

**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 Alexander Inglis, a member of the Ontario College of Teachers.

PANEL: Rosemary Fontaine, Chair
 Brent Hamelin
 John Tucker

BETWEEN:)	
)	
	)	Paul West,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
)	
	)	Marc Spector,
	)	Shekter Dychtenberg LLP,
JOHN ALEXANDER INGLIS	)	for John Alexander Inglis
(CERTIFICATE #316193))	
)	
	)	Johanna Braden,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: January 30, 2008

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on January 30, 2008 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated July 4, 2007 was served on John Alexander Inglis, requesting attendance before the Discipline Committee of the Ontario College of Teachers on August 13, 2007 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for January 30, 2008.

John Alexander Inglis was not in attendance at the hearing.

THE ALLEGATIONS

The allegations against John Alexander Inglis in the *Notice of Hearing*, (*Exhibit 1*) dated July 4, 2007, are as follows:

IT IS ALLEGED that John Alexander Inglis 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 (15);
- (d) he contravened a law, the contravention of which is relevant to the Member’s suitability to hold a Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (e) he contravened a law, the contravention of which has caused students under the Member’s professional supervision to be put at or to remain at risk, contrary to Ontario Regulation 437/97, subsection 1(17);
- (f) 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);

- (g) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19);
- (h) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40 (1.1) of the *Act*;
- (i) he contravened Section 264.1(c) of the *Education Act*; and
- (j) he contravened Sections 156, 157 and 246.1(1) of the *Criminal Code* (Canada).

At the hearing on January 30, 2008, Counsel for the College sought to withdraw the allegation in (j) above, that the member contravened Sections 156, 157 and 246.1(1) of the *Criminal Code* (Canada). The Committee agreed to this withdrawal.

AGREED STATEMENT OF FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced an *Agreed Statement of Facts, Plea of No Contest and Submissions on Penalty* (ASF - Exhibit 2).

The *Agreed Statement of Facts, Plea of No Contest and Submissions on Penalty* provides as follows:

1. John Alexander Inglis (the “Member”) is a member of the Ontario College of Teachers. Attached hereto and marked as Exhibit “A” is a copy of the Ontario College of Teachers Registered Member Information with respect to the Member. The Member has submitted a letter of resignation to the College.

2. Between the approximate years of 1978 and 1985, the Member was a teacher and guidance counsellor [XXX] (the “School”) which is a private school in Toronto. For a period of time after 1985, the Member engaged in private tutoring of students. The

Member left the teaching profession altogether, including private tutoring, by 1988. At all material times, the Member held an Ontario Teacher's Certificate.

3. Between the approximate years of 1982 and 1985, Student #1, Student #2 and Student #3, who were then between 14 and 17 years of age, were students at [XXX] School.

4. On or about 27 October 2004, charges were laid against the Member in the Ontario Court of Justice with respect to Students #1, #2, and #3, amongst others.

5. On or about 25 April 2006, the Member pleaded guilty before Mr. Justice C. Vaillancourt of the Ontario Court of Justice to the following charges with respect to students #1, #2, and #3:

- (a) that he some time between and including 1 August 1986 and 31 July 1987 in the Municipality of Metropolitan Toronto did commit a gross indecency on student #1 contrary to the *Criminal Code* (Canada);
- (b) that he some time between and including 1 June 1982 and 15 September 1982, in the Municipality of Hastings Highlands, did indecently assault Student #2, a male person, contrary to Section 156 of the *Criminal Code* (Canada); and
- (c) that he between and including 31 August 1983 and 31 December 1987, in the Municipality of Hastings Highlands, did commit a sexual assault on Student #3, contrary to Section 246.1(1) the *Criminal Code* (Canada).

6. On or about 25 April 2006, the Member was found guilty by Mr. Justice Vaillancourt of the charges referred to in paragraph 5 as well as one charge relating to another individual, the remainder of the charges having been previously withdrawn at the request of the Crown. The Member was then given a conditional sentence of two years less one day to be followed by two years probation. Further, the Member was ordered to [XXX] and to [XXX]. In addition, the Member was ordered:

- (a) not to have any communication with any of the nine complainants or their family members except through counsel;
- (b) to abstain from alcohol; and
- (c) not to be in the presence of anyone under the age of eighteen years except in the presence of an adult.

7. Attached and marked as **Exhibit “B”** is a certified copy of the Information sworn 14 February 2005 showing the charges against the Member which are referred to in paragraph 5 and the disposition of those charges.

8. Attached and marked as **Exhibit “C”, “D”, “E” and “F”** respectively are certified copies of the Conditional Sentence Order, Probation Order, Order to [XXX] and [XXX], all of which are dated 25 April 2006.

9. Attached and marked as **Exhibit “G”** is a copy of the Transcript of the Proceedings before the Ontario Court of Justice on 25 April 2006, before The Honourable Mr. Justice C. Vaillancourt with respect to the Plea of Guilt as set out in paragraph 5

above and the Reasons for Sentencing given by Mr. Justice Vaillancourt as referred to in paragraph 6 above.

PLEA OF NO CONTEST

10. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 9 above (the “admitted facts”).

