

**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 Glenn Takashi Kagawa, a member of the Ontario College of Teachers.

PANEL: Marilyn A. Laframboise, Chair  
Janet Ouellette  
Amin Saab

BETWEEN:	)	
	)	David E. Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -	)	
	)	David W.T. Matheson,
	)	Cavalluzzo Hayes Shilton
GLENN TAKASHI KAGAWA	)	McIntyre Cornish LLP,
(CERTIFICATE #214212)	)	for Glenn Takashi Kagawa
	)	
	)	
	)	Christopher Wirth,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: May 10, 2006

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on May 10, 2006 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated May 18, 2004 was served on Glenn Takashi Kagawa, requesting attendance before the Discipline Committee of the Ontario College of Teachers on June 9, 2004 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for May 10, 2006.

Glenn Takashi Kagawa was in attendance at the hearing.

### The Allegations

The allegations against Glenn Takashi Kagawa in the *Notice of Hearing*, (*Exhibit 1*) dated May 18, 2004, are as follows:

**IT IS ALLEGED** that Glenn Takashi Kagawa is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the *Ontario College of Teachers Act, 1996* (the “Act”), and or is incompetent as defined in section 30(3) of 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, and 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);
- (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; and
- (g) he displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of students of a nature or extent that demonstrates that the Member is either unfit to carry out his professional responsibilities or that the Member's certificate should be made subject to terms, conditions or limitations.

At the hearing on May 10, 2006, Counsel for the College withdrew the allegations of professional misconduct outlined in (b), (c), (d), (f) and (g) above.

#### AGREED STATEMENT OF FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 2, an Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty. (ASF – Exhibit 2)*

The *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty* provides as follows:

1. Glenn Takashi Kagawa (the “Member”) is a member of the Ontario College of Teachers. Attached hereto is a copy of the Ontario College of Teachers Registered Member information of the Member. (*ASF – Exhibit 2, Tab A*)

2. The Member was employed during the 2001-2002 school year by the York Region District School Board (the “Board”) as a teacher.
3. During the 2001-2002 school year, [■], [■], [■] were female [■] students [■].
4. During the 2001-2002 school year, the Member acted inappropriately with regard to [■], in that he:
  - (a) frequently communicated, via computer, with [■]; and
  - (b) via computer asked [■] personal questions including:
    - (i) whether she had been kissed; and
    - (ii) whether she had engaged in French kissing.
5. During the 2001-2002 school year, the Member acted inappropriately with regard to [■], in that he:
  - (a) via computer asked [■] personal questions including:
    - (i) whether she had been kissed and what it had been like; and
    - (ii) whether she had engaged in French kissing.
6. During the 2001-2002 school year, the Member acted inappropriately with regard to [■], in that he, while speaking with [■], asked her personal questions including why she was moody and uneasy.
7. During the 2001-2002 school year, the Member acted inappropriately with regard to [■], in that he communicated with her via computer and asked her personal questions, including whether she had a boyfriend, or if she had been kissed.

8. Since the 2001-2002 school year and the conduct admitted to above, there have been no complaints made against the Member of a similar nature, or at all.

## GUILTY PLEA

9. By this document, the Member, Glenn Takashi Kagawa, admits the truth of the facts and exhibits referred to in paragraphs 1 to 8 above (the “Admitted Facts”). The Member accepts that the matters referred to in paragraphs 4 to 7 above constitute conduct that is below the standards expected of the members of the profession and is unbecoming a member of the Ontario College of Teachers and pleads guilty to the allegations of professional misconduct against him being more particularly a breach of Ontario Regulation 437/97 subsections 1(5) and 1(19).

10. The Member states that:

- (a) he understands fully the nature of the allegations that have been made against him; and
- (b) he understands that by pleading guilty 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 guilty; and
- (d) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and with the advice of legal counsel.

11. 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.

## JOINT SUBMISSION ON PENALTY

12. 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:

- (e) direct the Member to appear before the Committee to be reprimanded, and that the fact of the reprimand be recorded on the Register for a period of three years;
- (f) impose the following terms and conditions on the Member's Certificate of Registration and Qualification, which terms and conditions are to be recorded on the Register until such time as they are fulfilled, and the Member makes application to have them removed under Section 33(2) of the *Ontario College of Teachers Act, 1996*:
  - (i) the Member must at his own expense, enrol in and complete, within ninety (90) days from the date of this Order, a course of instruction, pre-approved by the Registrar, on the recognition of and adherence to professional boundaries;
  - (ii) the Member shall deliver directly to the Registrar proof of the successful completion of the course referred to a (i) above within thirty (30) days of its completion; and
- (g) 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.

13. 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 AS TO FINDING

Having examined the Exhibits filed, and based on the plea of guilt, the *Agreed Statement of Facts, Guilty Plea 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 Glenn Takashi Kagawa committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsection 1(5) and 1(19), as set out in the *Notice of Hearing*.

## PENALTY DECISION

The Committee accepts the joint submission on penalty and makes the following order as to penalty:

1. The Member is required to appear before the Committee to be reprimanded and the fact of the reprimand will be recorded on the Register of the Ontario College of Teachers for a period of three years.
2. The Registrar is directed to impose the following terms and conditions on the Member's Certificate of Registration and Qualification, which terms and conditions are to be recorded on the Register until such time as they are fulfilled, and the Member makes application to have them removed under Section 33(2) of the *Ontario College of Teachers Act, 1996*:
  - (i) the Member must at his own expense, enrol in and complete, within ninety (90) days from the date of this Order, a course of instruction, pre-approved by the Registrar, on the recognition of and adherence to professional boundaries;

- (ii) the Member shall deliver directly to the Registrar proof of the successful completion of the course referred to a (i) above within thirty (30) days of its completion; and
3. 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 DECISION

The Committee accepted the Member's guilty plea, the *Agreed Statement of Facts and Guilty Plea* and *Joint Submission on Penalty*. The Committee concurred that the Member's communication with students, which included inappropriate verbal comments and sexually inappropriate electronic communication, constituted professional misconduct.

The Committee is satisfied that the requirement that the Member successfully complete a course of instruction, approved by the Registrar, in recognition of and adherence to professional boundaries, will serve to remediate the Member. The Committee also noted their expectation that the content of the course would include appropriate use of electronic communication.

The decision to reprimand acts as a specific deterrent to the Member. It also serves to reinforce with the Member the seriousness of his actions and the effect that they have had on the students and the school community involved and on the teaching profession generally.

The decision to publish the Member's name with details of the misconduct in *Professionally Speaking/Pour parler profession* serves to protect the public interest, acts as a specific deterrent to the Member and as a general deterrent to the profession.

The Committee is satisfied that the penalty is appropriate in the circumstances.

Date: May 10, 2006

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Marilyn A. Laframboise  
Chair, Discipline Panel

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Janet Ouellette  
Member, Discipline Panel

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Amin Saab  
Member, Discipline Panel