

**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 Geoffrey Matthew Muldoon, a member of the Ontario College of Teachers.

PANEL: Rosemary Fontaine, Chair
 Mel Greif
 John Wells

BETWEEN:)	
	)	Brian Wasyliw,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Jennifer Robinson,
	)	Law Clerk
- and -)	
	)	William W. Markle, Q.C. and
	)	Stephanie Carey,
	)	Markle May Phibbs
GEOFFREY MATTHEW MULDOON	)	for Geoffrey Matthew Muldoon
(CERTIFICATE #461902))	
)	
	)	Luisa Ritacca,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: September 24, 2007

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on September 24, 2007 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated January 30, 2006, was served on Geoffrey Matthew Muldoon, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on February 20, 2006 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for September 24, 2007. Geoffrey Matthew Muldoon was in attendance at the hearing.

THE ALLEGATIONS

The allegations against Geoffrey Matthew Muldoon in the *Notice of Hearing, (Exhibit 1)* dated January 30, 2006, are as follows:

IT IS ALLEGED that Geoffrey Matthew Muldoon is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the *Ontario College of Teachers Act, 1996* (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 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, 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); and
- (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*.

At the hearing on September 24, 2007, College counsel sought to withdraw the following allegations of professional misconduct contained in the *Notice of Hearing*: breaches of Ontario Regulation 437/97, subsections 1(7), 1(14),1(15) and sections 1 and 40 (1.1) of the *Act*. The Committee agrees that these allegations shall be withdrawn.

The Committee ordered that any future requests for release of the *Notice of Hearing* in this matter be accompanied by a copy of the Oral Decision of the Committee.

AGREED STATEMENT OF FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced an *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty (ASF – Exhibit 2)*.

The Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty provides as follows:

1. Geoffrey Matthew Muldoon (the “Member”) is a member of the Ontario College of Teachers. Attached hereto and marked as **Exhibit “A”** is a copy of the Ontario College of Teachers Registered Member Information respecting the Member.

2. From October 2003 to May 2005, the Member was employed by the Hamilton-Wentworth Catholic District School Board (the “Board”) and taught Grade [■] at [■] School.

3. The Member was also involved in coaching and refereeing [■] and [■] at the house and Little League level, and specifically, with the [■].

4. Commencing in or about 2000 and continuing to 2004, on numerous occasions the Member invited to his family home male minors with whom he became acquainted through his [■] and [■] coaching. These visits were with the permission of their parents and would include sleepovers.

5. The Member also engaged in Internet chat-line conversations with the male minors. During one of these exchanges the Member invited the male minors to his home and indicated that alcohol would be available.

6. On one occasion where the male minors visited the Member’s home, he offered them alcohol and one male minor consumed alcohol.

GUILTY PLEA

7. By this document, the Member admits the truth of the facts referred to in paragraphs 1 to 6 above (the “Admitted Facts”). The Member hereby acknowledges that his conduct as described in paragraphs 4, 5 & 6 of the Admitted Facts constitutes professional misconduct, and pleads guilty to the allegations of professional misconduct against him, being more particularly breaches of Ontario Regulation 437/97 1(5), 1(18) and 1(19).

8. The Member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) he understands that by pleading guilty to the allegations he is waiving his right to require the College to prove the case against him and the right to have a hearing;
- (c) he voluntarily decided to plead guilty; and
- (d) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and with the benefit of legal counsel.

9. In light of the Admitted Facts and circumstances, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

JOINT SUBMISSION ON PENALTY

10. In light of the Admitted Facts and circumstances, 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) requires the Member to appear before the Committee to be reprimanded and the fact of the reprimand be recorded on the Register;
- (b) directs the Registrar of the Ontario College of Teachers to impose the following terms, conditions and/or limitations on the Member's Certificates of Qualification and Registration, the fact of such terms and conditions and limitations to be recorded on the Register until such time as they are fulfilled;
 - (i) the Member shall enrol in and complete, at his own expense, by a date no later than three (3) months from the date of this Order, a course of instruction, approved in advance by the Registrar, regarding appropriate boundaries and boundary violation issues; and
 - (ii) following completion of the course, the Member shall deliver directly to the Registrar, proof of the successful completion of the course within thirty (30) days of its completion; and
- (c) 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 official publication of the College *Professionally Speaking/Pour parler profession*.

11. By this document, the Member acknowledges his understanding that any agreement between the College and the Member with respect to the penalty proposed in this document does not bind the Discipline Committee.

DECISION

Having examined the Exhibits filed, and based on the plea of guilt, the *Agreed Statement of Facts, Guilty Plea 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 Geoffrey Matthew Muldoon committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(18) and 1(19), as set out in the *Notice of Hearing*.

REASONS FOR DECISION

The Member pleaded guilty and acknowledged that his conduct as described in paragraphs 4, 5 and 6 (the “Admitted Facts”) of the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty* (ASF - Exhibit 2) constitute professional misconduct. The Committee accepted the Member’s guilty plea and the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty*.

On numerous occasions the Member invited male minors to his home with whom he became acquainted through his [■] and [■] coaching. These visits were with the permission of their parents and would include sleepovers. The Committee viewed the invitation to his home for sleepovers, despite the permission of parents, to be ill-advised

and problematic. Consequently the Member left himself vulnerable to the appearance and possible accusation of boundary violations.

With one invitation, the Member indicated that alcohol would be available. On one occasion a male minor consumed alcohol that was offered by the Member. The Committee viewed this behaviour as irresponsible, unprofessional and to be conduct unbecoming a member of the profession. The Member failed to comply with the standards of the profession under Ontario Regulation 437/97 subsection 1(5) and engaged in acts that are unprofessional and conduct unbecoming under 1(18) and 1(19).

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 is to be recorded on the Register.
2. The Registrar of the Ontario College of Teachers is directed to impose the following terms, conditions and/or limitations on the Member's Certificate of Qualification and Registration, the fact of such terms and conditions and limitations to be recorded on the Register until such time as they are fulfilled:

- (i) the Member shall enrol in and complete, at his own expense, by a date no later than three (3) months from the date of this Order, a course of instruction, approved in advance by the Registrar, regarding appropriate boundaries and boundary violation issues; and
- (ii) following completion of the course, the Member shall deliver directly to the Registrar, proof of the successful completion of the course within thirty (30) days of its completion.

3. Pursuant to Section 30 (5) (3) of the Ontario College of Teachers Act, the findings and order of the Committee shall be published in summary, with the Member's full name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

The Committee is satisfied that the successful completion of the boundaries course, pre-approved by the Registrar, will serve as remediation for the Member and is an important step that will reinforce the need to define and to maintain appropriate boundaries.

The reprimand by his peers in respect of these actions serves as a specific deterrent to the Member and publication of the findings and order of the Committee, in summary, with the name of the Member, in *Professionally Speaking/Pour parler profession*, serves as a general deterrent to the profession, sending a message that appropriate behaviour is

required by members of the College. Publication informs the public and educates teachers that high standards are expected of members of the profession at all times.

The Committee is satisfied that the penalty is appropriate in the circumstances and it serves and protects the public interest.

Date: September 24, 2007

Rosemary Fontaine
Chair, Discipline Panel

Mel Greif
Member, Discipline Panel

John Wells
Member, Discipline Panel