] team at the said school, of which the member was a coach.
5. Between September 1995 and September 1996 the Member engaged in an inappropriate relationship with [REDACTED]. That relationship included sexual intercourse between the member and [REDACTED].
6. On or about September 10, 1996 the Member was charged with sexual exploitation of [REDACTED] between January 1, 1996 and September 9, 1996, contrary to section 153.(1)(a) of the *Criminal Code of Canada*.
7. On or about October 1, 1996 the Member was dismissed from his employment with the said School Board.
8. On or about November 12, 1998, the Member pleaded guilty to and was convicted of the said charge in respect to student [REDACTED] and was sentenced to a twelve month conditional prison sentence to be served in the community on various conditions including that he have no association with any female under eighteen years of age unless accompanied by an adult, that he reports to his psychiatrist within ninety days and that he pays \$1,000.00 within 120 days to an educational charity.

Counsel presented the Notice of Hearing setting out that that John Frederick Hopley is a member of the Ontario College of Teachers (Exhibit #1). At all material times, John Frederick Hopley was employed by the Dufferin-Peel Catholic District School Board as a teacher.

An Agreed Statement of Facts and Guilty Plea was filed as Exhibit #2. That statement had been signed by the Ontario College of Teachers, John Frederick Hopley and Joseph L. Bloomenfeld, Defense Counsel.

FINDINGS OF FACT:

Based on the Agreed Statement of Facts, the panel finds the following facts:

- (1) Between May 1996 and September 1996, the Member engaged in an inappropriate relationship with [REDACTED] which included sexual intercourse.
- (2) On or about September 10, 1996, the Member was charged with sexual exploitation of [REDACTED] between January 1, 1996 and September 9, 1996, contrary to section 153.1(1)(a) of the *Criminal Code of Canada*.
- (3) On or about October 1, 1996, the Member was dismissed from his employment with the said School Board.
- (4) On or about November 12, 1998, the Member pleaded guilty to and was convicted of the said charge in respect to student [REDACTED] and was sentenced to a 12 month conditional prison sentence to be served in the community on various conditions, including that he have no association with any female under 18 years

of age unless accompanied by an adult, that he reports to his psychiatrist within 90 days and that he pays \$1000.00 to an educational charity within 120 days.

- (5) By this document, the Member, John Frederick Hopley, accepts that the matters referred to in the preceding paragraphs constitute professional misconduct and pleads guilty to the allegations of professional misconduct with respect to [REDACTED], set out in the Notice of Hearing, being more particularly breaches of Ontario Regulation 437/97 section 1, subsections (5), (15), (16), (17), (18) and (19) and with regard to section 7, abusing a student sexually.

John Frederick Hopley was found guilty of section 153(a) under the Criminal Code of Canada (Exhibit #3) and received a 12 month Conditional Sentence.

The Committee finds that John Frederick Hopley had an inappropriate relationship with a 15-year-old female student, [REDACTED], which included sexual intercourse.

REASONS:

The Committee finds that John Frederick Hopley breached the trust that is placed in teachers and that the teacher is there to instruct and pass knowledge to the student.

The Committee accepts the findings of the Honourable Judge L.M. Budzinski in the Guilty Plea Proceedings (Exhibit #4) that as well, “ the teacher’s duty is to the community and not personal, and that is the important part of this message, that it is the duty to the community that you breached and not any relationship with an

individual because that duty to the community is higher by law, by morality and ethics than any other relationship that a teacher may have.”

The Committee notes that the sentence for 12 months was a conditional one to be served in the community and that John Frederick Hopley obeyed all of the conditions attached to the sentence and as such the Committee will not attach any conditions to the revocation which can prevent John Frederick Hopley from ever applying for reinstatement.

DECISION AND ORDERS:

Accordingly, the Committee finds John Frederick Hopley guilty of professional misconduct under sections 1(1(5), (15), (16) (17), (18) and (19) and with regard to section 7, abusing a student sexually and directs the Registrar to revoke John Frederick Hopley’s Certificate of Qualification and Registration immediately.

Notice

It is important to the College’s role in the governance of the profession to provide evidence to members that the College is active in self-regulation and is vigilant to breaches of its bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College’s disciplinary Committees, and is, in the opinion of the panel, a practice that has significant general deterrent value.

Pursuant to section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers and in any other manner or medium that the Committee considers appropriate in the particular case.

**DATED AT TORONTO, THIS 26thth DAY OF JULY, 2000
BY ORDER OF THE DISCIPLINE COMMITTEE**

Donna Marie Kennedy, **Chair**

Larry Capstick

Solette N. Gelberg