

**DECISION OF THE INVESTIGATION COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS
IN THE MATTER OF**

**A COMPLAINT SUBMITTED BY THE REGISTRAR
REGARDING DANIEL BRUCE MASTIN**

PANEL: Paul Brazeau, Susan Robertson, Brian Doubleday

IMPORTANT NOTICE

The Investigation Committee has disposed of this matter without a full investigation. The information contained within the following summary has been provided by the Complainant(s) and does not contain any input from the Member, Daniel Bruce Mastin. Unless otherwise stated in its Decision, no determination has been made by the Investigation Committee in respect to the veracity, or otherwise, of the allegations and information provided by the Complainant(s).

On December 1, 2005, the Kawartha Pine Ridge District School Board (the "Board") notified the Ontario College of Teachers (the "College") regarding the conduct of Daniel Bruce Mastin, secondary school teacher at [REDACTED] School (the "School").

Daniel Bruce Mastin (the "Member") is a member of the College in good standing.

The Board provided the following information:

The Member had been a teacher at the School for approximately eight months at the time of his arrest. He commenced employment at the School as a Grade [REDACTED] teacher and [REDACTED] was a student [REDACTED] during the second academic semester, February to June, 2005.

On November 8, 2005, the Member was arrested by the Durham Regional Police and charged with the sexual exploitation of female student [REDACTED]. This matter received some notoriety in the press after [REDACTED]'s family contacted the School and the School contacted the police.

The Member was suspended with pay by the Board pending the outcome of its investigation into the Member's conduct. The Board advised that it was preparing to terminate the Member's employment during the week of February 20, 2006, until it received notice from the Federation on February 16, 2006, that the Member would be tendering his resignation on February 17, 2006.

The Member was charged on November 10, 2005 (Information #509801), with the sexual exploitation of [REDACTED] that allegedly had occurred between September 2, 2005 and November 6, 2005. He was released on a Recognizance with conditions including that he not associate with the victim and that he not attend at a number of locations including the School.

According to court documents, some time after his arrest and during the period from November 17, 2005 to December 1, 2005, the Member was again charged with failing to comply with the terms of his undertaking when he communicated directly or indirectly with [REDACTED] and further breached the recognizance when he went within 500 metres of one or more of the places he was prohibited from attending. The Member was re-released on December 30, 2005, on a surety with conditions.

On February 21, 2006, the complaint against the Member was assessed as suitable for the College's Dispute Resolution Program. On March 27, 2006, the parties indicated that they were amenable to participating in dispute resolution.

The parties signed a Memorandum of Agreement, which, in their opinion, resolved the issues raised by the complaint.

Allegations

The Registrar alleges that Daniel Bruce Mastin, a teacher at [REDACTED] School with the Kawartha Pine Ridge District School Board, behaved in an inappropriate and unprofessional manner during the 2004-2005 and 2005-2006 academic years, when he:

1. inappropriately communicated with Grade [REDACTED] female student [REDACTED] by electronic means, including but not limited to his:
 - a) telling [REDACTED] of his love for her;
 - b) discussing with [REDACTED] the details of their relationship, such as how they would spend their future together;
 - c) counselling [REDACTED] not to listen to her parents about breaking off their relationship;
 - d) stating that he and [REDACTED] had been intimate;
 - e) referring to [REDACTED] as a "hottie";
 - f) commenting on [REDACTED]'s physical attributes; and
 - g) commenting about taking off [REDACTED]'s clothes;
2. sexually interfered with Grade [REDACTED] female student [REDACTED] between September 2, 2005 and November 6, 2005;
3. failed to comply with the terms of an undertaking to the Court when he communicated with [REDACTED] and attended at one or more of the places he was directed not to attend, while bound by that undertaking not to do so; and

4. in so doing, contravened laws relevant to the member's suitability to hold a certificate of qualification and registration and laws which caused or may cause a student or students under the member's professional supervision to be put at or remain at risk.

