

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 William Clifford Melanson - Certificate No. 123031.

The Discipline Committee held a hearing on June 12, 2000,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

WILLIAM CLIFFORD MELANSON

PRESENT:

Members of the Panel

Solette N. Gelberg (Chair)

Elizabeth Barkley

Larry Capstick

The Honourable Lloyd Houlden, Independent Counsel to the Panel

L. Thomas Forbes, Q.C., McCarthy Tétrault, Counsel for the Prosecution assisted by Trevor Evans, Senior Law Clerk and Dean Dalkie, law student

Josh Phillips, Green Chercover, Defense Counsel

William Clifford Melanson

A Notice of Hearing, dated December 20, 1999 was served on William Clifford Melanson, requesting attendance before the Discipline Committee of the Ontario College of Teachers on to set a date for hearing, and specifying the charges.

It is alleged that William Clifford Melanson is guilty of professional misconduct in that:

- a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, s. 1(5);
- b) he abused a student physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, s. 1(7);
- c) he failed to comply with the *Act*, and with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and particularly section 264(1)(c) thereof and the Regulations made under that Act, contrary to Ontario Regulation 437/97, ss. 1(14) and (15);
- 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, s. 1(18); and
- e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, s. 1(19).

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

On June 12, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether was guilty of professional misconduct.

William Clifford Melanson was in attendance at the hearing. Proof of service of the Notice of Hearing was presented and accepted by the Committee.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that William Clifford Melanson 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), (18) and (19).

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

1. William Clifford Melanson is a member of the Ontario College of Teachers.
2. At all material times, the member was employed as a teacher by the Ottawa Carleton Board of Education and its predecessors at [XXX] in Ottawa.
3. In or about 1985 and 1986, [XXX] was a [XXX] and [XXX] student at [XXX] and was in the member's [XXX]. [XXX] was born on [XXX].
4. On or between June 1, 1985 and June 30, 1986, the member commenced and maintained a sexual relationship with [XXX], his student.

5. In or about June 1985, when [XXX] confided in the member about some personal problems she was having, the member hugged and kissed [XXX] in a classroom of [XXX].
6. From in or about late June or early July, 1985, the member's relationship with [XXX] progressed from hugging and kissing to sexual touching, masturbation, sexual intercourse, mutual oral sex and anal intercourse.
7. The sexual acts between the member and his student took place in the member's home, in the member's car, in hotel or motel rooms rented by the member, at the member's farm house and at various outdoor locations.
8. [XXX] ceased to be a student of the member's on or about June 30, 1986.
9. On or about September 1, 1986, [XXX], having graduated from [XXX], commenced her University education. The relationship between [XXX] and the member continued until late 1986 or early 1987.
10. The member retired from his position as a teacher with the said Board of Education on or about June 30, 1999.

Counsel presented evidence that William Clifford Melanson is a member of the Ontario College of Teachers (Exhibit #1). At all material times, William Clifford Melanson was employed by the Ottawa Carleton District School Board and its predecessor as a teacher.

An Agreed Statement of Facts was filed as Exhibit #2. That statement had been signed by William Clifford Melanson, Joshua Phillips, Green Chercover, Defense Counsel and L. Thomas Forbes, Q.C., Prosecution Counsel for the Ontario College of Teachers.

FINDINGS OF FACT:

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

- (1) William Clifford Melanson had a sexual relationship with [XXX], a [XXX] and [XXX] student, and
- (2) William Clifford Melanson entered a plea of no contest to the allegations of professional misconduct.

REASONS:

The Committee finds that [XXX] was approaching her [XXX] birthday at the beginning of the relationship and was a consenting adult during the latter part of the relationship which continued after she graduated from high school.

DECISIONS AND ORDERS:

Based on the findings and/or evidence given by the witnesses and having examined the Exhibits filed, the Committee finds William Clifford Melanson guilty of professional misconduct under section 1(7) of the Professional Misconduct Regulation, in that he abused a student sexually.

The Committee requires William Clifford Melanson's immediate resignation from the Ontario College of Teachers, accompanied by an undertaking that William Clifford Melanson will not teach again in any jurisdiction and that he agrees never to apply to the Ontario College of Teachers for reinstatement of his registration.

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 be published, without the name of William Clifford Melanson or the identity of [XXX], 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 10th DAY OF JULY, 2000
BY ORDER OF THE DISCIPLINE COMMITTEE**

Solette N. Gelberg, Chair

Elizabeth Barkley

Larry Capstick