11. The Member hereby acknowledges that the admitted facts and exhibits referred to in paragraphs 5, 6, 7, 8, and 9, above, constitute conduct which is unprofessional and pleads no contest to the allegations of professional misconduct against him being more particularly breaches of Ontario Regulation 437/97 1(5), 1(7), 1(14), 1(15), 1(16), 1(17), 1(18) and 1(19). Further, the Member pleads no contest to the allegations that he engaged in sexual abuse of a student or students of a nature defined in Sections 1 and 40(1.1) of the *Ontario College of Teachers Act, 1996*, Chapter 12, and amendments thereto.

12. By this document the Member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) 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 hearing;
- (c) he voluntarily decided to plead no contest; and
- (d) he understands and acknowledges that he is executing this agreement voluntarily, unequivocally and with the benefit of legal counsel.

13. 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, chapter E. 23, 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 proceeding.

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

SUBMISSIONS ON PENALTY

15. 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:

- (a) directs the Registrar of the Ontario College of Teachers to immediately revoke the Certificate of Qualification and Registration of the Member, which Certificate the Member is to immediately surrender to the Registrar of the Ontario College of Teachers; and
- (b) 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*. The parties have not agreed upon whether the Member's full name will be published in

Professionally Speaking/Pour parler profession and submissions will be made to the Committee on that issue.

16. 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.

FURTHER SUBMISSIONS ON PENALTY

At the hearing of this matter on January 30, 2008, the parties agreed that the Member's full name should be published in Professionally Speaking/Pour parler profession.

DECISION AS TO FINDING

Having examined the Exhibits filed, and based on the plea of no contest, the *Agreed Statement of Facts, Plea of No Contest and Submissions 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 John Alexander Inglis committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7), 1(14), 1(15), 1(16), 1(17), 1(18) and 1(19). 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 *Ontario College of Teachers Act, 1996*, Chapter 12, and amendments thereto.

REASONS FOR FINDING

The Member pleaded guilty to and was convicted in the Ontario Court of Justice of one count of gross indecency, two counts of indecent assault and one count of sexual assault between the dates of January 1976 and December 31, 1987. (Exhibit 2, Tab G). The victims in three of these convictions for gross indecency, indecent assault and sexual assault, were students of the Member at the time of the assaults. The Member has not appealed either the conviction or the sentence which was imposed on him.

The Committee finds that the Member was guilty of professional misconduct by reason of these criminal convictions. The Member admitted the truth of the facts and exhibits referred to in paragraphs 1 to 9 of the Agreed Statement of Facts. (Exhibit 2) Further, the Member acknowledged that the admitted facts and exhibits referred to in paragraphs 5, 6, 7, 8 and 9 of the Agreed Statement of Facts constitute conduct which is unprofessional and pleaded no contest to the allegations of professional misconduct and no contest to the allegations that he engaged in sexual abuse of a student or students.

PENALTY DECISION

The Committee makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke immediately the Certificate of Qualification and Registration of the Member, which Certificate the Member is to surrender immediately to the Registrar;
2. Pursuant to Section 30 (5) (3) of the *Ontario College of Teachers Act*, the findings and order of the Committee shall be published in summary, with the Member's full

name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

On April 25, 2006, Mr. Justice Vaillancourt sentenced the Member to a conditional sentence of two years less one day to be followed by two years of probation. The following conditions were among those imposed:

- (a) not to have any communication with any of the nine complainants or their family members except through counsel;
- (b) to abstain from alcohol; and
- (c) not to be in the presence of anyone under the age of eighteen years except in the presence of an adult.

Mr. Justice Vaillancourt further ordered the Member to [XXX] and to [XXX].

The Member, by his abuse of students, has brought the profession into disrepute and has lost the trust of the public. The Member, by his actions, abused the power and trust vested in him in his role as a teacher. He caused emotional, psychological, and sexual harm to his students for his own gratification.

A member who pleads guilty to and is convicted of gross indecency, indecent assault and sexual assault, who is subject to conditions which do not allow him to be in the company of children and is [XXX] should not be permitted to teach in Ontario.

Under Section 30(5) (3) of the Act, the Committee may order publication of the finding and the order of the Committee with or without the name of the Member. The Committee orders publication of the finding and order with the name of the Member for the following reasons:

1. The Member has pleaded guilty in criminal proceedings to gross indecency, indecent assault and sexual assault on three former students. This is one of the most serious crimes in our society. The public must be informed that a member of the teaching profession who engages in this type of activity will suffer the most serious of consequences.
2. The Committee notes that throughout the criminal proceedings no publication ban was ordered. In the context of the criminal proceedings, the Member's name and offence are in the public domain.
3. The Member is [XXX] and is prohibited from being in the company of children under the age of 18 years. It is essential that the public be made aware of these conditions placed upon the Member.
4. Publication acts as a specific deterrent to the Member and as a general deterrent to members of the profession.

Further, there was no opposition by Counsel for the Member to publication of the Member's name.

For all of the above reasons, the Committee determined that revocation of the Member's certificate of qualification and registration, and publication of the findings and order of the Committee, with the name of the Member, in *Professionally Speaking/Pour parler profession* was appropriate.

The Committee is satisfied that this decision serves and protects the public interest and is appropriate in the circumstances.

Date: January 30, 2008

Rosemary Fontaine
Chair, Discipline Panel

Brent Hamelin
Member, Discipline Panel

John Tucker
Member, Discipline Panel