

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 Clark Winton Noble.

The Discipline Committee held a hearing on Wednesday, January 26, 2000,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

CLARK WINTON NOBLE

PRESENT:

Members of the Panel

Diane Leblovic (Chair)

George Merrett

Elizabeth Barkley

The Honourable Patrick Galligan, Independent Counsel to the Panel

L. Thomas Forbes, Q.C., McCarthy Tétrault, Counsel for the Prosecution assisted by
Chris Sach-Anderson

Frank Felkai, Beard Winter, Defense Counsel

Clark Winton Noble was not present.

A Notice of Hearing, dated July 16, 1999 was served on Clark Winton Noble, requesting attendance before the Discipline Committee of the Ontario College of Teachers on September 27, 1999 to set a date for hearing, and specifying the charges. The date eventually set for hearing was January 26, 2000.

The Notice of Hearing states that Clark Winton Noble is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit 1).

On January 26, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Clark Winton Noble was guilty of professional misconduct.

Clark Winton Noble 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 Ontario College of Teachers and Counsel for Clark Winton Noble jointly requested that the Notice of Hearing (Exhibit #1) be withdrawn.

Evidence was led that:

1. Clark Winton Noble was a member of the Ontario College of Teachers.

2. At all material times, the member was employed as a teacher by a private school in the Greater Toronto Area.
3. During the year 1988, [■] was a student in a private school in the Greater Toronto Area where the member was a teacher.
4. During the year 1988, the member did commit a sexual assault on [■], contrary to section 271 of the Criminal Code.
5. On July 9, 1998, the member pleaded guilty to the 1989 sexual assault of [■], a student at a private school in the Greater Toronto Area and received a conditional sentence of one year.
6. A Resignation and Undertaking was filed as Exhibit #6 as attached. That statement had been signed by Clark Winton Noble and Defense Counsel.
7. Evidence was led that the victim was not currently living on the continent.

FINDINGS OF FACT:

Based on the attached Resignation and Undertaking, the panel finds the following facts:

- (1) Clark Winton Noble is a member of the Ontario College of Teachers.
- (2) Clark Winton Noble submits his resignation as a member of the Ontario College of Teachers.
- (3) Clark Winton Noble surrenders his certification as a teacher in Ontario.
- (4) Clark Winton Noble undertakes never to teach again.
- (5) Clark Winton Noble requested that the Ontario College of Teachers be granted permission to withdraw the proceedings against him before the Discipline Committee and understands that the College's Register will record the fact that

he was permitted to resign during the course of professional misconduct proceedings following his conviction for sexual assault of a student.

- (6) Clark Winton Noble understands that if accepted by the Discipline Committee, the details of his Resignation and Undertaking and the circumstances thereof may be published in the official publication of the Ontario College of Teachers, "Professionally Speaking", and recognizes that the College may communicate the details and result of this matter to any other educational jurisdiction.

Clark Winton Noble was found guilty of a sexual assault on [REDACTED], contrary to section 271, under the *Criminal Code of Canada* (Exhibit #3) and received a conditional sentence of a period of one year (Exhibit #4).

The Committee accepts Counsel's joint proposal to withdraw the Notice of Hearing in the matter of Clark Winton Noble in return for his resignation, cancellation of his Ontario Teaching Certificate and notation of such on the College Register.

The Committee is persuaded that to pursue the charges of professional misconduct would be detrimental to the victim who does not reside on the continent.

REASONS:

The Committee is satisfied that by accepting the Resignation and Undertaking of Clark Winton Noble, the public interest has been served. The Committee is also satisfied that

Ontario Regulation 437/97, subsection 1(24) provides for the protection of the public interest should the member fail to abide by his Resignation and Undertaking.

The Committee agrees that to proceed with a Discipline Hearing of Professional Misconduct would be detrimental to the victim.

DECISION AND ORDERS:

Based on a joint submission, the evidence given by the witnesses and having examined the exhibits filed, the Committee agrees to the withdrawal of the Notice of Hearing in the matter of Clark Winton Noble before the Discipline Committee of the Ontario College of Teachers. The Committee accepts his resignation as a member of the Ontario College of Teachers. The Committee acknowledges that the member has surrendered his certification as a teacher in Ontario effective immediately.

The Committee further directs that the College Register will state that Clark Winton Noble was permitted to resign during the course of professional misconduct proceedings following his conviction for sexual assault of a student. The Committee further orders that the undertaking be attached to this Decision. The Committee is satisfied that Ontario Regulation 437/97, subsection 1(24) provides for the protection of the public interest should the member fail to abide by his written undertaking.

DATED AT TORONTO, THIS 26th DAY OF JANUARY, 2000

BY ORDER OF THE DISCIPLINE COMMITTEE

Diane Leblovic, **Chair**

George Merrett

Elizabeth Barkley