

**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  
Nick Ronald Sobczuk, a member of the Ontario College of  
Teachers.

PANEL:            Bernard J. Adam, Chair  
                      Ted Coulson  
                      Karen Mitchell

BETWEEN:	)	
	)	David Leonard, McCarthy
	)	Tétrault, for Ontario College of
ONTARIO COLLEGE OF TEACHERS	)	Teachers, assisted by Janet
	)	Hobbs, Law Clerk
- and -	)	
	)	
NICK RONALD SOBCZUK	)	Peter A. McSherry, for
(CERTIFICATE #420073)	)	Nick Ronald Sobczuk
	)	
	)	Brian Gover, Stockwoods,
	)	Independent Legal Counsel
	)	
	)	Heard: February 18, 2004

**REASONS FOR DECISION, DECISION AND ORDER(S)**

This matter came before a panel of the Discipline Committee for a hearing on February  
18, 2004 at the Ontario College of Teachers at Toronto.

A *Notice of Hearing*, dated December 9, 2003 was served on Nick Ronald Sobczuk, requesting attendance before the Discipline Committee of the Ontario College of Teachers on January 12, 2004 to set a date for a hearing, and specifying the charges.

Nick Ronald Sobczuk was in attendance at the hearing. Proof of service of the *Notice of Hearing* was presented and accepted by the Panel. **(Exhibit 1)**

### **The Allegations**

The allegations against Nick Ronald Sobczuk in the *Notice of Hearing* dated December 9, 2003 are as follows:

**IT WAS ALLEGED** that Nick Ronald Sobczuk is guilty of professional misconduct as defined in section 30(2) of 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 failed to comply with the Act and the Education Act, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c) thereof or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (c) he contravened a law, and that contravention is relevant to the member's suitability to hold a certificate of qualification and registration contrary to Ontario Regulation 437/97, subsection 1(16);
- (d) he committed acts, which 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).

**Agreed Statement of Facts**

Counsel for the College advised the Panel that agreement had been reached on the facts and introduced as **Exhibit 2**, an *Agreed Statement of Facts*.

The *Agreed Statement of Facts* provides as follows:

1. Nick Ronald Sobczuk (the "Member") is a member of the Ontario College of Teachers, as shown on a copy of the Ontario College of Teachers Registry System Status re the Member. (**Exhibit 2, Tab "A"**)
2. During the period inclusive of 1 September 2001 to 1 June 2002, the Member was employed as a Junior Physical Education teacher by the Bayview Glen School (the "School"), a private school in Toronto.
3. On or about 20 December 2001, the Member assaulted a police officer in Waterloo, Ontario.
4. On or about 20 December 2001, the Member was charged with assaulting a Peace Officer contrary to Section 270(1)(a) of the *Criminal Code*.
5. On 28 May 2002, the Member was found guilty of the charge of assaulting a Peace Officer, contrary to Section 270(1)(a) of the *Criminal Code*.

6. On 1 August 2002, the Member was given a conditional discharge and placed on probation for a period of nine months.
7. The Member has not appealed the conviction or sentence referred to in the preceding paragraphs.
8. A copy of Information No. 746/02 showing the finding of guilt and sentence imposed on the Member is found in **Exhibit 2, Tab "B"**.
9. A copy of the Reasons for Judgment of Justice B.J. Fraser on 28 May 2002 is found in **Exhibit 2, Tab "C"**.
10. A copy of the probation order directed to the Member is found in **Exhibit 2, Tab "D"**.
11. The assault of the police officer by the Member, referred to in paragraph 3 above, was in no way related to the Member's employment or in any way connected with any of his pupils, parents of pupils or employees of the School.

### **Member's Plea**

The Member Nick Ronald Sobczuk, accepts that the matters referred to in paragraphs 3 to 6 above constitute professional misconduct and pleads guilty to the allegations of professional misconduct against him being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(16), 1(18) and 1(19).

