

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 Stig Arne Korjus.

The Discipline Committee held a hearing on March 28, 2001,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

STIG ARNE KORJUS
Certificate #118770

PRESENT:

Members of the Panel

Diane Leblovic (Chair)

Guill Archambault

Nancy Hutcheson

The Honourable Patrick Galligan, Independent Counsel to the Panel

Caroline Zayid, McCarthy Tétrault, Counsel for the Ontario College of Teachers, assisted by Jennifer Robinson, Law Clerk

Michael Wright, Cavalluzzo Hayes Shilton McIntyre and Cornish, Counsel for the member, assisted by Elizabeth Brückman

Stig Arne Korjus

An Amended Notice of Hearing, dated March 27, 2001 was served on Stig Arne Korjus (herein known as Stig Korjus), requesting attendance before the Discipline Committee of the Ontario College of Teachers on March 28, 2001, and specifying the charges.

It is alleged that Stig Korjus 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 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).

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

On March 28, 2001, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Stig Korjus was guilty of professional misconduct.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that Stig Korjus is guilty of professional misconduct in that his acts were contrary to the Professional Misconduct Regulation made under the *Ontario College of*

Teachers Act, 1996 and filed as Regulation 437/97 on December 4, 1997, in particular, subsections 1(5) and (18).

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

1. Stig Korjus is a member of the Ontario College of Teachers.
2. At all material times, the member was employed as a teacher by the Toronto District School Board at Westwood Junior High School, Toronto.
3. At all material times, [] was also employed as a teacher by the Toronto District School Board.
4. During the summer of 1999, upon learning that [] was to join the staff at Westwood Junior High School at the commencement of the 1999/2000 academic year, the member contacted staff, students and parents of students to inform them of the arrival of [] and to advise them of his homosexuality.
5. Between June 1999 and October 1999, the member photocopied and/or distributed copies of a newspaper article, depicting and identifying []'s participation in Toronto's "Gay Pride Parade", to various members of staff and students at Westwood Junior High School and their parents.
6. On or between June 1999 and October 1999, the member spoke to staff, students and parents of students at Westwood Junior High School about []'s sexuality, in a disparaging and/or derogatory way.
7. In or about October 1999, the member met one of his students or former students, [], at a local drug store, asked her which mathematics textbook [] was using to teach her grade and when [] responded in answer, the member stated that []

was using a lower level book than the academic stream required and did not know what he was teaching.

8. After October 1999, the Toronto District School Board commenced an investigation into the matters referred to in the preceding paragraphs and, in the course of that investigation, the member attempted to discourage the parents of student witnesses from allowing their children to participate in the said Board investigation.
9. By reason of his actions outlined in the preceding paragraphs, the member fostered or attempted to foster, with his professional colleagues, students and parents of students, sexual-preference prejudice and expressed homophobic views, particularly in regard to [REDACTED]

An Agreed Statement of Facts was filed as Exhibit #2. That statement had been signed by the member, Stig Korjus, and by McCarthy Tétrault on behalf of the Ontario College of Teachers.

A Guilty Plea and Joint Submission on Penalty was filed as Exhibit #3. That statement had been signed by the member, Stig Korjus, and by McCarthy Tétrault on behalf of the Ontario College of Teachers.

FINDINGS OF FACT:

Based on the Agreed Statement of Facts, the panel finds the following facts:

1. Stig Korjus is a member of the Ontario College of Teachers.

2. Beginning in 1968, Stig Korjus was employed by the Toronto District School Board (and its predecessor, the East York Board of Education) (“the Board”) as a teacher. He taught for 31 years, including 14 years at Westwood Junior High School (“the School”).
3. Stig Korjus retired from full-time teaching effective the end of the 1998-1999 school year. At that time he had no disciplinary record with the College.
4. In the summer of 1999, and during the 1999-2000 school year, Stig Korjus continued to operate his tutoring service, which he had operated for the last ten years. The tutoring service was located close to the School and served students of the School. He also continued to engage in occasional teaching in the fall of 1999.
5. Between September 10, and October 25, 1999, Stig Korjus worked in the School as an occasional teacher on approximately 14 days.

The Complainant

6. The complainant is a member of the Ontario College of Teachers. He received his Ontario Teachers’ Certificate in 1992. The complainant began teaching in November 1992, including teaching from 1995-1999 at Valley Park School prior to assuming his assignment at the School in the fall of 1999.
7. In the spring of 1999, the complainant was hired by the Principal of Westwood Junior High School on behalf of the Board to assume the position of Head of Mathematics effective the beginning of the 1999-2000 school year.
8. As of late June 1999, staff members at the School were aware that the complainant would be joining the staff in September. In accordance with the

usual practice, students and parents were not informed by the School that the complainant would be joining the staff.

