

**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** a discipline proceeding against John Philip Morris, a member of the Ontario College of Teachers.

PANEL:            Don Cattani, Chair  
                      Ted Coulson  
                      Amin Saab

BETWEEN:	)	
	)	Jane Langford,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Jennifer Robinson,
	)	Law Clerk
- and -	)	
	)	Bernard Hanson,
JOHN PHILIP MORRIS	)	Cavalluzzo Hayes Shilton McIntyre
(CERTIFICATE #231367	)	& Cornish LLP,
	)	for John Philip Morris
	)	
	)	
	)	Scott Hutchison,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: September 20, 2006

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on September 20, 2006 at the Ontario College of Teachers (“the College”) at Toronto.

An *Amended Notice of Hearing*, dated December 7, 2005 was served on John Philip Morris (the “Member”), requesting attendance before the Discipline Committee of the Ontario College of Teachers on January 16, 2006 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for September 20, 2006.

John Philip Morris was in attendance at the hearing.

### The Allegations

The allegations against John Philip Morris in the *Amended Notice of Hearing*, (*Exhibit 1*) dated December 7, 2005 are as follows:

**IT IS ALLEGED** that John Philip Morris is guilty of professional misconduct as defined in section 30(2) of the Act in that he contravened sections 13, 14(a), 14(d) and 14(f) of the *Regulation Made Under the Teaching Profession Act*, made pursuant to section 12 of the *Teaching Profession Act*, R.S.O. 1960, c. 393, R.S.O. 1970, c. T. 2, R.S.O. 1980, c. T. 2, and R.S.O. 1990, c. T. 2, as amended, and in that he breached s. 22 (1) (c) of the *Schools Administration Act*, R.S.O. 1960, c. 361, s. 229 (1) (c) of the *Education Act*, R.S.O. 1974, c. 109, s. 235 (1) (c) of the *Education Act*, R.S.O. 1980, c. 129, and section 264(1) (c) of the *Education Act*, R.S.O. 1990, chapter E. 2, in that:

- (a) he failed to strive at all times to achieve and maintain the highest degree of professional competence and to uphold the honour, dignity and ethical standards of the teaching profession contrary to section 13 of the *Regulation Made Under the Teaching Profession Act*;
- (b) he failed to regard as his first duty the effective education of his pupils and the maintenance of a high degree of professional competence in his teaching contrary to section 14(a) of the *Regulation Made Under the Teaching Profession Act*;

- (c) he failed to show consistent justice and consideration in all his relations with pupils contrary to section 14(d) of the *Regulation Made Under the Teaching Profession Act*;
- (d) he failed to concern himself with the welfare of his pupils while they were under his care, contrary to section 14(f) of the *Regulation Made Under the Teaching Profession Act*; and
- (e) he failed to fulfill the duties of a teacher contrary to section 264(1) (c) of the *Education Act* and the *Schools Administration Act*.

**AND IT IS FURTHER ALLEGED** that John Philip Morris 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) and (k) 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);

At the hearing of the matter, College counsel withdrew the allegations of professional misconduct and incompetence set out in (e), (f) and (g) below:

- (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.

## Statement of Facts

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 4, a Statement of Facts, Plea of No Contest and Joint Submission on Penalty. (ASF – Exhibit 4)*

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

1. At all material times, John Philip Morris (the “Member”) was a member of the Ontario College of Teachers or held an Ontario Teacher’s certificate and was a member of the Ontario Teachers’ Federation and as such, is subject to the jurisdiction of the Ontario College of Teachers.
2. The Member was employed by the Peel District School Board from in or about September 1, 1967 to December 31, 1997, during which period, the Member taught at the elementary level at a number of schools, including, [REDACTED] School (“[REDACTED]”), [REDACTED] School, [REDACTED] School, [REDACTED] School (“[REDACTED]”), [REDACTED] School (“[REDACTED]”), [REDACTED] School, [REDACTED] School and [REDACTED] School.
3. From in or about February 1999, the Member was employed by the Dufferin-Peel Catholic District School Board as a long-term occasional teacher.
4. Between January and June 1969, while teaching at [REDACTED], on five or more occasions, the Member inappropriately touched a [REDACTED] female student, [REDACTED], in the area of her shoulder and her arm.

5. On or about May 5, 1989, while teaching at [REDACTED], the Member inappropriately touched a female student [REDACTED] in the back waist area.

6. On or about December 17, 1990, while teaching at [REDACTED], the Member inappropriately touched a female student [REDACTED] on the buttocks.

7. Between September 1988 and June 1991, while teaching at [REDACTED], the Member inappropriately touched female students, [REDACTED] and [REDACTED] on the buttocks, and tickled female students [REDACTED].

8. Between the period of August 30, 2001 and September 30, 2001, the Member, while teaching at [REDACTED] School, inappropriately touched a [REDACTED] female student, [REDACTED] in the area of her chest and buttocks.

9. The aforementioned touching was inappropriate in its location and demonstrates a lack of appreciation of appropriate physical boundaries with students, inappropriate disciplinary tactics and poor judgment in respect of interpersonal communication. Moreover, the Member failed to heed the advice of his employers to adopt a 'no touch' policy.

10. Some students and their parents were uncomfortable and upset by the Member's conduct.

11. On September 12, 2006, the Member resigned his Certificate of Qualification and Registration and stated his intention never to re-apply or teach in Ontario again.

