

**DISCIPLINE COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS**

IN THE MATTER OF *the Ontario College of Teachers Act, 1996* and
the Regulation (Ontario Regulation 437/97) thereunder;

AND IN THE MATTER OF discipline proceedings against
Steven Edward Moore, a member of the Ontario College of Teachers.

Heard: September 15, 2003

PANEL: Marilyn Laframboise (Chair)
 Janet Cornwall
 Dick Malowney

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**STEVEN EDWARD MOORE
(CERTIFICATE #238251)**

REASONS FOR DECISION, DECISION AND ORDER (S)

David Leonard, McCarthy Tétrault, for Ontario College of Teachers, assisted by Trevor Evans, Senior Law Clerk

The Honourable Lloyd Houlden, Independent Legal Counsel

Steven Edward Moore was not present, nor was he represented by Counsel.

This matter came before a panel of the Discipline Committee for a hearing on September 15, 2003 at the Ontario College of Teachers at Toronto.

A *Notice of Hearing*, dated April 28, 2003 was served on Steven Edward Moore, requesting attendance before the Discipline Committee of the Ontario College of Teachers on June 10, 2003 to set a date for a hearing, and specifying the charges.

Steven Edward Moore was not in attendance at the hearing. Proof of service of the *Notice of Hearing* was presented and accepted by the Panel. (Exhibit 1)

The Allegations

The allegations against Steven Edward Moore in the *Notice of Hearing* dated April 28, 2003 are as follows:

IT IS ALLEGED that Steven Edward Moore is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the Act, and/or is incompetent as defined in section 30 (3) of the Act, in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he abused a student or students physically, sexually, verbally, psychologically, and/or emotionally contrary to Ontario Regulation 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 specifically section 264(1)(c) thereof or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) 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);
- (e) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19);
- (f) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40 (1.1) of the Act; and
- (g) he displayed a lack of knowledge, skill or judgment 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 THESE ALLEGATIONS ARE AS FOLLOWS:

1. Steven Edward Moore, (the "Member"), is a member of the Ontario College of Teachers.
2. The Member was employed by the Toronto District School Board ("the Board"), and at the times material hereto, taught various courses, including History and World Religions, at the high school level in the program at Contact Alternative School ("the School").
3. During the 1979/1980 academic school year, [REDACTED] was one of the Member's female students at the School. Together with [REDACTED], another female student at the School, [REDACTED] regularly attended at the Member's apartment where she, [REDACTED] and the Member would have meals, would listen to music and would dance. On

numerous occasions, [] and [] would stay in one of the bedrooms in the Member's apartment. One night, the Member climbed naked into bed with [] and stated his desire to have sex with her.

4. During the 1997/1998 academic year, [] and [] were female students of the Member at the School. On one occasion, the Member suggested to both [] and [] that they experiment with the drug 'Ecstasy'.
5. In or around June 1998, while on a weekend camping trip with friends and with some students at the School, including [], and [], the Member:
 - (a) appeared nude in front of his students;
 - (b) consumed marijuana in front of his students; and
 - (c) permitted his students to smoke marijuana.
6. Between 1997 and 1999, while [] was a student of the Member's at the School, the Member:
 - (a) established an inappropriate personal relationship with [] by:
 - (i) frequently inviting [] to his apartment and entertaining her at his home;
 - (ii) attending movies with [], going on walks with her and having dinner and lunches at restaurants;
 - (iii) regularly driving [] to school;
 - (iv) giving [] gifts, including cards and books of his poetry;
 - (v) inviting [] to move into his house; and
 - (vi) paying for the cost of and having [] accompany him on a trip to Cuba;
 - (b) attempted to establish a sexual relationship with [] by stating to [] that he loved her; that she was the most beautiful woman in the world; that he felt attracted to her; that he had sexual thoughts about her; that he

desired to be part of her life and that he was frustrated at his inability to see her more often;

- (c) persuaded [■], on one occasion during the Spring of 1998 while she was over at his apartment to do some gardening, to remove her clothes, following which he gave her a Swedish massage;
- (d) attempted to establish an inappropriate personal relationship with [■]'s mother, [■], by making sexual comments to and about [■], including on one occasion during a telephone call to [■], inquiring about why she did not have a man in bed with her; going on walks alone with [■] on two occasions; taking [■] out to dinner; and referring to [■] as beautiful;
- (e) disclosed to [■], personal and confidential information about two of his colleagues at the School, and made disparaging remarks about these two individuals, one of whom was a fellow teacher and the other a receptionist at the School.

Publication Ban

On September 15, 2003, the Panel made an order that there be no publication of any information which may disclose the identity of the students involved in this matter.

