

**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 Tyler Jason Pike, Member of the Ontario College of Teachers.

PANEL: Gabrielle Blais, Chair
 Dean Favero
 Jacques Tremblay

BETWEEN:)	
)	
)	
ONTARIO COLLEGE OF TEACHERS)	Nadine Carpenter, Dispute Resolution Administrator, for Ontario College of Teachers
)	
- and -)	
)	
TYLER JASON PIKE)	Brian Hanulik, Cavalluzzo Hayes Shilton
(CERTIFICATE #183151))	McIntyre & Cornish, for Tyler Jason Pike
)	
)	
)	Scott Hutchison, Stockwoods LLP, Independent Legal Counsel
)	
)	
)	Heard: June 4, 2007
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REASONS FOR DECISION, DECISION AND ORDER

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on June 4, 2007 at the Ontario College of Teachers (the “College”) at Toronto.

Tyler Jason Pike (the “Member”) was not in attendance at the hearing.

A *Notice of Hearing* dated March 22, 2007 was served on the Member, requesting attendance before the Discipline Committee of the Ontario College of Teachers April 25, 2007 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for June 4, 2007.

THE ALLEGATIONS

The allegations in the *Notice of Hearing* dated March 22, 2007(Exhibit 1) are as follows:

IT IS ALLEGED that Tyler Jason Pike is guilty of professional misconduct as defined in subsections 30(2) and 40(1.1) of the *Ontario College of Teachers Act* (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 physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97 subsection 1(7);
- (c) he failed to comply with the Act, the regulations or the bylaws, contrary to Ontario Regulation 437/97 subsection 1(14);
- (d) he failed to comply with the *Education Act*, or the regulations made under that Act contrary to Ontario Regulation 437/97, subsection 1(15);
- (e) he committed an act 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);
- (f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (g) he engaged in sexual abuse of a student of a nature defined in sections 1 and 40(1.1) of the Act.

MEMORANDUM OF AGREEMENT

Counsel for the College advised the Committee that subject to ratification by the Committee, agreement had been reached on the facts and introduced a *Memorandum of Agreement (MOA)*, (Exhibit 3) which provides as follows:

Agreed Statement of Facts

1. At all material times, the Member was employed by the Upper Canada District School Board (the “Board”) as a music teacher at [REDACTED] (the “School”).
2. The Member’s initial certification date with the College is June 30, 1993. (Exhibit 2) Prior to the events giving rise to these allegations, the Member had no previous disciplinary history at the College.
3. At all material times, [REDACTED]. was a [REDACTED] female [REDACTED] student but did not attend the School. [REDACTED]. was not a student of the Member’s at any time.
4. Between September 2004 and February 2005, the Member engaged in sexual acts with [REDACTED].
5. On March 4, 2005, the Member was charged by the Brockville Police Service with sexual exploitation.
6. On March 13, 2005, the Board assigned the Member to home with pay, pending the disposition of the matter.
7. Effective April 20, 2006, the Board terminated the Member’s employment.
8. On October 26, 2006, the Member was convicted of sexual exploitation and was sentenced to 15 months in custody and 3 years probation.
9. The Member voluntarily admits the above particulars and understands that by doing so, he is waiving the right to require the College to prove the case against him and the right to a contested hearing.

Joint Submission on Resolution

The parties agree to resolve the matter as follows:

10. By this document, the Member pleads guilty to professional misconduct as alleged in the Notice of Hearing, and attached as Appendix "A", and in so doing, accepts as true the particulars set out in this section of the *MOA*.
11. The Member agrees and understands that upon ratification of this *MOA*, the Discipline Committee shall find him guilty of professional misconduct and, pursuant to subsection 30(4) of the *Ontario College of Teachers Act, 1996*, will direct the Registrar to revoke his certificate of qualification and registration effective immediately.
12. The Member agrees and understands that upon ratification of this *MOA*, he shall immediately surrender his certificate of qualification and registration to the Registrar.
13. The Member agrees and understands that upon ratification of this *MOA*, a notation on the public register maintained by the Registrar, in accordance with section 23 of the *Ontario College of Teachers Act, 1996*, shall include the following information:

on June 4, 2007, the Discipline Committee found the Member guilty of professional misconduct. Revocation. Publication.
14. The Member agrees and understands that upon ratification of this *MOA*, the College shall publish his name with a summary of the complaint and its resolution as contained in this *MOA*. Such publication shall be made in the College's official publication, *Professionally Speaking/Pour parler profession*, on the College web site, and in such other manner as deemed appropriate by the Registrar.
15. The Member agrees and understands that upon ratification of this *MOA*, the College shall provide notice of the revocation of the Member's certificate of qualification and registration to organizations in Canada and elsewhere who are routinely notified of such disciplinary action.
16. The Member agrees and understands that for the purpose of considering this matter, the Discipline Committee shall be provided with this *MOA* and the Notice of Hearing, which will be marked as Exhibits and will constitute the evidence upon which the guilty plea will be accepted, the finding of guilt will be made, and the penalty will be imposed.
17. The parties agree and understand that if any phrase or paragraph of this *MOA* is deemed null and void, the *MOA* shall be read as though the phrase or paragraph was stricken from the *MOA* and the amended *MOA* shall remain in force and effect.
18. The Member agrees and understands that this *MOA* is the entire agreement between himself and the College and that there have been no oral or written representations

made by the College as an inducement or threat to enter into this *MOA*.

19. The Member agrees and understands that should he breach this *MOA* by seeking or engaging in employment where a certificate of qualification and registration is required, the College may provide a copy of this *MOA* to any employer, licensing body, or education authority who inquires about the Member's record with the College.
20. The Member agrees and understands that, in the event he breaches a term of this *MOA*, he is estopped from alleging, by way of defence, that the College failed to investigate or dispose of the complaint in a timely manner with respect to the period between the resolution of the complaint and the date on which the College became aware of such a breach.
21. The Member agrees and understands that, in the event he breaches a term of this *MOA*, the College may provide the Investigation, Executive, Discipline or Fitness to Practise Committee with all the information necessary to fulfil its statutory mandate.
22. The parties agree and undertake that upon ratification of this *MOA*, there shall be no further action taken, no appeal to any forum, and no application for judicial review of the terms of the *MOA*.

DECISION

Having examined the Exhibits filed, and based on the *Memorandum of Agreement*, the plea of guilt, and the submissions made by counsel, the Committee accepts the plea of guilt and finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Tyler Jason Pike committed acts of professional misconduct as alleged, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7), 1(14), 1(15), 1(18), 1(19) and that he engaged in sexual abuse of a student of a nature defined in sections 1 and 40(1.1) of the *Act*.

REASONS FOR DECISION

The Member engaged in a sexual relationship with a []-year old female student. He was convicted of sexual exploitation and was sentenced to 15 months in custody and 3 years probation. He was terminated from his employment. The Committee finds that by this conduct the Member failed to maintain the standards of the profession and comply with the Act. He abused a student physically, sexually, verbally, psychologically or emotionally, and failed to comply with the Education Act. He also committed acts that would be regarded as disgraceful, dishonourable and unprofessional. His conduct was unbecoming a member of the profession. As well, the Member engaged in sexual abuse of a student of a nature defined in sections 1 and (40) (1.1) of the Act.

PENALTY DECISION

The Committee accepts the Joint Submission on Penalty and makes the following order as to penalty:

1. The Registrar is directed to revoke the certificate of qualification and registration effective immediately, which certificate the Member is to immediately surrender to the Registrar.
2. The Committee further orders that pursuant to Section 30 (5) (3) of the Ontario College of Teachers Act, the findings and Order of the Committee 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 Member acknowledged that the admitted facts in the Agreed Statement of Facts constitute conduct which is unprofessional and pleaded guilty to the allegations of professional misconduct as alleged. He further pleaded guilty to the allegation that he engaged in sexual abuse of a student of a nature defined in Section 1 and 40(1.1) of the Act.

The Member engaged in sexual acts with a []-year old student, was convicted of sexual exploitation, and was sentenced to 15 months in custody and 3 years probation. He abused the authority and trust vested in him in his role as a teacher without regard for the well-being of students. His actions and the criminal conviction demonstrate the seriousness of this matter. The Committee, on behalf of the profession, must protect students and the public from such behaviours occurring in an educational setting.

The Committee therefore determined that revocation of the Member's certificate of qualification and registration was appropriate and necessary given the severity of the Member's misconduct. This penalty demonstrates that the Member's conduct is unacceptable in the eyes of the profession, the public and students and will not be tolerated.

Publication of the findings and order of the Committee, in summary, along with the name of the Member, provides both a specific deterrent to the Member and a general deterrent to the profession while advising and serving the public interest.

Date: June 4, 2007

Gabrielle Blais
Chair, Discipline Panel

Dean Favero
Member, Discipline Panel

Jacques Tremblay
Member, Discipline Panel