

**ONTARIO COLLEGE OF TEACHERS**

**DISCIPLINE COMMITTEE**

**REASONS FOR DECISION AND ORDERS**

**IN THE MATTER OF THE** *Ontario College of Teachers Act, 1996*, and the Regulation (Ontario Regulation 437/97) thereunder,

**AND IN THE MATTER OF** discipline proceedings against Martin Sasek,

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

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**MARTIN SASEK  
CERTIFICATE #264881**

**PRESENT:**

Members of the Panel:

Marilyn Laframboise (Chair)

Bernard Adam

Janet Cornwall

Brian Gover, Stockwood Spies LLP, Independent Counsel to the Panel

Caroline Zayid, McCarthy Tétrault LLP, Counsel for the Ontario College of Teachers

Mark Wright, Sack Goldblatt Mitchell, Counsel for the member, assisted by Charlene Wiseman, Solicitor

Martin Sasek did not attend.

A Notice of Hearing, dated April 2, 2002, was served on Martin Sasek, requesting attendance before the Discipline Committee of the Ontario College of Teachers on April 11, 2002, to set a date for the hearing, and specifying the charges against him. The hearing date was set for October 17, 2002.

It is alleged that Martin Sasek is guilty of professional misconduct in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he signed or issued, in his professional capacity, a document that he knew or ought to have known contained a false, improper or misleading statement, contrary to Ontario Regulation 437/97, subsection 1(12)
- (c) he failed to comply with the *Ontario College of Teachers Act, 1996*, or the *Education Act*, Revised Statutes of Ontario, 1990, c.E2 and particularly, paragraph 264(1)(c) thereof or the regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) he performed acts or omissions 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
- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

The Notice of Hearing states that Martin Sasek is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

The hearing is being held by the Discipline Committee of the Ontario College of Teachers, pursuant to sections 30 and 32 of the *Ontario College of Teachers Act, 1996*, for the purpose of

determining whether the member has committed professional misconduct and whether the Memorandum of Agreement before the Committee will be accepted as a resolution and conclusion of this matter.

A Memorandum of Agreement entered into by the member and the Registrar was filed as Exhibit #1. The Memorandum of Agreement was signed by the member on July 22, 2002, and by the Registrar, on behalf of the Ontario College of Teachers, on August 7, 2002.

The Memorandum of Agreement includes the following terms:

1. the member agrees and undertakes within sixty (60) days of the ratification of the Memorandum of Agreement, or within such further time as the parties may agree is necessary, to be assessed by Dr. Brian Butler (the "Assessor"). The cost, if any, of such assessment and subsequent treatment shall be borne by the member;
2. the member agrees that the Ontario College of Teachers shall provide the complaint information and any response that may have been submitted to the Ontario College of Teachers by the member to the Assessor for the purpose of the assessment and the establishment of any treatment regime by the Assessor or his designate;
3. the member agrees that, once the assessment is done, the Assessor shall report to the Registrar of the Ontario College of Teachers as to whether:
  - (a) the member's past criminal conduct is related to any underlying cause, condition or disorder;
  - (b) the member is fit to teach;
  - (c) any specific terms, conditions or limitations should be imposed on his Certificate of Qualification and Registration;
  - (d) any treatment regime is recommended; and

- (e) the member requires any follow up visits with the Assessor;
4. in the event that, in the opinion of the Assessor, the member is found to be incapacitated within the meaning of subsection 31(2) of the *Ontario College of Teachers Act, 1996*, the member agrees not to teach until such time as the Assessor finds the member to be fit and has complied with any terms, conditions or limitations as set out in the Assessor's report referred to in paragraph three of this Memorandum of Agreement;
  5. the member agrees that the Assessor or his or her designate shall report to the Registrar of the Ontario College of Teachers once the member has completed any recommended treatment regime;
  6. the member agrees that the Assessor or his or her designate shall report to the Registrar of the Ontario College of Teachers in the event that the member ceases to comply with any treatment regime;
  7. the member undertakes and agrees that, in future, he will not provide false information to any school or school board or to the Ontario College of Teachers;
  8. the member undertakes and agrees that he will notify the Ontario College of Teachers and any current employer of any future criminal conviction or finding of guilt against him;
  9. the member agrees to be reprimanded by the Discipline Committee of the Ontario College of Teachers;
  10. the member agrees and understands that the Ontario College of Teachers may publish a summary of the complaint and its disposition, including the name of the member, in *Professionally Speaking/Pour parler profession* or in any other Ontario College of Teachers publication;
  11. the member agrees that the public register will include the following notation: "On October 17, 2002, Martin Sasek pleaded guilty to professional misconduct and was reprimanded by the Discipline Committee of the Ontario College of Teachers";

12. the parties agree that the terms of this Memorandum of Agreement constitute a proposed settlement of this matter and that the terms are subject to a determination by the Discipline Committee of the Ontario College of Teachers. Accordingly, this Memorandum of Agreement is not considered final and binding until such time as it has been accepted by the Discipline Committee;
13. the parties agree that if the Discipline Committee determines that this Memorandum of Agreement is an acceptable resolution of the matter, there shall be no appeal of any or all of the terms of this agreement, to any forum of the Ontario College of Teachers;
14. the member understands and agrees that should he breach any term of the Memorandum of Agreement, the matter may be referred to the Investigation Committee or to the Discipline Committee or to the Fitness to Practise Committee, in respect of:
  - (a) the matter of the original complaint; and/or
  - (b) the member's breach of his undertakings to the College;
15. the member agrees that he:
  - (a) has received independent legal advice;
  - (b) has reviewed the Memorandum of Agreement in its entirety;
  - (c) is not entering into this Memorandum of Agreement under pressure; and
  - (d) understands his obligations according to the terms reached, including their nature and consequence.

#### **DECISION AND ORDERS:**

The Discipline Committee finds the member guilty of professional misconduct as alleged under subsection 1 (5), (12), (14), (15), (18) and (19) of the Professional Misconduct Regulation. The Committee accepts the Memorandum of Agreement as submitted. The Committee finds that the

Memorandum of Agreement represents a resolution of the issues raised in the Notice of Hearing and serves and protects the public interest.

The Committee orders the member to appear on November 20, 2002 at 8:30 a.m. to receive a reprimand.

The issue of publication has been dealt with in paragraph 10 of the Memorandum of Agreement, which states that the findings of this hearing as well as the name of the member will be published in *Professionally Speaking/Pour parler profession*, or in any other College publication.

**DATED AT TORONTO, THIS 17<sup>TH</sup> DAY OF OCTOBER, 2002  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Marilyn Laframboise, Chair

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Bernard J. Adam

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Janet Cornwall