Photograph in the Globe and Mail

9. On June 28, 1999, a photograph of the complainant appeared in the Globe and Mail newspaper, which showed the complainant as a participant in the Gay Pride Day Parade and identified him by name.
10. The day after the photograph appeared, a staff member, other than Korjus, brought the photograph to the attention of the Principal.
11. The photograph was shown to school staff, including Korjus, by another staff member on or about June 28, 1999. Subsequently, Korjus showed the photograph to members of the school staff and pointed out that the complainant would be joining the school staff. The photograph was widely discussed amongst staff members at that time and was considered a 'hot topic' by some staff members.
12. Specifically, with respect to Korjus, it is admitted that Korjus engaged in discussions with several staff members about the complainant and the photograph and stated words to the effect that:
 - a) it was unwise for the complainant to have allowed his photograph to be taken and to have given his name;
 - b) that the complainant, as a gay teacher, would not be accepted by the Greek community from which many of the School's students are drawn; and that the complainant might not last at the School until the end of the 1999 calendar year.

13. During the summer of 1999, Korjus gave a copy of the photograph with the accompanying article in a sealed envelope to a student in his tutorial program who had attended the Gay Pride parade with her mother. He advised the student that the individual in the photograph would be a new member of the school staff, and told her to take it home to her mother. The student delivered the photograph to her mother.
14. In the summer of 1999, Korjus showed the photograph to other students of the School who were also clients of his tutorial service. Korjus informed them that the complainant, who was depicted in the photograph, would be a teacher at the School in the fall. No other comments were made about the complainant at that time.

Events during the 1999/2000 School Year

15. On or about September 1, 1999, Korjus and another teacher engaged in a telephone call of a social nature. She recalls that Korjus attempted to engage her in a discussion about the complainant's sexual orientation. Korjus stated that parents of students in the School would not accept the complainant as a teacher if they learned of his sexual orientation. Korjus does not recall this.
16. In late August or early September 1999, the Principal of the School met with Korjus and told him that if he had made disparaging or negative comments about the complainant or his sexual orientation, he should not do so again.
17. In the fall of 1999, Korjus showed the photograph and accompanying article to a member of the school staff at a luncheon for school staff at his tutorial office upon the request of another teacher. Several other staff members were present and saw the photograph.

18. On or about September 22, 1999 the complainant spoke to the Principal about his understanding of Korjus' conduct. The Principal informed the complainant that he had already discussed this issue with Korjus and suggested that the complainant might wish to speak to Korjus directly about the issue.
19. The complainant spoke to Korjus on or about October 1, 1999 at which time he questioned Korjus about information he had received about Korjus making negative remarks about the complainant and his sexual orientation.
20. On or about October 20, 1999, the complainant was absent from school for a medical appointment. An occasional teacher, other than Korjus, had been arranged.
21. While this occasional teacher was in the classroom on that date, during the course of a Grade 9 math class normally taught by the complainant, students in the class began making comments about the complainant and his sexual orientation. One student who was also a client of Korjus' tutorial service came to the front of the class and gave an impersonation of the complainant, including the use of stereotypical gay mannerisms. Other students also were allowed to give impersonations. Many students in the class made verbal comments derogatory of the complainant. These activities continued for substantially the entire math class. A complaint to the Ontario College of Teachers arose from this incident, as referred to in paragraph 31. Korjus learned about the incident after it was completed.
22. As a result of learning of the incident described in paragraph 21, and as a result of other incidents involving students and parents which led the complainant to

- believe that a hostile environment existed at the School, the complainant became very concerned. He reported these developments to the school principal.
23. The following day, the complainant met with representatives of his Union, the Elementary Teachers' Federation of Ontario ("ETFO"). Following discussions and as a result of the recent incidents in the School, the complainant was advised by these representatives that he should not return until the situation had been addressed. The complainant did not return to the School after October 27, 1999.
 24. On or about October 26, 1999, the Principal decided that Korjus and the occasional teacher who was present during the incident described at paragraph 21 should not attend at the School pending investigation of the school environment. The Principal did not inform Korjus of the decision on that date.
 25. On October 27, 1999, Korjus attended at the School for an occasional teaching assignment. The Principal informed Korjus that he had cancelled Korjus' occasional teaching assignments at the School and that he should not return to the School until an investigation had been completed.
 26. On or about October 28, 1999, Korjus attended at the School again. He had been inadvertently dispatched to the School for an occasional teaching assignment at the request of another teacher at the School. The Principal directed him to leave the School and reiterated that he was not permitted to return until the matter was resolved.

