

**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 Andrew Charles Jackson, a member of the Ontario College of Teachers.

PANEL: Annilee Jarvis, Chair
 John Tucker
 John Wells

BETWEEN:)	
	)	Paul West,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
	)	Gary Hopkinson,
	)	Green & Chercover,
ANDREW CHARLES JACKSON	)	for Andrew Charles Jackson
(CERTIFICATE #421016))	
)	
	)	Luisa Ritacca,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: May 5, 2008

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on May 5, 2008 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated April 10, 2008, was served on Andrew Charles Jackson, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on April 29, 2008 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for May 5, 2008. Andrew Charles Jackson was not in attendance at the hearing.

THE ALLEGATIONS

The allegations against Andrew Charles Jackson in the *Notice of Hearing*, (*Exhibit 1*) dated April 10, 2008, are as follows:

IT IS ALLEGED that Andrew Charles Jackson is guilty of professional misconduct as defined in defined in sections 30(2) and 40(1.1) 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 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);
- (e) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40 (1.1) of the *Act*.

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

AGREED STATEMENT OF FACTS

1. Andrew Charles Jackson (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 respecting the Member.
2. At all material times the Member was employed as a high school teacher by the Upper Canada District School Board and was assigned to teach at [■] School (the “School”).
3. Student No. 1 is a female student who attended the School commencing in the 2001-2002 academic year when she was in grade [■].
4. The Member [■] during the 2003-2004 academic year during which she [■].
5. During the 2004 -2005 academic year, Student No. 1 again [■] on a number of occasions. On occasion, Student No. 1 also [■] to chat with him.
6. In or about May 2005 and continuing thereafter, the Member commenced an inappropriate and unprofessional relationship with Student No. 1.
7. Student No. 1 [■] on three occasions during which the Member and herself engaged in inappropriate sexual activity which, on the last occasion, included sexual intercourse.
8. During the 2003-2004 academic year, Student No. 2 was a grade [■] student of the School.
9. In November 2001, Student No. 2 [■] after [■] at which she [■]. The Member engaged in inappropriate physical contact with Student No. 2 including kissing her.

PLEA OF NO CONTEST

10. By this document, the Member pleads no contest to the facts and exhibits referred to in paragraphs 1 to 9 above. The Member hereby acknowledges that the facts referred to in paragraphs 6, 7 and 9 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), (7), (14), (15), (18) and (19). The Member also pleads no contest to engaging in sexual abuse of a student of a nature defined in sections 1 and 40(1.1) of the *Ontario College of Teachers Act*.

11. 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 particulars set out herein, he is waiving his right to require the College to prove the case against him and the right to have a hearing into those allegations;
- (c) he voluntarily decided to plead no contest; and
- (d) he states that this plea of no contest was made voluntarily, unequivocally and with the advice of legal counsel.

12. 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, c. 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.

13. In light of the Member's plea of no contest to the 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

14. 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 Discipline Committee:

- (a) direct the Registrar of the Ontario College of Teachers to immediately revoke the Certificate of Qualification and Registration of the Member, which Certificate the Member agrees to immediately surrender to the Registrar of the Ontario College of Teachers; and
- (b) direct that there be publication of the findings and order of the Committee, in summary form, including the full name of the Member, in the official publication of the College.

15. 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 Member's plea of no contest and the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Andrew Charles Jackson committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7), 1(14), 1(15), 1(18) and 1(19) of the *Act* as set out in the *Notice of Hearing*. Further, the Committee finds that the Member engaged in sexual abuse of a student of a nature defined in sections 1 and 40(1) of the *Act*.

REASONS FOR DECISION

The Member acknowledged that the facts referred to in paragraphs 6, 7 and 9 of the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* (ASF - Exhibit 2) constitute conduct which is unprofessional and pleaded no contest to the allegations of professional misconduct as set out in the *Notice of Hearing*. The Committee accepted the Member's plea of no contest and the facts and exhibits in the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*.

Pursuant to Rule 3.02 of the *Rules of Procedure of the Discipline Committee*, the Committee accepts the specific findings of fact contained in Exhibit 2 that the Member had inappropriate sexual activity with a student, including intercourse and inappropriate physical contact with another student, including kissing.

Further, the Committee finds that the Member's inappropriate sexual relationship and inappropriate physical contact with students as outlined herein constitutes 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) and constitutes sexual abuse of a student of a nature defined in sections 1 and 40(1.1) of the Act.

PENALTY DECISION

The Committee accepts the joint submission on penalty and 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, with the Member's full name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

The Member sexually abused a student. He used his position of authority to take advantage of the student for his own sexual gratification. By so doing, he has betrayed the trust of the public and the student. Therefore, the Committee determined that revocation is the necessary penalty. Revocation will ensure that the Member no longer has access to opportunities that place him in a position of trust and authority within the school community. Parents and the general public need to be reassured that members who behave in such a manner will not be tolerated by the profession.

Publication of the findings and order of the Committee, in summary, along with the name of the Member, provides a specific deterrent to the Member by identifying him and the nature of his misconduct. This acts as a general deterrent to the profession as it demonstrates that such behaviour will result in revocation. Finally, publication serves the public interest by informing and reassuring the community that the profession acts decisively when matters of this nature are brought to its attention.

Date: May 5, 2008

Annilee Jarvis
Chair, Discipline Panel

John Tucker
Member, Discipline Panel

John Wells
Member, Discipline Panel