

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 Robert Knott.

The Discipline Committee held a hearing on July 5, 2000,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

ROBERT KNOTT
Certificate #212580

PRESENT:

Members of the Panel

Larry Capstick (Chair)

Donna Marie Kennedy

Solette N. Gelberg

The Honourable Patrick Galligan, Independent Counsel to the Panel

Sally Bryant, McCarthy Tétrault, assisted by Trevor Evans, Counsel for the Prosecution accompanied by Caroline Jageman, law student.

Robert Knott did not attend nor was he represented.

A Notice of Hearing, dated April 10, 2000 was served on Robert Knott, requesting attendance before the Discipline Committee of the Ontario College of Teachers on May 8, 2000 to set a date for hearing, and specifying the charges. The hearing was scheduled for July 5, 2000.

It is alleged that Robert Knott is guilty of professional misconduct in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, section, subsection (5);
- (b) he contravened a law, the contravention of which is relevant to his suitability to hold a certificate of qualification and registration contrary to Ontario Regulation 437/97, section 1, subsection (16);
- (c) he contravened a law, the contravention of which has caused or may cause a student or students under his professional supervision to be put at or remain at risk contrary to Ontario Regulation 437/97, section 1, subsection (17);
- (d) he failed to comply with the Education Act, Revised Statutes of Ontario, c.E2, section 264(1)(c) and the regulations made under that Act contrary to Ontario Regulation 437/97, section 1, subsection (15);
- (e) he performed acts or omissions that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional contrary to Ontario Regulation 437/97, section 1, subsection (18);
and
- (f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, section 1, subsection (19).

In the alternative, it is alleged that Robert Knott is guilty of incompetence in that he has displayed, in his professional responsibilities a lack of knowledge, skill or judgement to the extent that demonstrates that he is unfit to continue to carry out his professional responsibilities or that the certificate held by the member under the *Act* should be made subject to terms, conditions or limitations.

The Notice of Hearing states that Robert Knott is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On July 5, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Robert Knott was guilty of professional misconduct.

Robert Knott was not in attendance at the hearing, nor was he represented by counsel.

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

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing, alleging that Robert Knott 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, in particular, s.1 (5), (16), (17), (15), (18) and (19). It is alleged that in the alternative Robert Knott is guilty of incompetence.

Particulars of the alleged misconduct, set out in the Notice of Hearing are to the effect that:

1. Robert Knott is a member of the Ontario College of Teachers.
2. At all material times, Robert Knott was employed as a teacher at Roseneath Centennial Public School in the Kawartha Pine Ridge District School Board.
3. On or about January 15, 1996, Robert Knott pleaded guilty to the charge that on or about June 10, 1995, at the City of Peterborough, in the County of Peterborough, without reasonable excuse, failed or refuse to comply with a demand made to him by a peace officer under section 254(3)(a) of the Criminal Code in the circumstances therein mentioned to provide then, or as soon thereafter as is practicable, such samples of his breath as in the opinion of a qualified technician taking the samples referred to in section 254(1) of the *Criminal Code* are necessary to enable a proper analysis to be made in order to determine the concentration, if any, of alcohol in his blood, and to accompany the peace officer for the purposes of enabling such samples to be taken, contrary to the provisions of section 254(5) of the *Criminal Code of Canada*.
4. Robert Knott was sentenced to twenty-one days imprisonment, and was prohibited from operating a motor vehicle on any street, road, highway, or other public place for a period of two years from January 15, 1996. He was also placed on probation for a period of three months with the conditions that he keep the peace and be of good behaviour and appear before the court when required to do so by the court. In addition, he was to abstain from the consumption of alcohol absolutely.

5. On or about 18 October, 1996, while his driver's license was under suspension, Robert Knott placed students of his school at harm by transporting them to and from Cobourg, Ontario, for the purposes of attending a soccer tournament.
6. On or about 29 March, 1999, Mr. Knott pleaded guilty to a charge that he did, on or about 28 November 1998, at the City of Oshawa in the Regional Municipality of Durham, at a public place, unlawfully communicate with another person for the purpose of obtaining the sexual services of a prostitute contrary to the Criminal Code and the amendments thereto. Mr. Knott was given a conditional discharge with probation for a period of twelve months, a condition of which was that he remain out of the downtown core of the City of Oshawa.
7. On December 22, 1998, Mr. Knott was suspended without pay by the Kawartha Pine Ridge District School Board due to the fact that he had exhausted his sick leave.
8. On 11 February 1999, Robert Knott's teaching contract and employment status with the Kawartha Pine Ridge District School Board was terminated, for cause, including inappropriate and unprofessional conduct inconsistent and incompatible with the trust placed in its teachers by the Board and with the duties and obligations of a teacher pursuant to the *Education Act* and its regulations.

FINDINGS OF FACT:

The panel finds the following facts:

- (1) Robert Knott is a member of the Ontario College of Teachers

- (2) At all material times, Robert Knott was employed as a teacher at Roseneath Centennial Public School in the Kawartha Pine Ridge District School Board.
- (3) On or about June 10, 1995 Robert Knott refused a police officer's demand to take a breathalyzer test.
- (4) On January 15, 1996, Robert Knott was found guilty of "refuse sample" and was sentenced to 21 days jail to be served intermittently Saturdays and Sundays, with probation for three months. During that time he was ordered to abstain from the consumption of alcohol and his driver's license was suspended for two years (Exhibit #2, #3).
- (5) Two witnesses, the principal and the superintendent, testified that at a meeting on November 11, 1996, Robert Knott admitted to driving students to a soccer game while his driver's license was under suspension and because of that, he received a 10 day suspension without pay and was prohibited from driving students. He then returned to the school to teach for the balance of the school year.
- (6) In March 1999, Robert Knott pleaded guilty to a charge of unlawfully communicating with another person for purpose of obtaining the sexual services of a prostitute. Mr. Knott was given a conditional discharge with probation for a period of twelve months.

REASONS:

Robert Knott was found guilty of refusing a breathalyzer test and his license was suspended for two years.

Robert Knott did drive students to a soccer tournament while his license was under suspension.

Robert Knott was found guilty for communicating for the purposes of obtaining the services of a prostitute. However, he was given a conditional discharge with 12 months probation.

DECISION AND ORDERS:

Based on the reasons outlined above, the Committee finds Robert Knott guilty of professional misconduct under subsections 1 (5), (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to suspend Robert Knott's Certificate of Qualification and Registration for a period of three months from the date this Decision and Order is signed.

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 and in any other manner or medium that the Committee considers appropriate in the particular case.

DATED AT TORONTO, THIS 24th DAY OF JULY, 2000
BY ORDER OF THE DISCIPLINE COMMITTEE

Larry Capstick, **Chair**

Donna Marie Kennedy

Solette N. Gelberg