

**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 Crispian Manfred Wolfgang Kohl.

The Discipline Committee held a hearing on September 21, 2000,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**and -**

**CRISPIAN MANFRED WOLFGANG KOHL  
aka  
WOLFGANG MANFRED CRISPIAN KOHL  
Certificate #146331**

**PRESENT:**

Members of the Panel

Donna Marie Kennedy (Chair)

Elizabeth Barkley

Karen Mitchell

The Honourable Lloyd Houlden, Independent Counsel to the Panel

Caroline Zayid, McCarthy Tétrault, assisted by Trevor Evans, Counsel for the Prosecution

Crispian Manfred Wolfgang Kohl was not present nor was he represented.

A Notice of Hearing, dated March 10, 2000 was served on Crispian Manfred Wolfgang Kohl, requesting attendance before the Discipline Committee of the Ontario College of Teachers on April 3, 2000 to set a date for hearing, and specifying the charges. The date set for hearing was September 21, 2000.

It is alleged that on Crispian Manfred Wolfgang Kohl is guilty of professional misconduct in that:

- a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- b) he abused 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 particularly section 264(1)(c) thereof or the Regulations made under the Act, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- d) he contravened a law, and that contravention is relevant to his suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- e) he performed acts 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, subsection 1(18);
- f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); 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.

The Notice of Hearing states that Crispian Manfred Wolfgang Kohl is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On September 21, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Crispian Manfred Wolfgang Kohl was guilty of professional misconduct.

Crispian Manfred Wolfgang Kohl 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 panel.

**EVIDENCE:**

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that Crispian Manfred Wolfgang Kohl 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, subsections 1 (5), (7), (14), (15), (16), (18) and (19).

Particulars of the alleged misconduct are set out in Exhibit #1 and they are to the effect that:

1. Crispian Manfred Wolfgang Kohl is a member of the Ontario College of Teachers
2. At all material times, Crispian Manfred Wolfgang Kohl was employed by the District School Board as a teacher.
3. On or between June 24, 1994 and October 14, 1995, Crispian Manfred Wolfgang Kohl had sexual relations with a female student under the age of 18 years at the school at which he was teaching and took pornographic photographs and/or videotapes of that sexual activity.
4. On or about June 30, 1999, Crispian Manfred Wolfgang Kohl pleaded guilty to the criminal offence of making child pornography contrary to section 163.1(2) of the *Criminal Code of Canada* involving photographs and videotapes of a child engaged in explicit sexual activity and was sentenced to six months less nine days imprisonment.
5. On or about June 30, 1999, Crispian Manfred Wolfgang Kohl wrote a letter to the Registrar of the Ontario College of Teachers:  
  
"I, Wolfgang Kohl, admit that I had sexual relations with a female student, under the age of eighteen years while she was a student at the high school where I taught. The previous year, she had been a student in a class that I taught. I took pictures of our activities, which are deemed to be pornographic.  
  
I understand that the District School Board intends to file a complaint with the Ontario College of Teachers.

I hereby irrevocably consent to the revocation of my Ontario Teaching Certificate.

I hereby resign my position with the Lambton-Kent District School Board as of June 30, 1999,"

Counsel presented evidence that Crispian Manfred Wolfgang Kohl is a member of the Ontario College of Teachers, (Exhibit #2). At all material times, Crispian Manfred Wolfgang Kohl was employed by the Lambton-Kent District School Board or its predecessor board, the Kent County Board of Education as a teacher.

The Committee heard testimony from Detective Bill Ludwig who provided evidence through electronic imaging, of pornographic photos of [REDACTED], in various poses, in various locations and in various states of undress. Detective Ludwig also provided graphic pictures of oral sex between [REDACTED] and the Member, as well as photos of [REDACTED] bound and blind-folded. Detective Ludwig, in his testimony, indicated that the Member was convicted of making child pornography contrary to, s. 163.1.(2) of the *Criminal Code of Canada* on June 30, 1999. The Member served six months jail, less nine days.

The victim, [REDACTED], testified that she was a student in the Member's classroom in grade 11 when she was 16 years of age. She also testified that she remained a student in the school, although not in the Member's class, the following year. [REDACTED] also testified that she lived with the Member in a sexual relationship, until the conclusion of the relationship just prior to her 18<sup>th</sup> birthday. She stated that he took advantage of her and that he abused her emotionally and psychologically. The inappropriate sexual relationship

began in the Member's car during a drive in the country after school one day, while she was a 16 year old student in his class.

Malcolm Leitch, Manager of Human Resources at the Lambton-Kent District School Board testified that Crispian Manfred Wolfgang Kohl was in the employ of the board from 1974 until 1999. The Member was suspended by the Board on November 10, 1997 pending an investigation. The Committee heard testimony that the Member wrote to the Registrar of the College in a letter dated June 30, 1999 (Exhibit #4) in which he admitted that he had had sexual relations with a female student, under the age of 18 years, when she was a student at the high school where he taught. Malcolm Leitch testified that the teacher's employment was terminated with the board as of June 30, 1999 (Exhibit #5).

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

Based on evidence presented, the panel finds the following facts:

1. Crispian Manfred Wolfgang Kohl did have sexual relations with [REDACTED], a 16 year old student in his class
2. Crispian Manfred Wolfgang Kohl was convicted of making child pornography, contrary to s.163.1(2) of the *Criminal Code of Canada*.

Crispian Manfred Wolfgang Kohl was found guilty of making child pornography contrary to s.163.1(2) of the *Criminal Code of Canada* (Exhibit #3) and was sentenced to six months jail less 9 days.

**REASONS:**

The Committee considered the overwhelming preponderance of evidence as given by Detective Ludwig, and this, along with the testimony of the victim, [REDACTED], persuaded the Committee of the charges against the Member.

**DECISION AND ORDERS:**

Accordingly, the Committee finds Crispian Manfred Wolfgang Kohl guilty of professional misconduct under subsection 30(3) of the *Ontario College of Teachers Act* and under subsections 1(5), (7), (14), (15), (16), (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke the Member's Certificate of Qualification and Registration immediately.

**Notice**

It is important to the College's role in the governance of the profession to provide evidence to members that the College is active in self-regulation and is vigilant to breaches of its bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College's disciplinary Committees, and is, in the opinion of the panel, a practice that has significant general deterrent value. 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 and using two initials to identify the name of the student, be published in the official publication of the Ontario College of Teachers.

DATED AT TORONTO, THIS 29<sup>th</sup> DAY OF SEPTEMBER, 2000  
BY ORDER OF THE DISCIPLINE COMMITTEE

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Donna Marie Kennedy, **Chair**

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Elizabeth Barkley

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Karen Mitchell