

**DECISION OF THE INVESTIGATION COMMITTEE  
OF THE ONTARIO COLLEGE OF TEACHERS  
IN THE MATTER OF**

**A COMPLAINT SUBMITTED BY THE REGISTRAR  
REGARDING DENNIS IRWIN SCHWARTZENTRUBER**

**PANEL: Gord Hough, Paul Brazeau, Patrick Daly**

On December 19, 2003, the Ontario College of Teachers (the "College") received notification from the Greater Essex County District School Board, (the "Board"), about its former employee, Mr. Dennis Irwin Schwartzentruber, (the "member"), pursuant to s. 43.2(1) of the *Ontario College of Teachers Act, 1996*.

On June 6, 2003, Mr. Warwick Mercer, ("Principal Mercer") Principal at Vincent Massey Secondary School, with the Board, was informed that the member had been observed videotaping young children from his car while they were at a 'Fun Fair' sponsored by a neighbouring elementary school. Principal Mercer notified the Windsor Police Services (the "Windsor Police") of this incident.

On August 11, 2003, the member was again observed watching young children through what was believed to be binoculars at a city park, from the front seat of his car, and an anonymous report was made to the Windsor Police, by way of a 911-telephone call.

On August 29, 2003, the member and his union representative met with the Board's Superintendent, Mr. Douglas Fox, and Principal Mercer. During this meeting, the member was removed from his teaching responsibilities and reassigned to home pending a Board's investigation into the conduct of the member.

On September 30, 2003, Superintendent Fox, along with Mr. Jack Sullens, Manager of Employee Relations/Legal Counsel, met with the member and his union representative. The member was presented with information the Board had obtained to that date, but was not forthcoming with an explanation for his conduct.

Subsequent to the September 30<sup>th</sup> meeting, Mr. Sullens was instructed by Director of Education, Mary Jean Gallagher, to search the member's classroom and review his e-mail and Internet access history.

Upon review, a lengthy history of contacts and memberships in a range of sites and Internet discussion groups, including soft and hardcore child pornography sites was discovered. The search further revealed approximately 64,000 pages had been visited by the member over a period of one school year. Many of the sites had names explicitly pornographic.

On October 31, 2003, Superintendent Fox, along with Mr. Jack Sullens, met with the member and his union representative. An example of 5-days of Internet history and memberships to various soft and hardcore child pornography sites were presented to the member. The member made no statement, neither accepting nor denying his involvement, in regard to this information.

In an Agreement with the Board dated October 31, 2003, the member tendered his retirement to the Board, effective December 31, 2003. In the interim, the member has had no teaching duties, and has been banned for life from all properties of the Board, except with express written approval by either a Superintendent, or the Director personally.

On February 9, 2004, the complaint against the member was assessed as suitable for the College's Dispute Resolution Program. On March 7, 2004, the parties indicated that they were amenable to participating in dispute resolution.

In 2004, the parties signed a Memorandum of Agreement (the "MOA") which, in their opinion, resolved the issues raised by the complaint.

## **Allegations**

The Registrar alleges that Dennis Irwin Schwartzenruber, while employed as a teacher at Vincent Massey Secondary School, by the Greater Essex County District School Board, acted inappropriately, and/or unprofessionally, in that he:

1. in a twelve-month period leading up to September 2003, accessed internet discussion groups, including soft and hardcore child pornography sites, through his school computer;
2. on or about June 6, 2003, was observed surreptitiously videotaping young children from his car, and;
3. on or about August 11, 2003, was observed surreptitiously watching young children through binoculars at a city park, from the front seat of his car.

## **Documents Considered by the Committee**

- Request for Ratification
- Board's letter of notification to review member
  - Letter from Windsor Police Service, enclosing General Occurrence Hardcopy
  - Directory of member's computer history
  - Memorandum of Agreement between school board, OSSTF and member
- Memo - Registrar initiating complaint
- Request to Initiate Investigation

- Letter-Member-Notification-Registrar's Complaint
- Letter from member to College investigator dated February 2004
- Signed Agreement and Undertaking
- Member's Curriculum Vitae
- Photographs of 1100 Block Ypres Street (Memorial Park)
- Photographs of 3100 Block of Rockwell
- Photographs of Central Public School schoolyard
- Media Release dated March 12, 2004
- Memorandum of Agreement signed by the parties

## Decision of the Committee

On June 25, 2004, a panel of the Investigation Committee considered this complaint and, in accordance with the provisions of 26(5)(d) of the *Ontario College of Teachers Act, 1996*, the Investigation Committee ratified the attached Memorandum of Agreement. This is based on the opinion of the committee that the terms of this Agreement resolve the complaint in the public interest.

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Gord Hough

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Paul Brazeau

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Patrick Daly