### **Joint Submission as to Resolution and Penalty**

In light of the aforementioned admitted facts and circumstances, the Ontario College of Teachers and the Member ask that the Discipline Committee find the Member guilty of professional misconduct, and jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this case would be that the Committee:

- a. requires the Member to appear before the Committee immediately following the completion of the hearing into this matter to be reprimanded, and the fact of the reprimand to be recorded on the Register; and
- b. directs that the findings and order of the Committee, including the Member's full name, be published in summary in the official publication of the College, *Professionally Speaking/Pour parler profession*.

### **Acknowledgment and Undertaking**

In exchange for the Member's guilty plea, the Member will provide the Registrar with an acknowledgment and undertaking (**Exhibit 3**) as follows:

1. I, NICK RONALD SOBCZUK, acknowledge that I am a member of the Ontario College of Teachers.
2. In the event that I become employed in the teaching profession within two years of the hearing before the Discipline Committee with respect to this matter, I undertake to provide a copy of this undertaking to any future employer in that profession.

3. I undertake to file with the Registrar, within fourteen days of obtaining any such employment within the time specified in paragraph 2 hereof, a letter in which my employer:

- (a) confirms in writing to the College receipt of a copy of this undertaking;
- (b) agrees that my principal, or such other supervisor as may be agreed to by the Registrar shall provide the Registrar with quarterly written reports (in October, January, April, and July of each of the two years) concerning my employment and any concerns that may have arisen with respect to anger management or physical violence in the professional setting;
- (c) agrees to immediately notify the Registrar in writing if, in the employer's opinion, I have engaged in any violent behaviour in the professional setting;
- (d) agrees to provide the College with such information as it shall require with respect to any concerns or behaviour reported by the employer; and
- (e) confirms that Nick Ronald Sobczuk has provided the necessary authorization to permit the employer to provide the information and reports set out above.

4. I undertake to advise the Registrar immediately, in writing, of any changes in my employment in the teaching profession, including the name and address of any employer. Upon commencing any new employment in that profession within the time specified in paragraph 2 hereof, I undertake to provide the Registrar with a letter from my new employer containing the information and agreements described in the foregoing paragraph.

5. This undertaking shall remain in force for a period of two years from the date of the hearing by the Discipline Committee in respect of this matter, and if fully complied with, shall automatically be of no further force and effect at that time, unless otherwise ordered by a Panel of the Discipline Committee.

6. In the event, that my Certificate of Qualification and Registration shall be suspended at any time within two years of the date of the hearing in respect of this matter, the period of time for which this undertaking remains in effect shall be extended by a period of time equivalent to the period of suspension.

7. I hereby acknowledge that a breach of this undertaking may result in a finding of professional misconduct being made by a Panel of the Discipline Committee.

The Committee acknowledges that the Acknowledgment and Undertaking of the Member that has been provided to the Registrar and accepts the undertaking of the Member as outlined herein.

### **Decision as to Finding**

Having examined the Exhibits filed, and based on the guilty plea, the *Agreed Statement of Facts*, the joint submission as to resolution and penalty, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Nick Ronald Sobczuk committed acts of

professional misconduct as alleged, more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(16), 1(18) and 1(19).

### **Decision as to Penalty**

The Committee accepts the joint submission as to penalty and accordingly orders that the Member, Nick Ronald Sobczuk appear before the Committee immediately following the completion of the hearing into this matter to be reprimanded, and directs that the fact of the reprimand be recorded on the Register.

Pursuant to Section 30 (5) (iii) of the Ontario College of Teachers Act, the Committee orders that the findings and order of this hearing, as well as the full name of the Member, be published in summary in the official publication of the Ontario College of Teachers, *Professionally Speaking /Pour parler profession*.

### **Reasons for Decision and Order**

The Committee finds that the penalty is reasonable and serves to protect the public interest. Publication of the findings serves as a general deterrence to members of the profession from engaging in similar misconduct.

The Committee also finds that the undertaking provided by the Member serves as a specific deterrence. The monitoring and reporting requirements outlined in the

undertaking have sufficient safeguards to discourage the Member from engaging in similar misconduct in a school setting.

Date: February 18, 2004

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Bernard J. Adam  
Chair, Discipline Panel

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Ted Coulson  
Member, Discipline Panel

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Karen Mitchell  
Member, Discipline Panel