### Plea of No Contest

12. By this document, the Member acknowledges the truth of the facts referred to in paragraphs 2, 3 and 11.

13. The Member pleads no contest to the facts alleged in paragraphs 4, 5, 6, 7, 8, 9 and 10.

14. The Member acknowledges that the facts referred to in paragraphs 4, 5, 6, 7, 8, 9 and 10 constitute professional misconduct and pleads no contest to the allegations of professional misconduct against him, being more particularly, breaches of sections 13, 14(a), 14(d) and 14(f) of the *Regulation Made Under the Teaching Profession Act*, made pursuant to section 12 of the *Teaching Profession Act*, R.S.O. 1960, c. 393, R.S.O. 1970, c. T. 2, R.S.O. 1980, c. T. 2, and R.S.O. 1990, C. T. 2, as amended, and s. 22 (1) (c) of the *Schools Administration Act*, R.S.O. 1960, c. 361, s. 229 (1) (c) of the *Education Act*, R.S.O. 1974, c. 109, s. 235 (1) (c) of the *Education Act*, R.S.O. 1980, c. 129, and section 264 (1) (c) of the *Education Act*, R.S.O. 1990, chapter E. 2, and Ontario Regulation 437/97 1(5), 1(7), 1(14), 1(15), and 1(18).

15. The Member states that:

(a) he understands fully the nature of the allegations against him;

- (b) he understands that by signing this document he is consenting to the evidence as set out in this agreement being presented to the Discipline Committee;
- (c) he understands that by pleading no contest to the facts referred to in paragraphs 4, 5, 6, 7, 8, 9 and 10 above, he is waiving the right to require the College to prove the case against him and the right to have a hearing; and
- (d) he states that this plea of no contest was made voluntarily, unequivocally and with the benefit of independent legal counsel.

16. The Member provides this plea of no contest pursuant to Rule 3.02 of the Rules of Procedure of the Discipline Committee under protection of the *Evidence Act*, R.S.O. 1990, c. E. 23, for the purpose of this proceeding under the *College of Teachers Act 1996*, chapter 12, and for no other purpose. The Member's plea of no contest does not constitute an admission by the Member as to the facts or findings in any other civil, criminal or administrative proceeding.

#### Joint Submission on Penalty

17. In light of the facts and circumstances acknowledged by the Member, the Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be that the Committee:

- (a) require the Member to appear before the Committee to be reprimanded, with the fact of the reprimand to be recorded on the Register.
- (b) direct that the findings and order of the Committee be published in the official publication of the College *Professionally Speaking/Pour parler profession*.

### Decision as to Finding

Having examined the Exhibits filed, and based on the plea of no contest, the *Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, and the submissions made by Counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that John Philip Morris breached sections 13, 14(a), 14(d) and 14(f) of the *Regulation Made Under the Teaching Profession Act*, made pursuant to section 12 of the *Teaching Profession Act*, R.S.O. 1960, c. 393, R.S.O. 1970, c. T. 2, R.S.O. 1980, c. T. 2, and R.S.O. 1990, C. T. 2, as amended, and s. 22 (1) (c) of the *Schools Administration Act*, R.S.O. 1960, c. 361, s. 229 (1) (c) of the *Education Act*, R.S.O. 1974, c. 109, s. 235 (1) (c) of the *Education Act*, R.S.O. 1980, c. 129, and section 264 (1) (c) of the *Education Act*, R.S.O. 1990, chapter E. 2, and Ontario Regulation 437/97 1(5), 1(7), 1(14), 1(15), and 1(18).

### Penalty Decision

The Committee accepts the Joint Submission on Penalty and makes the following order as to penalty:

1. The Member is required to appear before the Committee to be reprimanded, and the fact of the reprimand will be recorded on the Register of the Ontario College of Teachers; and
2. The Committee directs that there be publication of the findings and Order of the Committee, in summary form, including the full name of the Member in the

3. official publication of the College, Professionally Speaking/Pour parler profession.

### Reasons for Decision & Penalty

The Committee accepted the evidence contained in the *Statement of Facts, Plea of No Contest and Joint Submission on Penalty*. The Committee conducted a verbal plea inquiry and was satisfied that the Member understood the nature of the allegations, waived the right of the College to prove the case against him, voluntarily decided not to contest the allegations and understood the ramifications as to penalty. (*Exhibit 4*)

The Statement of Facts indicates that from 1969 to 2001, in schools where he taught, the Member engaged in at least 16 incidents of inappropriate touching of female elementary students, including in the areas of chest and buttocks. The Member acknowledged that these facts constitute professional misconduct and he pleaded no contest to them. (*Exhibit 4*)

The joint submission on penalty asked that the Member be given a reprimand and that the facts and order of the Committee be published in *Professionally Speaking/Pour parler profession*. Given the very serious nature of the facts, the Committee may well have revoked the Certificate of Qualification and Registration of the Member. However, effective September 12, 2006 the Member resigned his Certificate and advised the Registrar of his intention never to re-apply for his Certificate or to teach in Ontario again. (*Exhibit 3*).

The Member's resignation and acknowledgment of the facts allowed a timely resolution of this matter and obviated the prospect of a lengthy hearing which could have caused discomfort and anxiety for many young witnesses. Accordingly, the Committee accepted the joint submission on penalty consisting of both a reprimand and publication but ordered that publication include the name of the Member.

The reprimand is an oral condemnation of the Member's conduct from colleagues in the profession and members of the public. Publication of the Member's name and a summary of the facts serves as a further rebuke of his actions.

Publication of the Committee's order also acts as a general deterrent to guide members of the profession and to inform them that similar behaviour will result in a finding of professional misconduct. The Committee is satisfied that the penalty serves to preserve the reputation of the profession and to protect the interest of the public.

Dated: September 21, 2006

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Don Cattani  
Chair, Discipline Panel

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Ted Coulson  
Member, Discipline Panel

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Amin Saab  
Member, Discipline Panel