The Toronto District School Board Investigation

27. The complainant, with the assistance of his union, made a complaint to the Board alleging discrimination and harassment against Korjus and two other school staff

- members. In or about November 1999, the Board began an investigation into their conduct.
28. In the course of the Board's investigation, the Superintendent conducting the investigation sought to interview several students who might have knowledge of the matters under investigation. Some of these students were also students of Korjus' tutorial service.
 29. Korjus telephoned the parents of some of his students at home and spoke to them about the proposed interviews. Following their conversations with Korjus, several parents refused to permit their children to be interviewed by Board officials.
 30. The Board has not yet issued a final report with respect to its investigation.
 31. On or after January 27, 2000, the complainant made a complaint about five individuals to the Ontario College of Teachers with respect to this matter, which complaint was received by the College on March 7, 2000. As part of this complaint, the complainant proposed that steps should be taken to ensure that teachers other than Korjus should be educated with respect to issues of racism, homophobia and sexism.

Effects of the Events at the School

32. As a result of the atmosphere in the School, the complainant left his position at the School.
33. The complainant reports that the circumstances described herein have caused and continue to cause him great emotional upset. The complainant states that as a result of these events, and on medical advice, he has not been able to return to teaching.

34. The events described above and the response thereto have had a detrimental effect on the entire school community. Relations among school staff have been adversely affected.
35. The continuity of students' education was negatively affected by the departure of the complainant. Several occasional teachers were assigned to teach mathematics in the complainants' absence, until a permanent teacher was assigned.

Admissions

36. Korjus regrets gossiping about the photograph. He regrets participating in any conduct which has harmed the complainant in any way.
37. Korjus admits that by engaging in the conduct described above, he has committed professional misconduct as follows:
 - (a) as set out in paragraph (a) of the Notice of Hearing, he has failed to maintain the standards of the profession, and
 - (b) as set out in paragraph (b) of the Notice of Hearing, he committed acts that would reasonably be regarded by Members as unprofessional.

The Committee accepted the Agreed Statement of Facts and is satisfied that Stig Korjus is guilty of professional misconduct under subsections 1(5) and (18) as alleged.

The Committee accepted the Guilty Plea and Joint Submission on Penalty (Exhibit #3) as attached, with minor changes.

DECISIONS AND ORDERS:

Based on the findings and having examined the Exhibits filed, the Committee finds Stig Korjus guilty of professional misconduct under subsections 1 (5) and (18) of the Ontario Regulation 437/97, as alleged. The Committee accepts the Guilty Plea and Joint Submission on Penalty, with minor changes, the terms of which are as follows:

1. Stig Korjus pleads guilty to the following allegations of professional misconduct contained in the Notice of Hearing:
 - a) as set out in paragraph (a) of the Notice of Hearing, he failed to maintain the standards of the profession;
 - b) as set out in paragraph (b) of the Notice of Hearing, he committed acts that would reasonably be regarded by members as unprofessional.
2. Stig Korjus and the Ontario College of Teachers jointly submit that the appropriate penalty to be imposed by a Discipline Committee in this case would be that the Committee:
 - a) requires the member to appear before them to be reprimanded, and that the fact of the reprimand shall be recorded on the Register;
 - b) directs the Registrar to suspend the Certificate of Qualification and Registration held by the member for the period of four months to commence on this date (March 28, 2001) and to run without interruption (to July 28, 2001);
 - c) The Committee also directs the Registrar to impose the following terms, conditions or limitations on the member's Certificate:
 - i) that the member successfully complete a course to increase his understanding of homophobia and its consequences. This course must be

satisfactory to the Registrar and undertaken at the expense of the member;

- ii) that the member shall, prior to carrying on any employment as a teacher, provide evidence, in a form satisfactory to the Registrar, of the successful completion of such a course.
- d) Pursuant to section 30, (5), part 3 of the Ontario College of Teachers Act, the Committee orders that the findings of the hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers.

Stig Korjus did appear before the Discipline Committee on March 28, 2001. A verbal reprimand was issued on that date to stress to the member the unacceptability of his unprofessional conduct in marginalizing and isolating a member of the profession which had a detrimental effect on students, the school community and staff.

The member signed a Notice of Waiver waiving all rights to appeal pursuant to section 35 of the *Ontario College of Teachers Act, 1996* in respect of the findings of the Discipline Committee.

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 subsection 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 3rd DAY OF MAY, 2001
BY ORDER OF THE DISCIPLINE COMMITTEE**

Diane Leblovic, Chair

Guill Archambault

Nancy Hutcheson