

**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 Myer William Kalin.

The Discipline Committee held a hearing on January 20, January 21 and February 26, 2003,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**MYER WILLIAM KALIN**  
**Certificate #136858**

**PRESENT:**

Members of the Panel

Sterling Campbell (Chair)

Janet Cornwall

Sheila Gifford

Brian Gover and Paul Le Vay, of Stockwoods LLP, Independent Counsel to the Committee

Carole Jenkins, McCarthy Tétrault, Counsel for the Ontario College of Teachers, and assisted by Jennifer Robinson, Law Clerk on January 20 and 21, 2003

Howard Borenstein, Borenstein Dotsikas Price, Counsel for the member, Myer William Kalin.

Myer William Kalin was not present

This decision is subject to a publication ban with respect to the name of the student who shall be identified by two initials only.

A Notice of Hearing, dated May 24, 2002 was served on Myer William Kalin, requesting attendance before the Discipline Committee of the Ontario College of Teachers on June 3, 2002, and specifying the charges.

It is alleged that Myer William Kalin is guilty of professional misconduct as defined in section 30(2) of the Ontario College of Teachers 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 and/or emotionally contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the Act or the *Education Act*, Revised Statutes of Ontario, 1990, c.E.2, and particularly, 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 performed acts or omissions 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); and
- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

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

On January 20, January 21 and February 26, 2003, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Myer William Kalin was guilty of professional misconduct.

Proof of service of the Notice of Hearing was presented and accepted by the panel.

Defence counsel on behalf of the Member, entered a plea of not guilty to the allegations.

## **EVIDENCE**

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing, alleging that Myer William Kalin 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.

Particulars of these allegations as set out in the Notice of Hearing are as follows:

1. Myer William Kalin (the "Member"), is a member of the Ontario College of Teachers (Exhibit #1).
2. At all times material hereto, the Member, was employed as a teacher with the Ottawa-Carleton District School Board ("the Board") at [XXX] School (the "School").
3. At all material times, the Member taught mathematics at the Grade 10 gifted program level, and was acting head of the Mathematics Department at the School.
4. During the 1988/1989 academic school year, [XXX] was a student [XXX].
5. Following a year's absence from the school as a result of [XXX] returned to the School for the academic year 1990/1991, at which time he was a [XXX] student at the School.
6. In May 1991, the Member invited [XXX] to his home for dinner, and in June 1991, by way of return invitation, [XXX] invited the Member to his home for dinner. On both occasions, others were present, namely, the Member's partner and [XXX]'s apartment mates, respectively.

7. In or about the month of July 1991, [XXX] who had obtained summer employment in [XXX] and who had contacted the Member to arrange to make a practice presentation of the product he was selling to the Member, attended at the Member's home for that purpose.
8. Following the demonstration, the Member invited [XXX] down to his basement. While in the basement, the Member:
  - (a) turned on a television set on which pornographic images were portrayed;
  - (b) began to rub his groin area with his hands;
  - (c) requested that [XXX] expose himself;
  - (d) touched [XXX]'s penis with his own penis;
  - (e) performed fellatio on [XXX];
  - (f) masturbated; and
  - (g) subsequently presented [XXX] with a gift.

Counsel for the College presented evidence that Myer William Kalin was the subject of proceedings in the Ontario Superior Court of Justice and that he had been found not guilty but the Committee gave weight to the Honourable Mr. Justice Roy's Reasons for Judgment (Exhibit #2), where he states on page 11: "There is no doubt as well on the evidence that there was sexual activity, touching, the act of fellatio was committed, and I think that evidence is uncontradicted and accepted."

#### **FINDINGS OF FACT:**

1. Myer William Kalin (the "Member") is a member of the Ontario College of Teachers and at all material times the Member was employed as a mathematics teacher with the Ottawa-Carleton District School Board ("the Board") at [XXX] School (the "School").
2. At all material times, the Member taught mathematics at the Grade 10 gifted program level, and was acting head of the Mathematics Department at the School.
3. During the 1988/1989 academic school year, [XXX] was a student [XXX].

4. Following a year's absence from the School as a result of [XXX] returned to the school for the academic year 1990/1991, at which time he was a [XXX] student at the School.
5. In May 1991, the Member invited [XXX] to his home for dinner, and in June 1991, by way of return invitation, [XXX] invited the Member to his home for dinner. On both occasions, others were present, namely, the Member's partner and [XXX]'s apartment mates, respectively.
6. In or about the month of July 1991, [XXX] who had obtained summer employment in [XXX] and who had contacted the Member to arrange to make a practice presentation of the product he was selling to the Member, attended at the Member's home for that purpose.
7. Following the demonstration, the Member invited [XXX] down to his basement. While in the basement, the Member:
  - (h) turned on a television set on which pornographic images were portrayed;
  - (i) began to rub his groin area with his hands;
  - (j) requested that [XXX] expose himself;
  - (k) touched [XXX]'s penis with his own penis;
  - (l) performed fellatio on [XXX];
  - (m) masturbated; and
  - (n) subsequently presented [XXX] with a gift.

## REASONS

The Committee accepts the evidence presented and that Myer William Kalin committed the acts as alleged. The most compelling evidence was the statement that Mr. Justice Roy made on page 11 of the Reasons for Judgment (Exhibit #2): "There is no doubt as well on the evidence that there was sexual activity, touching, the act of fellatio was committed, and I think that evidence is uncontradicted and accepted."

**DECISIONS AND ORDERS:**

Accordingly, the Committee finds Myer William Kalin guilty of professional misconduct under sections 1(5), (7), (14), (15), (18) and (19) of the Professional Misconduct Regulation 437/97, as alleged, and directs the Registrar and Chief Executive Officer to revoke Myer William Kalin's Certificate of Qualification and Registration immediately.

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, "Professionally Speaking/Pour parler profession".

This decision is subject to a publication ban with respect to the name of the student, who shall be identified by two initials only.

**DATED AT TORONTO, THIS 27<sup>TH</sup> DAY OF FEBRUARY 2003.  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Sterling Campbell, **Chair**

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Janet Cornwall

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Sheila Gifford