

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 John Timothy McLeod.

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

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**JOHN TIMOTHY MCLEOD
CERTIFICATE #264215**

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

John Timothy McLeod was not present and was not represented.

A Notice of Hearing, dated February 11, 2000 was served on John Timothy McLeod, requesting attendance before the Discipline Committee of the Ontario College of Teachers on March 23, 2000, to set a date for hearing and specifying the charges. The hearing date was set for October 16, 2000.

It is alleged that John Timothy McLeod 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 Regulations 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 s. 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 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);
- (e) 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);
- (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 judgement 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 John Timothy McLeod is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On October 16, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether John Timothy McLeod was guilty of professional misconduct.

John Timothy McLeod 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 John Timothy McLeod 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, sections 1(5), (7), (14), (15), (16), (18), (19) and that he displayed a lack of knowledge, skill or judgement 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.

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

1. John Timothy McLeod is a member of the Ontario College of Teachers.
2. At all material times, John Timothy McLeod was employed by the Board of Education for the City of London, the predecessor of the Thames Valley District School Board, as a teacher.
3. On or between January 1, 1977 and December 31, 1980, John Timothy McLeod sexually assaulted victim "A", a male student befriended by the member when he attended [REDACTED] School where the member was a teacher from 1973 to 1976 and 1977 to 1980, the assaults taking place at various locations both on and off school premises, including the janitor's office and the member's cottage on [REDACTED]. The sexual assaults comprised of masturbation and mutual oral sex. The member also took pornographic photographs of the said victim and provided him with alcohol. In 1980, victim "A" was [REDACTED] years old.
4. On or between January 1, 1979 and December 31, 1979, the member befriended victim "C", a [REDACTED] year old male, took him to his cottage on [REDACTED], provided him with alcohol, and told the student that he would teach him how to drive his car if he, the student, would allow the member to perform fellatio on him. The member did so and requested the victim to perform fellatio on him, which the victim declined. The member showed pornographic photographs to the said victim and requested him to permit the member to have anal intercourse with him, which the victim refused.
5. On or between January 1, 1990 and December 31, 1990, the member sexually assaulted victim "B", a male student in [REDACTED] at [REDACTED] School where the member was a teacher, at the member's cottage at [REDACTED]. The member provided the said student

- with alcohol until he became intoxicated, undressed him, fondled his penis and performed fellatio on him. The member then placed cream between the said victim's thighs and rubbed his penis in that area.
6. On or about December 15, 1997, the member was charged with several criminal charges including sexual exploitation, sexual assault, indecent assault on a male, and gross indecency, under sections 153, 271, 156 and 157 of the *Criminal Code of Canada*.
 7. As a result of those criminal charges, and with a condition of release from custody requiring abstinence from communication with any person under the age of 18 years unless accompanied by another adult person, the member was reassigned by the said Board of Education to non-classroom duties.
 8. On or about October 30, 1998, the member was charged on an information containing seven counts of indecent assault on a male, gross indecency, sexual exploitation, and sexual assault contrary to sections 156, 157, 153, and 271 of the *Criminal Code of Canada* and involving alleged offences between January 1, 1977 and August 31, 1990.
 9. On or about July 9, 1999, the member pleaded guilty to a charge of indecent assault on a male between January 1, 1977 and December 31, 1980, and a second count of indecent assault on a male between September 1, 1977 and June 30, 1978, contrary to section 156 of the *Criminal Code of Canada*. The remaining five counts were withdrawn.
 10. On or about July 9, 1999, the member was convicted of the aforesaid two counts of indecent assault and was sentenced to three months imprisonment, fifteen months consecutive conditional sentence, and was made the subject of a

probation order for a term of three years concurrent with the other two sentences.

