

**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 Jon  
Jeffery Staples, a member of the Ontario College of Teachers.

PANEL:                      Rosemary Fontaine, Chair  
                                    Janet Cornwall  
                                    Ted Coulson

BETWEEN:	)	
	)	
	)	Nadine Carpenter,
ONTARIO COLLEGE OF TEACHERS	)	Dispute Resolutions Administrator,
	)	for Ontario College of Teachers
	)	
- and -	)	
	)	
JON JEFFERY STAPLES	)	David Bloom,
(CERTIFICATE #256687)	)	Cavalluzzo, Hayes, Shilton, McIntrye,
	)	for Jon Jeffery Staples
	)	
	)	Brian Gover,
	)	Stockwoods,
	)	Independent Legal Counsel
	)	
	)	Heard: June 2, 2004

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

This matter came on for hearing before a panel of the Discipline Committee (the  
"Committee") on June 2, 2004 at the Ontario College of Teachers at Toronto.

A *Notice of Hearing* dated May 14, 2004 was served on Jon Jeffery Staples, requesting attendance before the Discipline Committee of the Ontario College of Teachers on June 2, 2004 to hold a hearing, and specifying the charges.

Jon Jeffery Staples was in attendance at the hearing.

### The Allegations

The allegations in the *Notice of Hearing* are as follows:

**IT IS ALLEGED** that Jon Jeffery Staples is guilty of professional misconduct as defined in subsection 30(2) of the Act and 40 (1.1) 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 *Ontario College of Teachers Act, 1996*, the regulations or the bylaws, contrary to Ontario Regulation 437/97, subsection 1(14);
- (c) he failed to comply with the *Education Act, R.S.O. 1990*, and specifically paragraph 264(1)(c) or the regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- (d) he committed an act 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).

**PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:**

1. Jon Jeffery Staples (the “Member”) is a member of the Ontario College of Teachers.
2. At all material times, the Member was employed by the Peel District School Board (the “Board”) as a teacher at Greenbriar Senior Public School (the “School”).
3. [REDACTED], a 13-year-old female student, attended the School during the 1998-1999 and during 1999-2000 academic school years.
4. During the 1999-2000 academic school year, the Member engaged in inappropriate behaviour toward [REDACTED], which included, *inter alia*:
  - a. writing her an inappropriate letter and note;
  - b. making inappropriate comments to her;
  - c. permitting [REDACTED] to attend his home with him during school hours to return board games;
  - d. driving with [REDACTED] to his home;
  - e. telephoning [REDACTED] at home and requesting that she meet him; and
  - f. meeting [REDACTED] and her mother at a restaurant.
5. On June 28, 2002, [REDACTED]’s mother informed the school principal that [REDACTED] had disclosed information regarding her inappropriate relationship with the Member.

At the hearing of this matter, the *Notice of Hearing* was amended by consent, specifically, paragraph 3 of the Particulars of the Allegations, by deletion of “1998-1999 and”. Hereinafter, the “*Notice of Hearing*” will refer to the Notice of Hearing, as amended.

### Publication Ban

On June 2, 2004, the Committee made an order that there be no publication of any information that may disclose the identity of the student involved in this matter.

### Member's Plea

The Member Jon Jeffery Staples admits that the matters referred to in paragraph 4 of the *Notice of Hearing* 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(18) and 1(19) of the Act, as set out in the *Notice of Hearing*.

### Memorandum of Agreement

Counsel for the College advised the Committee that subject to ratification by the Committee, agreement had been reached on the facts and introduced a *Memorandum of Agreement (MOA)*, which provides as follows:

The parties agree to resolve the matter as follows:

1. The parties agree and understand that the terms of this *MOA* constitute a proposed settlement of this matter and that the terms are subject to ratification by the Discipline Committee of the College. Accordingly, this *MOA* is not considered final and binding on the parties until such time as it is ratified by the Discipline Committee.
2. The parties agree and undertake that if the Discipline Committee ratifies this *MOA*, there shall be no appeal, by either party, to any forum, of any or all of the terms of this *MOA*, or from any decision of the Discipline Committee on any issue and that there shall be no application for judicial review of the terms of the *MOA*.

