

**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 John E. Schmidt.

The Discipline Committee held a hearing on May 20, 1999,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**JOHN EDWARD SCHMIDT  
CERTIFICATE #175725**

**PRESENT:**

Members of the Panel

Marilyn Laframboise (Chair)  
Karen Mitchell  
George Merrett

The Honourable Robert Reid, Independent Counsel to the Panel

Ms. Caroline Zayid and Chris Sach-Anderson, McCarthy-Tetrault, Counsel for the Prosecution

Mr. Schmidt was not present at the hearing nor was he represented by counsel.

A Notice of Hearing, dated February 16, 1999 was served on John Edward Schmidt, advising him that the Discipline Committee would meet to set a date for the hearing of this matter, on Monday, March 22, 1999 at 9:00a.m. The Notice of Hearing dated February 16, 1999 also specified the charges. It is alleged that John Edward Schmidt is guilty of professional misconduct in that:

- a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, section 1, subsection (5);
- b) he abused a student physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, section 1, subsection (7);
- c) he failed to comply with the *Education Act*, Revised Statutes of Ontario, 1990, c. E.2 and the Regulations made under that Act, contrary to Ontario Regulation 437/97, section 1, subsection (15);
- d) he committed an act or acts that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional, contrary to Ontario Regulation 437/97, section 1, subsection (18);  
and
- e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, section 1, subsection (19).

The Notice of Hearing states that John Edward Schmidt is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit 1).

On May 20, 1999, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether John Edward Schmidt was guilty of professional misconduct.

Mr. Schmidt was not in attendance at the hearing, nor was he represented by counsel. Proof of service of the Notice of Hearing was presented and accepted by the panel.

**EVIDENCE:**

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit 1, alleging that John Edward Schmidt 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 Regulation 437/97 on December 4, 1997, in particular, section 1, subsections (5), (7), (15), (18), and (19). Particulars of the alleged misconduct are set out in Exhibit 1 and they are to the effect that:

- (1) John E. Schmidt is a member of the Ontario College of Teachers.
- (2) At all material times, John Edward Schmidt was employed as a teacher by the Kawartha Pine Ridge District School Board, formerly Northumberland-Clarington Board of Education (the "Board of Education").
- (3) At all material times [REDACTED] was a student at the Board of Education and attended Bowmanville High School in Bowmanville.

- (4) By a letter dated September 14, 1992 from the Board of Education, John Edward Schmidt was advised against allowing students into his home and permitting them to call him by his given name.
- (5) In or about mid-November 1997, John Edward Schmidt admitted to a Vice Principal at Bowmanville High School that he continued to allow some students into his home and was strongly advised to discontinue this practice.
- (6) At all material times, [REDACTED] was a student at Bowmanville High School where John Edward Schmidt was employed as a teacher. [REDACTED] was born on [REDACTED].
- (7) On or about and between November 1997 and January 1998, John Edward Schmidt became romantically involved with student [REDACTED] and engaged in inappropriate sexual touching and behaviour with that student.
- (8) On or about between November 1997 and January 1998, John Edward Schmidt allowed, permitted and/or encouraged student [REDACTED] to visit with him in his home for the purposes of promoting his inappropriate relationship with that student.
- (9) On July 10, 1998, in a letter to the Ontario College of Teachers, John Edward Schmidt admitted his involvement in the relationship with [REDACTED]; that he loved her and that the feeling was mutual, he felt; that their relationship was physical as well as emotional and mental; and, that he accepted the responsibility and consequences of his actions.
- (10) On or about January 8, 1998, John Edward Schmidt's employment with the Kawartha Pine Ridge District School Board was terminated for cause, effective January 9, 1998 for conduct inconsistent and incompatible with the trust placed

in its teachers by the Board of Education and with the duties of a teacher pursuant to the *Education Act*.

Counsel presented evidence that John Edward Schmidt is a member of the Ontario College of Teachers, (Exhibit 1).

### **FINDINGS OF FACT:**

The panel finds the following facts:

- 1) John E. Schmidt is a member of the Ontario College of Teachers.
- 2) At all material times, John Edward Schmidt was employed as a teacher by the Kawartha Pine Ridge District School Board, formerly Northumberland-Clarington Board of Education (the "Board of Education").
- 3) At all material times [REDACTED] was a student at the Board of Education and attended Bowmanville High School in Bowmanville.
- 4) By a letter dated September 14, 1992 from the Board of Education, John Edward Schmidt was advised against allowing students into his home and permitting them to call him by his given name.
- 5) In or about mid-November 1997, John Edward Schmidt admitted to a Vice Principal at Bowmanville High School that he continued to allow some students into his home and was strongly advised to discontinue this practice.
- 6) At all material times, [REDACTED] was a student at Bowmanville High School where John Edward Schmidt was employed as a teacher. [REDACTED] was born on [REDACTED].

- 7) On or about and between November 1997 and January 1998, John Edward Schmidt became romantically involved with student [REDACTED] and engaged in inappropriate sexual touching and behaviour with that student.
- 8) On or about January 8, 1998 John Edward Schmidt's employment with the Kawartha Pine Ridge District School Board was terminated for cause, effective January 9, 1998 for conduct inconsistent and incompatible with the trust placed in its teachers by the Board of Education and with the duties of a teacher pursuant to the *Education Act*.

**REASONS:**

The Committee accepts that John Edward Schmidt did engage in an inappropriate relationship with a student [REDACTED], and abused his position of trust and authority in that he initiated physical involvement that included sexual petting, kissing, and touching in genital areas but did not include sexual intercourse. The involvement had taken place at Mr. Schmidt's residence.

Mr. Schmidt was responsible for initiating and developing the relationship. The Committee accepted evidence that the relationship had progressed into expressions of love to the point where [REDACTED] believed she needed to make a choice between her family and her relationship with Mr. Schmidt.

The Committee heard evidence that Mr. Schmidt knew that his behaviour was inappropriate (Exh. 4 & 9). He had also been previously warned in writing about the

importance of professional conduct expected from teachers. (Exh. 7) The Committee also accepted evidence that he had been warned verbally that this type of behaviour was inappropriate and needed to cease immediately.

The Committee finds that John Schmidt's behaviour had considerable negative impact on the student [REDACTED]. Despite Mr. Schmidt's removal from the school effective January 9, 1998, [REDACTED] felt that she could not return and complete her [REDACTED] year. She in fact transferred to another high school. The Committee found that there was also considerable negative impact on her family, as well as on students and staff at the school.

The Committee accepts that John Schmidt knew of the consequences of his actions but his inappropriate behaviour did not change.

#### **DECISIONS AND ORDERS:**

Accordingly, the Committee finds John Edward Schmidt guilty of professional misconduct under section 1, subsections (5), (7), (18), and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke John Schmidt's Certificate of Qualification and Registration immediately.

#### **Notice**

It is important to the College's role in the governance of the profession to provide evidence to members that the College is active in self-regulation and is vigilant to breaches of its bylaws and rules of conduct. Such evidence is provided through

notification of the decisions and orders of the College's disciplinary Committees, and is, in the opinion of the panel, a practice that has significant general deterrent value.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers 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 and in any other manner or medium that the Committee considers appropriate in the particular case.

**DATED AT TORONTO, THIS 21ST DAY OF MAY, 1999  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Marilyn Laframboise, Chair

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Karen Mitchell

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George Merrett