

**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 David C. Morgan,

The Discipline Committee held a hearing on April 8, 1998,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**DAVID C. MORGAN
CERTIFICATE #128393**

PRESENT:

Members of the Panel
George Merrett (Chair)
Wayne Cornack
Karen Mitchell

L. Thomas Forbes, Q.C., Counsel for the Ontario College of Teachers

No one appeared for David C. Morgan

The Investigation Committee of the Ontario College of Teachers, pursuant to Section 26(i) of the Ontario College of Teachers Act, Statutes of Ontario, 1996, chapter 12, directed that the matter regarding the conduct or actions of David C. Morgan be referred to the Discipline Committee of the Ontario College of Teachers.

The Discipline Committee of the College of Teachers met to consider this matter on April 8, 1998.

A Notice of Hearing on this matter was delivered to David Morgan, dated February 13, 1998, (Exhibit 1) and it was indicated that he was entitled to be present on the hearing date and to be represented by legal counsel. It was noted that if he did not attend the hearing on the aforementioned date, the Discipline Committee may proceed in his absence.

David C. Morgan was not present on the date of the hearing.

EVIDENCE:

L. Thomas Forbes, Q.C., acting as prosecutor for the College, referred to the charges in Exhibit 1, namely that David C. Morgan is guilty of professional misconduct in that his actions were contrary to the Professional Misconduct Regulation made under the Ontario College of Teachers Act and filed as Ontario Regulation 437/97 on December 4, 1997, in particular Sections 1(5), 1(7), 1(11), 1(14), 1(15), 1(16), 1(17), 1(18), and 1(19).

Evidence presented by Ernie Koshan, Principal of the Walkerton Public School, was that David C. Morgan was hired by the Bruce County Board of Education in 1964 and resigned in 1996.

In March 1995 Ernie Koshan observed David Morgan exiting a science prep room with a female student. Mr. Koshan then advised Mr. Morgan not be alone with female students.

In June 1995, a female student made allegations of sexual impropriety against Mr. Morgan by complaining to a teacher. She was referred to a Guidance Counsellor.

Subsequently, two other female students came forward with accusations of sexual improprieties. Two of the females were students of Mr. Morgan's while the third was a member of his [] Club which met at noon hour.

As a result of the allegations, the Children's Aid Society was called and they informed the police. Charges of sexual assault and assault were then laid. David Morgan pleaded not guilty. He was convicted of one charge of assault and one charge of sexual assault (Exhibits 2 and 3).

REASONS:

Based on the uncontested evidence given by Ernie Koshan and the Exhibits filed, the Committee is of the view that the College has established, on a preponderance of clear

and credible testimony, that David C. Morgan's conduct of sexual and assault constitutes professional misconduct.

DECISIONS AND ORDERS:

The Committee finds David C. Morgan to be in breach of Sections 1(7), (11), (17), (18) and (19). The Committee orders the Registrar to revoke David C. Morgan's Certificate of Qualification and Registration as of April 8, 1998. The Committee orders that there be a prohibition on the names of the victims and other details that could lead to the identification of the victims.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers Act, the finding and order of the Discipline Committee of the Ontario College of Teachers shall be published in the official publication of the College, naming the member, and stating the decision in summary.

DATED AT TORONTO, THIS DAY OF , 1998
BY ORDER OF THE DISCIPLINE COMMITTEE

GEORGE MERRETT, Chair

KAREN MITCHELL

WAYNE CORNACK