3. The parties agree and undertake to take no further action with respect to the complaint provided that the terms of this *MOA* are complied with.
4. The Member agrees and understands that for the purpose of considering this matter, the Discipline Committee will be provided with a copy of this *MOA* and it will be marked as an Exhibit at the hearing and will, together with the *Notice of Hearing*, constitute the evidence against the Member and the evidence upon which the guilty plea will be accepted, the finding of guilt will be made, and the penalty will be imposed.
5. The Member agrees and understands that for the purpose of considering this matter, the Discipline Committee will be provided with a summary of the matter including the allegations contained in the Registrar's complaint and the *Notice of Hearing*.
6. By this document, the Member pleads guilty to professional misconduct as alleged in the *Notice of Hearing*, issued on May 14, 2004, (amended June 2, 2004) and attached as Appendix "A", and in so doing, accepts as true the particulars of the allegations set out therein. The Member admits that he engaged in the conduct described in the *Notice of Hearing* and that said conduct amounts to professional misconduct as defined in Regulation 437/97 under the *Ontario College of Teachers Act, 1996*.
7. The Member agrees that he voluntarily admitted the allegations against him.
8. The Member understands the nature of the allegations that have been made against him and understands that by admitting the allegations, he is waiving the right to require the College to prove the case against him and the right to a hearing.
9. The parties acknowledge that the Peel District School Board assigned the member to non-teaching duties, with full pay, effective September 3, 2002.
10. The member agrees and understands that once this *MOA* is ratified, the Discipline Committee will find him guilty of professional misconduct and, pursuant to subsection 30(4) of the *Ontario College of Teachers Act, 1996*, will direct the Registrar to suspend his certificate of qualification and registration for a period of six months, the imposition of which will be waived on the condition that the following terms of this *MOA* are met: 13, 15, 17, and 18.
11. The Member agrees and understands that following the ratification of this *MOA*, his status on the public register will change to "Good Standing - Subject to Terms, Conditions, and Limitations".

12. The Member agrees and understands that one year following ratification of this MOA, he may apply, in writing, to the Registrar to have the terms, conditions, or limitations removed from his certificate of qualification and registration pursuant to subsection 33(2) of the *Ontario College of Teachers Act, 1996*.
13. The Member agrees and undertakes that within 90 calendar days of the ratification of this MOA, he shall complete a course of instruction by a practitioner, approved by the Registrar, regarding maintaining appropriate boundaries in student-teacher relations.
14. The Member agrees and understands that the cost of the course of instruction will be borne solely by him.
15. The Member agrees and undertakes that within 60 calendar days of completing the course of instruction, he shall provide the Registrar with a written report by the practitioner indicating whether the member is able to return to full-time classroom duties without causing risk of harm or injury to students or the school community.
16. The Member agrees and understands that should the Registrar receive a report that the Member is not able to return to full-time classroom duties without causing risk of harm or injury to students or the school community, the Registrar has the discretion to initiate a complaint against the Member.
17. The Member agrees and undertakes that he shall request that the Board conduct two Teacher Performance Appraisals relating to his performance during the 2004/2005 academic school year.
18. The Member agrees and undertakes to ensure that within 30 calendar days of completion, the Teacher Performance Appraisals are provided to the Registrar.
19. The Member agrees and understands that should the Registrar receive a Teacher Performance Appraisal, which indicates that the Member's performance is unsatisfactory with respect to similar issues as those giving rise to this complaint, he has the discretion to initiate a new complaint against the Member.
20. The Member agrees and understands that upon ratification of this MOA, a notation on the Public Register maintained by the Registrar, in accordance with section 23 of the *Ontario College of Teachers Act, 1996*, will include the following information:

“On June 2, 2004, the Discipline Committee found Jon Jeffery Staples guilty of professional misconduct and directed the Registrar to suspend his certificate of qualification and registration for a period of six months,

the imposition of which is waived on the condition that the Member meets the terms of an agreement with the College”.

