

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 Gordon Burleigh Mattice,

The Discipline Committee held a hearing on March 22 and March 23, 1999

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**GORDON BURLEIGH MATTICE
CERTIFICATE #267828**

PRESENT:

Members of the Panel

Wayne Cornack (Chair)

Solette N. Gelberg

Paul Charron

The Honourable Robert Reid, Independent Counsel to the Panel

Mr. L. Thomas Forbes, Q.C. and Mr. Chris Sach-Anderson, Counsel for the Prosecution

Gordon Burleigh Mattice was not present nor was he represented.

A Notice of Hearing, dated December 29, 1998, was served on Gordon Burleigh Mattice requesting attendance before the Discipline Committee of the Ontario College of Teachers on February 15, 1999 to set a date for hearing, and specifying the charges. The date set for hearing was March 22, 1999. It is alleged that Gordon Burleigh Mattice 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 failed to comply with the *Ontario College of Teachers Act, 1996*, and/or the *Education Act, Revised Statutes of Ontario, 1990*, chapter E.2 and the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- c) he contravened laws and those contraventions are relevant to his suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- d) he committed an act or 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(19); and
- e) he engaged in conduct unbecoming of a member, contrary to Ontario Regulation 437/97, subsection 1(19).

The Notice of Hearing states that Gordon Burleigh 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 22, 1999 the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Gordon Burleigh Mattice was guilty of professional misconduct.

Gordon Burleigh Mattice 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 (Exhibit 1).

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit 1, alleging that Gordon Burleigh Mattice 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), 1(14), 1(15), 1(16), 1(18) and 1(19). Particulars of the alleged misconduct are set out in Exhibit 1 and they are to the effect that Gordon Burleigh Mattice purchased, imported and possessed a large selection of materials depicting child pornography, and that on June 22, 1998 Gordon Burleigh Mattice pleaded guilty to possession of child pornography and importation of child pornography contrary to sections 163.1(4) and (3) of the *Criminal Code of Canada*.

Counsel presented evidence that Gordon Burleigh Mattice is a member of the Ontario College of Teachers (Exhibit 1). At all material times, Gordon Burleigh Mattice was employed by the Ontario Public School Teachers' Federation as a negotiator.

An Agreed Statement of Facts was filed as Exhibit 6. That statement had been signed by Gordon Burleigh Mattice.

FINDINGS OF FACT:

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

- a) Gordon Burleigh Mattice is a member of the Ontario College of Teachers.
- b) On November 1, 1997 Gordon Burleigh Mattice submitted an application to resign his membership in the Ontario College of Teachers.
- c) From 1969 until his retirement in August, 1997, Gordon Burleigh Mattice was employed as a negotiator with the Ontario Public School Teachers' Federation and prior to that as a teacher.
- d) For a number of years, Gordon Burleigh Mattice has purchased and imported videotapes, magazines and other pornographic material depicting children in various sexual acts.

e) On November 27, 1997, Gordon Burleigh Mattice was arrested and charged with possession of child pornography and importation of child pornography contrary to sections 163.1(4) and 163.1(3) of the *Criminal Code of Canada*.

f) On June 22, 1998 Gordon Burleigh Mattice pleaded guilty to and was convicted of both offences and was sentenced to a total term of imprisonment of seven months and a subsequent term of probation of three years. The pornographic material was confiscated.

REASONS:

The Committee concludes that the above findings of fact is sufficient evidence to warrant a finding of professional misconduct.

The Committee has also relied on its belief that the simple fact of a criminal conviction is not necessarily proof of professional misconduct. However, this Committee supports society's view, as evidenced in the *Criminal Code of Canada*, that contribution to the exploitation of children such as evidenced by the possession and importation of material depicting children in various sexual acts is reprehensible and directly impacts on the suitability of a person to hold a Certificate of Qualification and Registration.

DECISIONS AND ORDERS:

The Committee finds no reason to grant Mr. Mattice's request that he be permitted to resign as a member of the Ontario College of Teachers.

The Committee finds Gordon Burleigh Mattice guilty of professional misconduct under sections 18 and 19 of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke Gordon Burleigh Mattice'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, be published in the official publication of the Ontario College of Teachers.

**DATED AT TORONTO, THIS 23rd DAY OF March, 1999
BY ORDER OF THE DISCIPLINE COMMITTEE**

Wayne Cornack (Chair)

Solette N. Gelberg

Paul Charron