

**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 William James Ireland, a member of the Ontario College of Teachers.

PANEL: Lynne Mastin, Chair
 Dean Favero
 Jacques Tremblay

BETWEEN:)	
	)	Caroline Zayid,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
)	
WILLIAM JAMES IRELAND	)	William James Ireland was not
(CERTIFICATE #360504)	)	present, nor was he represented
)	
)	
	)	Phil Tunley,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: February 5, 2007

REASONS FOR DECISION, DECISION AND ORDER

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on February 5, 2007 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated October 13, 2006 (Exhibit 1) was served on William James Ireland (the “Member”), providing him with notice that the Discipline Committee of the Ontario College of Teachers would meet on October 25, 2006 to set a date for a hearing, and specifying the charges. The member did not attend on October 25, 2006. The Discipline Committee set February 5, 2007 as the date for the hearing on the merits.

The Member was not in attendance at the hearing on February 5, 2007, nor was he represented by counsel.

The College tendered the *Affidavit of Audley Trevor Evans* sworn January 30, 2007 (Exhibit 2), setting out the efforts by the College to ensure that the member had proper notice of the hearing. Mr. Evans’ affidavit confirmed that the *Notice of Hearing* and Disclosure Brief had been served on the Member on October 23, 2006. The Affidavit confirms that the Member sent an e-mail to Mr. Evans on December 12, 2006 indicating he was responding to a registered letter that Mr. Evans had sent to the Member advising that the Committee would now meet on December 18, 2006 to set a date for the hearing. On January 4, 2007, Mr. Evans wrote to the Member by e-mail advising that the hearing had been set for February 5, 2007. The Member responded on January 5, 2007 advising he was unable to attend the hearing scheduled for February 5, 2007.

The Committee was satisfied, therefore, that the Member had received proper notice of the date, time and place of the hearing and proceeded in his absence.

THE ALLEGATIONS

The allegations against William James Ireland in the *Notice of Hearing*, (Exhibit 1) dated October 13, 2006 are as follows:

IT IS ALLEGED that William James Ireland is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the *Ontario College of Teachers Act* (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); and

(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*.

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. William James Ireland (the “Member”) is a member of the Ontario College of Teachers.
2. A. is a female person who between 1 May 1983 and 18 July 1986, was between approximately [XXX] and [XXX] years of age.
3. At all material times, the Member was in a position of trust and authority in relation to A.
4. On or about 27 August 2003, the Member was convicted of a charge that he between 1 May 1983 and 18 July 1986 at the Township of [XXX] and the Township of [XXX] in the [XXX] of Ontario, did sexually assault A. contrary to Section 246.1(1) of the *Criminal Code* (Canada).
5. On or about 3 November 2003, a conditional sentence of twenty-two months was imposed on the Member, with additional conditions which included his being ordered:
 - (a) to perform two hundred hours of community service;
 - (b) not to be alone with any female person under the age of fourteen years unless accompanied by an adult; and
 - (c) to be on probation for a period of twelve months following the completion of the conditional sentence.
6. Between the approximate dates of 1970 and 1975, the Member was employed by the [XXX], or its predecessor, as a teacher at [XXX] (the “School”), [XXX].

7. Between the approximate dates of 1 July 1974 and 31 August 1975, [XXX] was a female student of the Member at the School.
8. On or about 30 June 2005, the Member pleaded guilty to a charge that he between 1 July 1974 and 31 August 1975 at the [XXX] in the [XXX] of Ontario did commit a common assault on [XXX], a female person, contrary to the *Criminal Code* (Canada). On 30 June 2005, the Member was convicted of that charge and received a suspended sentence of fifteen months. He was also ordered to perform thirty hours of community service.
9. The Member has not appealed either of the convictions or sentences referred to in paragraphs 4, 5 and 8 above.

MEMBER'S PLEA

As the Member was not present, nor represented by Counsel, the Committee proceeded on the basis that the Member denied the allegations set out in the *Notice of Hearing*. The Chair, on behalf of the Member, entered a plea of not guilty to the allegations.

THE EVIDENCE

Counsel for the College entered into evidence the following additional documents:

Registered Member Information (Exhibit 3)

William James Ireland is a member of the Ontario College of Teachers as shown on the *Registered Member Information*.

Brief of Court Documents – Her Majesty the Queen v. William Ireland- Court File569C/02 (Exhibit 4)

A *Brief of Court Documents* (“*Court Documents*”) with respect to the criminal proceedings against the Member as alleged in paragraphs 2 through 5 above, was submitted into evidence. These Court Documents consisted of:

- A. Certified copy of Indictment dated January 16, 2003 with Judge’s Handwritten Notations and Sentencing orders
- B. Certificate of Conviction dated September 6, 2006
- C. Conditional Sentence Order dated November 3, 2003
- D. Superior Court of Justice Transcript of Court Proceedings before The Honourable Mr. Justice J.S. O’Neill on August 27, 2003
- E. Superior Court of Justice Transcript of Reasons on Sentencing before The Honourable Mr. Justice J.S. O’Neill on November 3, 2003.

The Court Documents verify that:

1. On or about 27 August 2003, the Member was convicted of a charge that he between 1 May 1983 and 18 July 1986 at the Township of [XXX] and the Township of [XXX] in the [XXX] of Ontario, did sexually assault A. contrary to Section 246.1(1) of the *Criminal Code* (Canada).
2. On or about 3 November 2003, a conditional sentence of twenty-two months was imposed on the Member, with additional conditions, which included his being ordered:
 - (a) to perform two hundred hours of community service;
 - (b) not to be alone with any female person under the age of fourteen years unless accompanied by an adult; and
 - (c) to be on probation for a period of twelve months following the completion of the conditional sentence.

