

**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 Robert James Peirce.

The Discipline Committee held a hearing on February 12, 2003.

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**ROBERT JAMES PEIRCE**  
**CERTIFICATE #170799**

**PRESENT:**

Members of the Panel  
Karen Mitchell (Chair)  
Paul Charron  
Sheila Gifford

The Honourable Lloyd Houlden, Independent Counsel to the Committee

David Leonard, McCarthy Tétrault LLP, Counsel for the Ontario College of Teachers,  
assisted by Trevor Evans, Senior Law Clerk

William Markle, QC, Markle May Phibbs, Counsel for the member Robert James Peirce,  
assisted by Donna Ptak.

Robert James Peirce was present.

A Notice of Hearing, dated July 12, 2002 and an Amended Notice of Hearing, dated December 19, 2002 were served on Robert James Peirce, requesting attendance before the Discipline Committee of the Ontario College of Teachers on August 20, 2002 to set a date for hearing, and specifying the charges. The hearing date was set for February 12, 2003.

It is alleged that Robert James Peirce is guilty of professional misconduct as defined in sections 30(2) and (3) of the Act, in that:

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

The Amended Notice of Hearing states that Robert James Peirce is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On February 12, 2003, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Robert James Peirce was guilty of professional misconduct.

## **EVIDENCE**

- (b) Counsel for the Ontario College of Teachers referred to the charges set out in the Amended Notice of Hearing alleging that Robert James Peirce 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 Ontario Regulation 437/97 , subsection 1 (19).

Counsel presented evidence that Robert James Peirce is a member of the Ontario College of Teachers. At all material times, Robert James Peirce was employed as a teacher by the London District Catholic School Board.

An Agreed Statement of Facts was filed as Exhibit #1 and sets out that the Member pleads guilty to professional misconduct as defined in Ontario Regulation 437/97, sections 30(2) and (3). The statement was dated February 12, 2003 and had been signed by Counsel for the College, Counsel for the Member and by the Member himself.

#### **FINDINGS OF FACT:**

Based on the Agreed Statement of Facts presented to the Committee and having examined Exhibit #1 filed, the panel finds the following facts:

- (1) Robert James Peirce (the “Member”), is a member of the Ontario College of Teachers.
- (2) At all material times the Member was employed by the London District Catholic School Board and was a teacher at St. Thomas Aquinas Secondary School in London.

- (3) On or about November 2001, the Member, who had no authority in respect of the senior football team of the School (“the team”), attended in the locker room of the team, and conducted unauthorized searches of personal belongings of some of the students who were members of the team, while those students were away from the School’s premises with the team at a football game. In doing so, the Member contravened the guidelines in such matters as prescribed by his employer.
- (4) By the Agreed Statement of Facts submitted, the Member Robert James Peirce, accepts that the matters referred to in paragraph 3 above constitute professional misconduct and pleads guilty to the allegation of professional misconduct against him, in that he engaged in conduct unbecoming a member in contravention of Ontario Regulation 437/97, subsection 1 (19).

### **DECISIONS AND ORDERS**

Based on the Agreed Statement of Facts presented to the Committee, and the Member’s plea of guilty, and having examined Exhibit #1 filed, the Committee finds Robert James Peirce guilty of professional misconduct in that he engaged in conduct unbecoming a member contrary to Ontario Regulation 437/97, subsection 1 (19).

As for penalty, the Committee concurs with the joint submission of prosecution and defence counsel that the Member’s Certificate of Qualification shall be suspended for two months commencing February 22, 2003 and ending April 21, 2003.

Pursuant to Section 30 (5) (iii) of the Ontario College of Teacher's 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".

**DATED AT TORONTO, THIS 12<sup>th</sup> DAY OF FEBRUARY, 2003  
BY ORDER OF THE DISCIPLINE COMMITTEE**

---

Karen Mitchell, **Chair**

---

Paul Charron

---

Sheila Gifford