Documents Considered by the Committee


- Request for Ratification
- Letter from Superintendent Bruce Shaw to the Registrar re. the Member's arrest, dated December 1, 2005, with attachment:
 - Durham Regional Police Media release, dated November 9, 2005
- Letter from the Manager of Investigations to Bruce Shaw re. request for documents, dated December 22, 2005
- Memo from the College Investigator to file re. telephone conversation with Superintendent Bruce Shaw, dated February 16, 2006
- Letter from Bruce Shaw to the College Investigator re. e-mail correspondence between the Member and [REDACTED], dated February 17, 2006, with attachments:
 - E-mail correspondence from the Member to [REDACTED], dated June 29, 2005 through November 3, 2005
- Letter from Bruce Shaw to the Manager of Investigations re. documents and information requested, dated February 22, 2006, with attachments:
 - Board policy No. HR-5.1, Code of Ethics for Employees, undated
 - Board policy No. HR-5.3, Code of Conduct for Employees, undated
 - Board policy No. ES-1.1, Safe School, undated
 - Administrative Regulation HR-5.3.1, Code of Conduct for Employees-Computer/Internet Use by Employees, dated November 12, 2002
 - Laina Andrews' handwritten notes re. meeting with parents, Mr. & Mrs. [REDACTED] Superintendent Bruce Shaw and Principal Laina Andrews, dated November 7, 2005
 - Bruce Shaw's handwritten notes re. meeting with parents, Mr. & Mrs. [REDACTED] Superintendent Bruce Shaw and Principal Laina Andrews, dated November 7, 2005
 - Handwritten statement from [REDACTED] School student, [REDACTED], dated November 9, 2005
 - Handwritten statement from [REDACTED] School student, [REDACTED] dated November 9, 2005
 - Handwritten statement from [REDACTED] School teacher, Tracy Kirkland, dated November 9, 2005
 - Laina Andrews' notes re. Interview with the Member, dated December 22, 2005
 - Bruce Shaw's notes re. interview with the Member, dated December 22, 2005
 - Copies of e-mail between [REDACTED] and the Member sent after charge was laid, dated November 15, 2005 through December 1, 2005
 - Letter from Bruce Shaw to the Member re. Member's response, dated January 3, 2006
 - Outline of questions for the Member's response

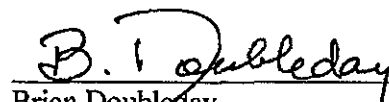
- Letter sent from Bruce Shaw to the Member re. resignation accepted, dated February 17, 2006
- Memo from the Registrar to the Co-ordinator of Investigations and Hearings re. Registrar's Complaint, dated February 17, 2007
- Signed Request to Initiate Investigation Form, dated February 17, 2007
- Letter of Notification from the Registrar to the Member, dated March 1, 2006
- Letter from the College Investigator to the Member's counsel requesting the Member's response, dated May 17, 2007
- Letter from the College Investigator to the court clerk re. request for certified court documents, dated January 5, 2006
- Information/Appearance and bail order re. charges against the Member, dated December 28, 2005
- Memo from the College Investigator to the Member re. sentencing on May 10, 2007, dated May 17, 2007
- Memo from the College Investigator to file re. telephone call from the investigating police officer, dated January 5, 2006
- Memo from the College Investigator to file re. telephone call from investigating police officer, dated January 31, 2007
- Newspaper article entitled "Durham teacher charged with exploitation", dated November 9, 2005
- Newspaper article entitled, "[REDACTED] teacher charged with sexual exploitation of student", dated November 9, 2005
- Memorandum of Agreement signed by the parties

Decision of the Committee

On July 26, 2007, a panel of the Investigation Committee considered this complaint and, in accordance with the provisions of 26(5)(d) of the *Ontario College of Teachers Act, 1996*, the Investigation Committee ratified the attached Memorandum of Agreement. This is based on the opinion of the Committee that the terms of this Agreement resolve the complaint in the public interest.


Paul Brazeau, Chair


Susan Robertson


Brian Doubleday