Member's Plea

Steven Edward Moore did not contest the allegations set out in paragraphs 3 through 8 of the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* and submits that the matters referred to in paragraphs 3 to 8 constitute professional misconduct, being more particularly breaches of Ontario Regulation 437, subsections 1(5), 1(7), 1(15), 1(18) and 1(19).

Agreed Statement of Facts

Counsel for the College advised the panel that agreement had been reached on the facts and introduced as Exhibit 3 an *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, which provides as follows:

1. Steven Edward Moore (“the Member”) is a Member of the Ontario College of Teachers. The Member was born on November 24, 1943 and resides in British Columbia.
2. The Member was employed by the Toronto District School Board (“the Board”) from in or about February 1978, and for most of his employment with the Board, was a teacher at Contact Alternative School (“the School”) where he taught various courses, including History and World Religions at the high school level.
3. During the 1979/1980 academic school year, [■] and [■] were female students at the School. These two students regularly attended at the Member’s apartment where they would have meals, would listen to music and would dance. On occasion, [■] and [■] would sleep in the Member’s apartment in one of the bedrooms there.
4. During the 1997/1998 academic year, while [■] and [■] were female students of the Member at the School, the Member asked these two students whether they had tried the drug ‘Ecstasy’.
5. At some time during a weekend camping trip in June 1998, the Member:
 - (a) changed from wet to dry clothing after swimming, appearing nude briefly in the presence of a female student while doing so; and
 - (b) ought to have known that some of the students were smoking marijuana.
6. Between 1997 and 1999, the Member established an inappropriate relationship with a female student, [■], including:

- (a) saying to [] "I feel attracted to you";
 - (b) describing [] as beautiful; -
 - (c) socializing outside of school with [], including attending movies, taking walks, and having dinners and lunches at restaurants with her;
 - (d) driving [] to school;
 - (e) giving [] gifts and cards and books of his poetry;
 - (f) giving [] a Swedish massage in his bedroom, using oils to massage her shoulders, head, neck and back while she was dressed only in her undergarments and wrapped in a sheet which the Member had offered her;
 - (g) inviting [] to move into his house; and
 - (h) paying for an airline ticket for [] to travel to Cuba with him.
7. As well, the Member attempted to establish a personal relationship with []'s mother, [], including:
- (a) making an inappropriate sexual comment to [], in particular, while asking her out on a walk, enquiring of her why she did not have a man in bed with her;
 - (b) taking [] out to dinner, both alone and with her daughter, []; and
 - (c) going on two walks alone with [], during one of which walks the Member made a sexual comment.
8. The Member discussed two of his female colleagues at the School with [], making disparaging remarks about a fellow teacher and one of the School receptionists.

9. By signing the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, the Member pleads no contest to the facts referred to in paragraphs 3 to 8 above.
10. In light of the above plea of no contest, the Ontario College of Teachers and the Member submit that the Discipline Committee may accordingly treat the matters referred to in paragraphs 3 to 8 as constituting professional misconduct and may find the Member guilty of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7), 1(14), 1(15), 1(18) and 1(19).

Decision

Having examined the Exhibits filed, and based on the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, and submissions made by counsel, the Panel finds that the facts support a finding of professional misconduct. In particular, the Panel finds that Steven Edward Moore committed acts of professional misconduct as alleged, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7), 1(14), 1(15) 1(18) and 1(19); and that he engaged in sexual abuse of students of a nature defined in sections 1 and 40 (1.1) of the Act; and that he displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of students of a nature or extent that demonstrates that the Member is unfit to carry out his professional responsibilities.

Penalty

Counsel for the College advised the panel that a joint submission on penalty had been

agreed upon. The *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* provides as follows:

The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this case would be that the Committee:

- (a) directs the Registrar of the Ontario College of Teachers (“Registrar”) to immediately revoke the Member’s Certificate of Qualification and Registration, which the Member is to immediately surrender to the Registrar;
- (b) directs that the findings and order of the Committee, including the Member’s name, be published in the official publication of the College *Professionally Speaking/Pour parler profession.*

Penalty Decision

The Panel accepts the joint submission on penalty as it serves to protect the public interest.

Accordingly, the Panel directs the Registrar of the Ontario College of Teachers to immediately revoke the Certificate of Qualification and Registration of Steven Edward Moore, which the Member is to immediately surrender to the Registrar.

The Panel is of the view that 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 Discipline Committee, 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 Panel also orders that the findings of this hearing, as well as the name of the Member, be published in summary in the official publication of the College, *Professionally Speaking/Pour parler profession*.

**DATED AT TORONTO, THIS 7TH DAY OF OCTOBER, 2003
BY ORDER OF THE DISCIPLINE COMMITTEE.**

Marilyn Laframboise, **Chair**

Janet Cornwall

Dick Malowney