Brief of Court Documents – Her Majesty the Queen v. William Ireland- Court File 040287 (Exhibit 5)

A *Brief of Court Documents* (“*Court Documents*”) with respect to the criminal proceedings against the Member as alleged in paragraphs 6 through 8 above, was submitted into evidence. These Court Documents consisted of:

- A. Information dated May 11, 2004
- B. Certificate of Conviction dated June 19, 2006
- C. Probation Order dated June 30, 2005
- D. Transcript of Plea of Guilty and Sentencing before the Honourable Mr. Justice J.B. Wilson on June 30, 2005

These Court Documents verify that:

1. On or about 30 June 2005, the Member pleaded guilty to a charge that he between 1 July 1974 and 31 August 1975 at the [XXX] in the [XXX] of Ontario did commit a common assault on [XXX], a female person, contrary to the *Criminal Code* (Canada). On 30 June 2005, the Member was convicted of that charge and received a suspended sentence of fifteen months. He was also ordered to perform thirty hours of community service.

The Member has not appealed either of the convictions or sentences referred to above.

DECISION

(i) Onus and Standard of Proof

The College bears the onus of proving the allegations in accordance with the standard of proof set out in *Re Bernstein and College of Physicians and Surgeons of Ontario* (1977) 15 O.R. (2d) 477. The standard of proof applied by the Committee, in accordance with the *Bernstein* decision, was a balance of probabilities with the qualification that the proof must be “clear and convincing” and based upon “cogent evidence” accepted by the Committee. The Committee also recognized that the more serious the allegation to be proved, the more cogent must be the evidence. The Committee considered the allegations in this case to be very serious and assessed the evidence on that basis.

(ii) Decision

Having considered the evidence, onus and standard of proof, and the submissions made by Counsel for the College, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that William James Ireland committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(16), 1(18) and 1(19).

REASONS FOR DECISION

Rules 13.05 and 13.06 of the *Rules of Procedure of the Discipline Committee of the Ontario College of Teachers* allow the Committee to accept as proof that an offence was committed by a person, where there is a finding of guilt and conviction in a Canadian court, provided that there is no evidence to the contrary and that no appeal has been granted.

It is uncontested that on or about August 27, 2003, the Member was convicted of sexually assaulting A., a young female, who was between approximately [XXX] and [XXX] years of age, between May 1, 1983 and July 18, 1986. The Member was in a position of trust and authority over A.

It is also uncontested that on or about November 3, 2003, the Member was given a conditional sentence of twenty-two months and was placed on probation for a period of twelve months. He was ordered to perform two hundred hours of community service and not to be alone with any female person under the age of fourteen years unless accompanied by an adult.

It is further uncontested that on or about June 30, 2005 the Member pleaded guilty to a charge of common assault of [XXX], a [XXX] female. Although [XXX] had, at one time been a [XXX] when the assault occurred. The assault took place sometime between the period of July 1, 1974 and August 31, 1975. The Member was convicted and received a suspended sentence of fifteen months. He was also ordered to perform thirty hours of community service.

The Member has not appealed either of the convictions or sentences referred to herein. In the absence of evidence to the contrary, the Committee accepts as proof, the specific findings of fact contained in Exhibit 4, the Brief of Court Documents – Her Majesty the

Queen v. William Ireland - Court File 569C/02 and Exhibit 5, Brief of Court Documents
– Her Majesty the Queen v. William Ireland – Court File 040287.

The Member gave no consideration to the wellbeing of the victims. On the contrary, the Member took advantage of the vulnerability of both A. and [XXX] Justice O’Neill noted in his Reasons on Sentencing that the repeated actions of the Member had a serious and substantial psychological and emotional impact upon A. with respect to which she has only recently begun to recover. (Exhibit 4, Tab E)

The Committee finds that the Member committed acts of professional misconduct under section 264 (1) (c) of the *Education Act* and Ontario Regulation 437/7, subsection 1(5), 1(14), 1(15), 1(16), 1(18) and 1(19) by his acts of sexual assault against A. and common assault against [XXX], a [XXX], both of whom were minors when these assaults occurred.

The Committee’s finding of professional misconduct, as outlined, is the only reasonable decision under the circumstances. The Member’s actions were disgraceful, dishonourable and unprofessional.

The Committee made no finding of professional misconduct under Ontario Regulation 437/97, subsections 1(7) and 1(17) or sections 1 and 40 (1.1) of the Act due to the [XXX].

PENALTY DECISION

The Committee makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke the Certificate of Qualification and Registration of the Member, which Certificate the Member is to surrender immediately to the Registrar; and
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, without the name of the Member and without any facts which would identify the victims, including the name of the Member's school board, school or municipality in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

Sexual assault of a child is one of the most reprehensible and egregious acts that any member of society can commit. The repeated abuse of trust and authority with respect to the victims involved demonstrates a lack of judgment and morality on the part of the Member. As such, the Member has forfeited the privilege of teaching. Revocation is the only appropriate penalty.

In determining whether or not to publish the name of the Member, the Committee attempted to balance the right of the public to be informed and the need to protect the identity of the victims. Having regard to the particulars of this case, the Committee determined that publication, without the name of the Member, serves to protect the public interest and serves as a general deterrent to the profession. While the name of the Member will not appear in *Professionally Speaking/Pour parler profession*, the public can feel secure knowing that the Member's Certificate of Qualification and Registration has been revoked.

Dated: March 19, 2007

Lynne Mastin
Chair, Discipline Panel

Dean Favero
Member, Discipline Panel

Jacques Tremblay
Member, Discipline Panel