

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 Stuart Edward Mackey.

The Discipline Committee held a hearing on October 16, 2000,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**STUART EDWARD MACKEY
CERTIFICATE # 135404**

PRESENT:

Members of the Panel

George Merrett (Chair)

Elizabeth Barkley

Diane Leblovic

The Honourable Patrick Galligan, Independent Counsel to the Panel

L. Thomas Forbes, Q.C., McCarthy Tétrault, Counsel for the Prosecution assisted by
Chris Sach Anderson

Neil Kaufman, Counsel for the Defense

Stuart Edward Mackey was not present

The Committee received as Exhibit #1, the Agreed Statement of Facts, Agreement and Undertaking which included the Notice of Hearing (Schedule "A") and a letter from Dr. E. Beckier to Defense Counsel dated September 25, 2000 (Schedule "B").

FINDINGS OF FACT:

The Committee accepted the Agreed Statement of Facts, Agreement and Undertaking which included:

- a) The College has agreed to accept and the Member hereby offers to resign from the College;
- b) The Member undertakes not to teach again, whether it be in the public or private system;
- c) In exchange for the Member's Resignation and Undertaking not to teach, the parties hereto request that the College be permitted to withdraw the said Notice of Hearing issued herein;
- d) The parties hereto agree that there should be an entry in the College's Register to the effect that Stuart Edward Mackey was permitted to resign his membership in the course of proceedings for alleged impropriety involving a student, which he denied, due to the Member's age and infirmities.
- e) The College shall not initiate any further proceedings on the basis of any knowledge that it has to date.

REASONS:

The Committee accepts the Agreed Statement of Facts, Agreement and Undertaking by Counsel as an appropriate solution to this matter and is satisfied that the interests of the public and the profession have been served.

DECISIONS AND ORDERS:

Based on the evidence submitted and having examined the exhibit filed, the Committee:

1. Accepts the Agreed Statement of Facts, Agreement and Undertaking. The Committee accepts the Member's offer to resign from the College effective immediately;
2. Accepts the Member's undertaking not to teach again, whether in a public or private system;
3. In exchange for the Member's undertaking not to teach, permits the College to withdraw the Notice of Hearing;
4. Directs the Registrar to place an entry in the College's Register to the effect that Stuart Edward Mackey was permitted to resign his membership in the course of proceedings for alleged impropriety involving a student, which he denied, due to the Member's age and infirmities; and
5. Orders that the College not initiate any further proceedings on the basis of any knowledge that it has to date.

The Committee is satisfied that the public interest has been served.

**BY ORDER OF THE DISCIPLINE COMMITTEE
DATED AT TORONTO, THIS 19th DAY OF OCTOBER, 2000**

George Merrett, **Chair**

Elizabeth Barkley

Diane Leblovic