11. The two charges of indecent assault in respect of which the member was convicted, involved two [] male victims of school age and one of the conditions of the conditional sentence directed the member not to associate or be involved in any communication directly or indirectly with any male persons under the age of 16 years unless they are accompanied by a parent or guardian.
12. On June 30, 1999, nine days prior to pleading guilty to the two charges of indecent assault on a male, the member resigned his employment with the said Board of Education and retired.
13. The aforesaid activities and charges and the publicity resulting from media coverage and communication within the general public, has resulted in a reputation, image and lifestyle inconsistent with that expected of a member and that which would enable the member to discharge the duty of a teacher to the public, the students, and to his employer.

EVIDENCE:

An Agreed Statement of Facts and Guilty Plea was filed as Exhibit #2. That statement had been signed by McCarthy Tétrault on behalf of the Ontario College of Teachers, the member, John Timothy McLeod, and a witness, E. J. McLeod.

In addition, the Committee heard evidence from Victims "B" and "C" who testified to sexual assaults by the John Timothy McLeod, which took place at the member's cottage at []. The victims testified as to the impact of those encounters on their lives.

Victim "C", a [] year old male, testified that the member provided him with alcohol and then sexually assaulted him.

The Committee heard evidence from Victim "B", a male student in [] at the school where the member was a teacher. Victim "B" stated that the member provided him with alcohol until Victim "B" became intoxicated, at which point John Timothy McLeod sexually assaulted him.

Detective Constable Luckasavitch, investigating officer, North East Division of [] District, testified that on October 30, 1998, the member was charged on an Information containing seven counts of indecent assault on a male, gross indecency, sexual exploitation, and sexual assault contrary to sections 156, 157, 153, and 271 of the *Criminal Code of Canada* and involving alleged offences between January 1, 1977 and August 31, 1990.

With respect to those charges, the member pleaded guilty on or about July 9, 1999, to a charge of indecent assault on a male between January 1, 1977 and December 31, 1980, and a second count of indecent assault on a male between September 1, 1977 and June 30, 1978, contrary to section 156 of the *Criminal Code of Canada*. The remaining five counts were withdrawn.

On or about July 9, 1999, the member was convicted of the aforesaid two counts of indecent assault and was sentenced to three months imprisonment, fifteen months

consecutive conditional sentence, and was made the subject of a probation order for a term of three years concurrent with the other two sentences.

The two charges of indecent assault in respect of which the member was convicted, involved two [redacted] male victims of school age and one of the conditions of the conditional sentence directed the member not to associate or be involved in any communication directly or indirectly with any male persons under the age of 16 years unless they are accompanied by a parent or guardian.

The Committee also heard evidence from Linda Peck, Supervisory Officer of Human Resources, Thames Valley District School Board, who testified that John Timothy McLeod began teaching for Board of Education for the City of London in 1971, for the elementary panel. Linda Peck testified that she had received a call from a Principal in 1996, expressing concern about inappropriate aspects of John Timothy McLeod's behaviour. The Principal indicated that there was a letter in the member's school file of concern from a Principal dated June 27, 1994 directing John Timothy McLeod to cancel the plans of taking two students to his cottage during the summer of 1994. Linda Peck also testified that there was a letter dated April 26, 1995 from the same Principal confirming an understanding that the member was not to change his clothes in the classroom and not to hang his underwear in the classroom or in view of the students. Linda Peck testified that she instructed the Principal to be particularly vigilant and if anything was noticed, she was to be informed immediately. Linda Peck testified that she did not know anything about Victim "B" or Victim "C".

Following a telephone call from the police on December 15, 1997 Linda Peck met with John Timothy McLeod and indicated that the Board was doing its own internal investigation.

Following a December 16, 1997 meeting with Board officials, John Timothy McLeod was given a letter assigning the member to home duties. John Timothy McLeod wrote the Board in April of 1999 indicating that he would be retiring on June 30, 1999.

Linda Peck also gave evidence about extensive local media coverage in December of 1997 and in July of 1999 after the sentencing.