21. The Member agrees and understands that upon ratification of this *MOA* by the Discipline Committee, the College will publish the Member’s name with a summary of the complaint and its resolution as contained in this *MOA*. Such publication will be made in the College’s official publication, *Professionally Speaking/Pour parler profession*, and on the College web site.
22. The Member agrees and understands that upon ratification of this *MOA* by the Discipline Committee, the College will maintain a copy of the Decisions and Reasons of the Discipline Committee in the College’s Margaret Wilson Library. The Decision and Reasons will be available for review by the public.
23. The Member agrees and understands that upon ratification of this *MOA* by the Discipline Committee, the College will provide the Member’s employer, the Peel District School Board, with the Discipline Committee’s Decision and Reasons, including this *MOA*, pursuant to section 43.4 of the *Ontario College of Teachers Act, 1996*.
24. The parties agree and understand that if any phrase or paragraph of this *MOA* is 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.
25. 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*.
26. 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 during any suspension of his certificate, the College may provide a copy of this *MOA* to any employer, school board, licensing body, or education authority who inquires about the Member’s record with the College.
27. The Member agrees and understands that, in the event he breaches a term of this *MOA*, he is estopped from alleging, by way of defence, that the College failed to investigate or dispose of the complaint in a timely manner with respect to that period between the resolution of the complaint herein and the time that the College becomes aware of such a breach.
28. 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 fulfill its statutory mandate.

29. The Member agrees and understands that:

- (a) if the Discipline Committee requests any modifications to this *MOA*, the Dispute Resolutions Administrator, will consult the parties as to whether the modifications are acceptable. If the parties accept the modifications, they will sign and date the revised *MOA*. The revised *MOA* is considered final and binding once the Discipline Committee has ratified it; and
- (b) if the Discipline Committee does not ratify the *MOA*, or the parties do not accept all of the modifications, the matter will be adjourned and will be considered by another panel of the Discipline Committee without prejudice. The second panel of the Discipline Committee will not be provided with nor will it consider this *MOA*.

### Decision

Having examined the Exhibits filed, and based on the *Memorandum of Agreement*, and submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct, and in particular finds that Jon Jeffery Staples committed acts of professional misconduct as alleged, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(18) and 1(19).

### Penalty

The *Memorandum of Agreement* contains a joint submission as to penalty as set out above.

### Penalty Decision

The Committee accepts the joint submission as to penalty as set out in the *Memorandum of Agreement* and accordingly directs the Registrar to suspend the certificate of qualification and registration held by the Member for a period of six (6) months,

commencing June 2, 2004, the imposition of which will be waived on the condition that the following terms are met:

- (a) the Member completes, within 90 calendar days of the ratification of this MOA, a course of instruction by a practitioner, approved by the Registrar, regarding maintaining appropriate boundaries in student-teacher relations;
- (b) the Member provides the Registrar, within 60 calendar days of completing the course of instruction, a written report by the practitioner indicating whether the Member is able to return to full-time classroom duties without causing risk of harm or injury to students or the school community;
- (c) the Member shall request that the Board conduct two Teacher Performance Appraisals relating to his performance during the 2004/2005 academic school year; and
- (d) the Member agrees and undertakes to ensure that within 30 calendar days of completion, the Teacher Performance Appraisals are provided to the Registrar.

The Committee further orders that pursuant to Section 30 (5) (iii) of the *Ontario College of Teachers Act, 1996*, the findings and order of the Committee be published in summary, with the full name of the Member, 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 Memorandum of Agreement is a fair one, reflects a balance between punishment and rehabilitation, and represents an appropriate resolution to this matter.

The Committee concluded that the proposed penalty is reasonable and serves and protects the public interest in that:

- (a) the order meets the objective of general deterrence, i.e. a message to the profession to deter members of the profession from engaging in similar misconduct;
- (b) the order meets the objective of specific deterrence to the Member; and
- (c) the order will remediate the Member by the completion of appropriate courses of instruction.

Date: June 2, 2004

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Rosemary Fontaine  
Chair, Discipline Panel

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Janet Cornwall  
Member, Discipline Panel

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Ted Coulson  
Member, Discipline Panel