

MEMORANDUM OF AGREEMENT

B E T W E E N :

Ontario College of Teachers

- and -

William David Sparks

WHEREAS William David Sparks is a Member of the Ontario College of Teachers (Registry number 242165);

AND WHEREAS Brian P. McGowan, Registrar and Chief Executive Officer, initiated a complaint on February 21, 2007, with respect to the conduct or actions of William David Sparks;

THE PARTIES to this agreement are the Ontario College of Teachers (the “College”) and William David Sparks (the “Member”). The Registrar’s signature on this Memorandum of Agreement (the “MOA”) does not bind the Investigation Committee in its function to consider and dispose of this matter.

WHERE THE INVESTIGATION COMMITTEE requests modifications to this MOA, the Dispute Resolution Administrator shall consult the parties as to whether the modifications are acceptable. If the parties accept the modifications, the revised MOA shall become final and binding once ratified by the Investigation Committee.

WHERE THE INVESTIGATION COMMITTEE does not ratify the MOA or the parties do not accept the modifications, the complaint will proceed through the investigation process and will be considered by a differently constituted panel of the Investigation Committee. The second panel of the Investigation Committee will not be provided with nor will it consider this MOA.

Agreed Statement of Facts

The parties hereby agree to the truth and accuracy of the facts that are hereinafter expressed and agree to the receipt of this document by the Investigation Committee.

1. At all material times the Member was employed by the Grand Erie District School Board (the “Board”) as a teacher at Delhi Public School (the “School”).

2. On or about November 18, 1999, the Member responded to a student in an inappropriate manner by grabbing the student's shirt thereby directing the student towards a wall;
3. On or about June 6, 2001, the Member responded to a student and parent in an inappropriate manner by raising his voice to the student and parent;
4. On or about September 19, 2006, the Member responded to a student in an inappropriate manner by taking hold of the student's neck.
5. 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 allegations against him and the right to a contested hearing.

Joint Submission on Resolution

The parties agree to resolve the complaint as follows:

6. the parties agree and undertake that upon ratification of this MOA, there shall be no further action taken, no appeal of any or all of the terms of this agreement, and no application for judicial review, providing the terms of this MOA are adhered to;
7. 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;
8. the Member agrees and undertakes that upon ratification of this MOA, he shall resign his Membership in the College, pursuant to subsection 14(2) of the *Ontario College of Teachers Act, 1996*;
9. the Member agrees and understands that upon ratification of this MOA, the Registrar shall cancel his certificate of qualification and registration, pursuant to subsection 14(3) of the *Ontario College of Teachers Act, 1996*;
10. the Member agrees and understands that upon ratification of this MOA, he shall immediately surrender his certificate of qualification and registration to the Registrar;
11. the Member agrees and undertakes not to apply to the College for a certificate of qualification and registration for a period of one year from the ratification of this MOA;

12. the Member agrees and understands that:
 - (a) should he apply for membership in the College, readmission is not automatic; and
 - (b) in consideration of his application, the original complaint, the MOA and Investigation Committee's Decision will be reviewed;
13. the Member agrees and undertakes that prior to applying for membership in the College, he shall successfully complete a course of instruction related to appropriate classroom management strategies;
14. the Member agrees and undertakes that prior to applying for membership in the College, he shall provide the Registrar with written confirmation of successful completion of the course of instruction prepared by the course practitioner;
15. the Member agrees and understands that the College shall publish the member's 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*, on the College web site, and in such other manner as the Registrar and Chief Executive Officer deems appropriate;
16. the Member agrees and understands that following ratification of the MOA, the College shall make the Investigation Committee Decision and this MOA available to the public;
17. 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;
18. 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;
19. the Member agrees and understands that, in the event he breaches a term of this MOA, the College may conduct an investigation or hearing into this matter as permitted under the *Ontario College of Teachers Act, 1996*;
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 defense, 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; and

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.

Dated at Simcoe this 17 day of March 2008
Town/City Day of mo. Month Year

(s) Lucy Walker

(s) William David Sparks

Witness

William David Sparks

Lucy Walker

Name of Witness – **Please Print**

Dated at Toronto this 15th day of April 2008
Day of mo. Month Year

(s) N. Carpenter

(s) Brian P. McGowan

Witness

Brian P. McGowan
Registrar and Chief Executive Officer

Nadine Carpenter

Name of Witness – **Please Print**