

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

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 Terence Julian Paul Munsey.

The Discipline Committee held a hearing on December 17, 2002,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

TERENCE JULIAN PAUL MUNSEY
Certificate #381210

REASONS FOR DECISION, DECISION AND ORDERS

PRESENT:

Members of the Panel

Bernard J. Adam, Chair

Janet Cornwall

Marilyn Laframboise

Paul LeVay of Stockwoods, Independent Counsel to the Committee.

Caroline Zayid, McCarthy Tétrault, Counsel for the Ontario College of Teachers, assisted by Trevor Evans.

The member, Terence Julian Paul Munsey was not present nor was he represented.

This decision is subject to a publication ban with respect to the name of the student(s) who shall be identified by two initials only.

A Notice of Hearing, dated November 4, 2002 was served on Terence Julian Paul Munsey, requesting attendance before the Discipline Committee of the Ontario College of Teachers on November 20, 2002 to set a date for hearing and specifying the charges.

It is alleged that Terence Julian Paul Munsey is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) 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 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); 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.

On December 17, 2002, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Terence Julian Paul Munsey was guilty of professional misconduct.

Terence Julian Paul Munsey was not in attendance at the hearing. Proof of service of the Notice of Hearing was presented and accepted by the panel.

EVIDENCE

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing, alleging that Terence Julian Paul Munsey 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 subsections 1 (5), 1 (7), 1 (14), 1 (15), 1 (18) and 1 (19) and sections 30(2) and 40 (1.1) of the Act as alleged. Particulars of the alleged misconduct are set out in the Notice of Hearing. An Agreed Statement of Facts Re: Plea of No Contest was filed as Exhibit 1. A letter to Terence Julian Paul Munsey dated November 29, 2002 from A. Trevor Evans, was filed as Exhibit 2. The Statement of Facts had been signed by Caroline Zayid of McCarthy Tétrault and by the member, Terence Julian Paul Munsey.

FINDINGS OF FACT:

Based on the Agreed Statement of Facts Re: Plea of No Contest and the testimony of A. Trevor Evans, the panel finds the following facts:

1. Terence Julian Paul Munsey (the “Member”) is a member of the Ontario College of Teachers, whose Certificate of Qualification is presently suspended for non-payment of fees.
2. [REDACTED], whose date of birth is [REDACTED], was a female student of the Member at [REDACTED] during the 1990-1991 school year.
3. By signing the Agreed Statement of Facts Re: Plea of No Contest (Exhibit 1), the Member pleads no contest to the following allegations:
 - (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, 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); and
 - (f) he engaged in sexual abuse of a student of a nature defined in sections 1 and 40 (1.1) of the Act.
4. The member agrees that the Discipline Committee can accept as correct the following facts:
 - (a) that between 1991 and 1992, the Member engaged in inappropriate conduct towards [REDACTED], including but not limited to:

- (b) attending at a nightclub with [REDACTED] and a friend of [REDACTED];
- (c) attending to meet [REDACTED] while she was at a party at the home of a friend of [REDACTED];
- (d) attending to meet [REDACTED] at a residence where [REDACTED] was babysitting;
- (e) consuming alcohol at his home in the presence of [REDACTED] on or about 23 December 1991, before engaging in sexual intercourse with her at his home;

5. For the purpose of the proceeding before the Discipline Committee, the Member agrees that the facts outlined in the paragraph herein constitute professional misconduct and that the Discipline Committee can so find without a hearing.
6. On or about 25 February 1993, the Member was discharged from his employment by the Board, with effect from that date, for alleged sexual impropriety. The Member commenced grievance proceedings against the Board and the matter proceeded to arbitration. On or about 13 January 2000, the arbitration award was handed down and the dismissal of the Member was upheld by a two to one majority.

DECISION AND ORDERS:

Having examined the Exhibits filed and in light of the plea of no contest as set out herein wherein the Ontario College of Teachers and the Member ask that the Discipline Committee find the Member guilty of professional misconduct, and based on the submissions by both parties, the Committee accepts the member's Agreed Statement of Facts Re Plea of No Contest and finds Terence Julian Paul Munsey, Certificate of Registration #381210, guilty of professional misconduct under sections 1 (5), 1 (7), 1(14),

1 (15), 1(18) and 1 (19) of the Professional Misconduct Regulation 437/97 and under sections 1 and 40 (1.1) of the Act as alleged.

The Committee orders the Registrar and Chief Executive Officer of the Ontario College of Teachers to revoke Terence Julian Paul Munsey`s Certificate of Qualification and Registration immediately.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers, *Professionally Speaking/Pour parler profession*.

The Committee also orders that, in any publication, the names of the students not be published and that they may only be identified by two initials.

**DATED AT TORONTO, THIS 6TH DAY OF MARCH, 2003
BY ORDER OF THE DISCIPLINE COMMITTEE**

Bernard J. Adam, **Chair**

Janet Cornwall

Marilyn Laframboise