FINDINGS OF FACT:

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

- (1) John Timothy McLeod is a member of the Ontario College of Teachers.
- (2) At all material times, the member was employed by the Board of Education for the City of London, the predecessor of the Thames Valley District School Board, as an elementary school teacher.
- (3) On or between January 1, 1977 and December 31, 1980, the member sexually assaulted victim "A", a male student befriended by the member when the student attended [REDACTED] School, where the member was a teacher from 1973 to 1976 and 1977 to 1980. The assaults taking place at various locations both on and off school premises, including the janitor's office and the member's cottage on [REDACTED], Ontario. The sexual assaults comprised of masturbation and mutual oral sex.

- The member also took pornographic photographs of the said victim and provided him with alcohol. In 1980, victim "A" was [REDACTED] years old.
- (4) On or between January 1, 1979 and December 31, 1979, the member befriended victim "C", a [REDACTED] year old male. The member took that victim to his cottage at [REDACTED], provided him with alcohol and performed fellatio on him. The member then requested the victim to perform fellatio on him, but the victim declined to do so.
 - (5) On or between January 1, 1990 and December 31, 1990, the member sexually assaulted victim "B", a male student in [REDACTED] at [REDACTED] where the member was a teacher, at the member's cottage at [REDACTED]. The member provided the said student with alcohol until he became intoxicated, undressed him, fondled his penis and performed fellatio on him. The member then placed cream between the said victim's thighs and rubbed his penis in that area.
 - (6) On or about December 15, 1997, the member was charged with several criminal charges including sexual exploitation, sexual assault, indecent assault on a male, and gross indecency, under sections 153, 271, 156, and 157 of the Criminal Code of Canada, with respect to the aforementioned students.
 - (7) As a result of those criminal charges, and a condition of release from custody requiring abstinence from communication with any person under the age of 18 years unless accompanied by another adult person, the member was reassigned by the said Board of Education to non-classroom duties.
 - (8) On or about October 30, 1998, the member was charged with seven counts of indecent assault on a male, gross indecency, sexual exploitation, and sexual assault contrary to sections 156, 157, 153, and 271 of the Criminal Code of Canada and involving alleged offences between January 1, 1977 and August 31, 1990. This Information superceded the charges referred to in paragraph 6 above.

- (9) With respect to the charges referred to in paragraph 8 herein, the member pleaded guilty on or about July 9, 1999, to a charge of indecent assault on a male between January 1, 1977 and December 31, 1980, and a second count of indecent assault on a male between September 1, 1977 and June 30, 1978, contrary to section 156 of the Criminal Code of Canada and the remaining five counts were withdrawn.
- (10) On or about July 9, 1999, the member was convicted of the aforesaid two counts of indecent assault and was sentenced to three months imprisonment, fifteen months consecutive conditional sentence, and was made the subject of a probation order for a term of three years concurrent with the two sentences.
- (11) The two charges of indecent assault in respect of which the member was convicted, involved two [■] male victims of school age and one of the conditions of the conditional sentence directed the member not to associate or be involved in any communication directly or indirectly with any male persons under the age of 18 years unless they are accompanied by a parent or guardian.
- (12) On June 30, 1999, nine days prior to pleading guilty to the two charges of indecent assault on a male, the member resigned his employment with the said Board of Education and retired.

REASONS:

The Committee believes that the matters referred to in the preceding paragraphs constitute professional misconduct.

John Timothy McLeod pleaded guilty to the allegations of professional misconduct set out in the Notice of Hearing, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), (7), (14), (15) (16), (18) and (19).

The Committee believes that John Timothy McLeod's behaviour was reprehensible, a disgrace to both the profession and the public and caused considerable pain and suffering to his victims.

DECISIONS AND ORDERS:

Accordingly, the Committee finds John Timothy McLeod guilty of professional misconduct under sections 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, 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. The Committee also ordered a publication ban on the names of the students who will be identified only as "A", "B" and "C".

**DATED AT TORONTO, THIS 6th DAY OF NOVEMBER , 2000
BY ORDER OF THE DISCIPLINE COMMITTEE**

George Merrett, **Chair**

Elizabeth Barkley

Diane Leblovic