

**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 Jeffrey Robert Orman, a member of the Ontario College of Teachers.

PANEL: Mel Greif, Chair  
Tammy Bush  
Jacques Tremblay

BETWEEN:	)	
	)	
	)	Cedric Lamarche,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans
	)	Senior Law Clerk
- and -	)	
	)	
JEFFREY ROBERT ORMAN	)	Gary Hopkinson,
(CERTIFICATE #262794)	)	Green & Cherver, for Jeffrey Robert Orman
	)	
	)	
	)	Phillip Tunley,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: April 3, 2009

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on April 3, 2009 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated January 5, 2009 was served on Jeffrey Robert Orman, requesting attendance before the Discipline Committee of the Ontario College of Teachers on January 28, 2009 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for April 3, 2009.

Jeffrey Robert Orman was in attendance at the hearing.

### **THE ALLEGATIONS**

The allegations against Jeffrey Robert Orman in the *Notice of Hearing* (Exhibit 1) dated January 5, 2009, are as follows:

**IT IS ALLEGED** that Jeffrey Robert Orman is guilty of professional misconduct as defined in section 30(2) 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 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);

(c) 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); and

(d) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19).

## **AGREED STATEMENT OF FACTS**

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 2*, an *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty (ASF – Exhibit 2)* which provides as follows:

### **STATEMENT OF FACTS**

1. Jeffrey Robert Orman (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. At all material times the Member was employed by the Avon Maitland District School Board (the “Board”) as a high school teacher at the Listowel District Secondary School (the “School”).
3. During the 2007-2008 academic year, the Member taught grades 9 and 10 science and grade 11 physics. The Member was assigned, or had access to, six desktop computers and one laptop computer (“the Board’s computers”) for use at the School.
4. During the 2007-2008 academic year, the Member, while using one or more of the Board’s computers:
  - (a) accessed pornographic web sites;

- (b) downloaded pornographic photographs, images and movies in which the subjects portrayed in the photographs and movies included teenaged girls who, in some cases, were portraying themselves as girls under the age of eighteen; and
- (c) on at least one occasion, downloaded pornographic photographs, images and movies of the kind referred to in (b) above at the School while he was supervising an extra-curricular event outside of regular school hours. However, the Member did so alone in a private office and after he had delegated his supervisory duties to others.

5. There is no evidence that there was any effect of the Member's activities, referred to in paragraph 4, on any of the students of the School or that any of the students were aware of those activities.

6. Attached hereto and marked as **Exhibit "B"** is an extract, comprising pages 1-6 and 144-149, from a report dated 6 May 2008, from the firm Technical Security and Intelligence with respect to its investigation of the hard drives of the computers which the Member had been using. Technical Security and Intelligence identified a large number of pornographic images and videos as well as a large number of photographic images of nude teenaged girls which had been downloaded at different times between 2007 and 2008, by the Member. In addition, the report noted that various other movies had apparently been downloaded.

7. At the first meeting between the Member and his teachers' federation and the Board after the Board concluded its investigation of this matter, the Member admitted his

misconduct and submitted a forthright written apology. This was followed by a lengthier written statement of admissions and apology a number of weeks later.

8. On or about 24 June 2008, the Member was dismissed by the Board. Attached and marked as **Exhibit “C”** is a copy of a letter dated 25 June 2008 from the Board to the Member.

### **PLEA OF NO CONTEST**

9. By this document, the Member admits, for the purposes of this proceeding only, the truth of the facts and exhibits referred to in paragraphs 1 to 8 above.

10. The Member hereby acknowledges that the facts referred to in paragraph 4 above, as demonstrated by Exhibit B, constitute professional misconduct and pleads no contest to the allegations of professional misconduct against him, being more particularly breaches of Ontario Regulation 437/97 1(5), (14), (15), (18) and (19).

11. By this document 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 paragraphs 1 to 8 above, including the referenced exhibits, being presented to the Discipline Committee at the hearing of this matter;

- (c) he understands that by pleading no contest to the allegations, he is waiving the right to require the College to prove the case against him, and the right to have a full hearing on these issues; and
- (d) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and without the advice of legal counsel.

12. 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, chapter 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.

13. In light of the uncontested 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**

14. 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 immediately following the completion of the hearing of this matter, to be reprimanded

and that the fact of the reprimand be recorded on the public register of the Ontario College of Teachers;

- (b) directs the Registrar to suspend the Member's Certificate for a period of six months from the date of this Order, and the fact of the suspension be recorded on the public register of the College; and
- (c) directs that the findings and Order of the Committee, including the Member's full name, be published in summary in the official publication of the College, Professionally Speaking/Pour parler profession.

15. 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 no contest, the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, and the submissions made by counsel for the College and Counsel for the Member, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Jeffrey Robert Orman is guilty of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(18) and 1(19).

## **REASONS FOR DECISION**

The Member acknowledges that the facts referred to in paragraph 4, and as demonstrated by Exhibit B of the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, (Exhibit 2) constitute professional misconduct and pleaded no contest to these allegations of professional misconduct against him.

The Committee accepted both the Member's plea of no contest and the facts contained in the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*.

The Member's actions of accessing and downloading a variety of pornographic materials on school computers constitute disgraceful, dishonourable and unprofessional conduct and conduct unbecoming a member. The pornographic materials that the Member downloaded included images of and movies that portrayed teenaged girls who, in some cases were presenting themselves as girls under the age of 18. By engaging in such behaviour and using school computers, on school property, the Member failed to maintain the standards of the profession and failed to comply with the *Education Act*, specifically 264(1)(c) thereof.

## **PENALTY DECISION**

The Committee makes the following order as to penalty:

1. The Registrar is directed to suspend the certificate of qualification of the Member for a period of six months commencing from April 3, 2009 and the fact of the suspension is to be recorded on the public register of the College;

2. The Member is required to appear before the Committee following the completion of the hearing of this matter to be reprimanded and the fact of the reprimand is to be recorded on the public register of the Ontario College of Teachers;
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 name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

## **REASONS FOR PENALTY DECISION**

The Committee directed the Registrar to suspend the Member's certificate for a period of six months. The gravity of the Member's conduct warrants a suspension for six months.

The Committee ordered that the Member be reprimanded. The reprimand by the Member's peers provides a specific deterrent to the Member.

The Committee ordered publication of the finding and order with the name of the Member. Publication, with name, provides a general deterrent to the membership and informs the profession that this serious misconduct will result in an appropriate penalty. Publication informs the public that the College denounces and will not tolerate this type of conduct.

The Committee is satisfied that the penalty is appropriate in the circumstances and serves to protect the public interest.

Dated: April 3, 2009

---

Mel Greif  
Chair, Discipline Panel

---

Tammy Bush  
Member, Discipline Panel

---

Jacques Tremblay  
Member, Discipline Panel