

DISCIPLINE COMMITTEE
ONTARIO COLLEGE OF TEACHERS

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 Arthur Steinberg.

The Discipline Committee held a hearing on June 23, 2003,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

ARTHUR STEINBERG
Certificate #138605

REASONS FOR DECISION, DECISION AND ORDERS

PRESENT:

Members of the Panel
Pierrette Nadeau (Chair)
Paul Charron
Pauline Demers

Nancy Spies of Stockwoods, Independent Legal Counsel to the Committee

Christine Lonsdale, McCarthy Tétrault, Counsel for the Ontario College of Teachers,
assisted by Trevor Evans Senior Law Clerk

Harry Blaier, Blaier & Alpert, Counsel for Arthur Steinberg

Arthur Steinberg was present.

This matter came before a panel of the Discipline Committee for a hearing on June 23, 2003 at the Ontario College of Teachers at Toronto.

A Notice of Hearing, dated February 27, 2003 was served on Arthur Steinberg, requesting attendance before the Discipline Committee of the Ontario College of Teachers on March 20, 2003 to set a date for a hearing, and specifying the charges.

Arthur Steinberg 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 Arthur Steinberg in the Notice of Hearing dated February 27, 2003 are as follows:

IT IS ALLEGED that Arthur Steinberg is guilty of professional misconduct and/or is incompetent as defined in sections 30(2) and (3) 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 supervise adequately a person who is under his professional supervision contrary to Ontario Regulation 437/97, subsection 1 (11);
- (c) he failed to comply with the Act and the *Education Act*, Revised Statutes of Ontario, 1990, Chapter E. 2 and particularly section 264 (1)(c) thereof, and the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1 (14) and (15);

- (d) he committed acts 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);
- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1 (19); and
- (f) he displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of his students of a nature or extent that demonstrates that the member is either unfit to carry out his professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Arthur Steinberg, (the "Member"), is a member of the Ontario College of Teachers.
2. At all material times, the Member was co-founder and co-director of [REDACTED], a private school in Mississauga, Ontario, providing tuition to students from junior kindergarten to Grade 12..
3. In or about February 1999, a male teacher Bradley Muxlow ("the Teacher") was employed by the School to teach [REDACTED] to the upper grades.
4. From in or about May 1999, the Member received complaints from other teachers at the School regarding inappropriate behaviour on the part of the Teacher, including flirting with the female students, engaging in casual personal conversations with them; drawing on the backs of female students' legs to indicate the positioning of muscles, and touching the hair of one of his female student.
5. In or about February 2000, it was reported to the Member by the guidance counsellor at the School that the Teacher had invited a senior female student out to his residence for cocktails; to a dance at another school together with a female

- friend of hers, and had asked her to keep in touch with him following her graduation from the School.
6. In June 2000, one of the female teachers on staff at the school met with the Member and expressed her concerns about the inappropriate sexual comments being made to and in front of students in the Teacher's class.
 7. Despite the concerns reported to the Member, the Teacher continued his employment at the School.
 8. On or about December 11, 2001, the Teacher was charged by Peel Regional Police with one count of sexual exploitation of a female student at the school. By January 2002, two additional charges of sexual exploitation relating to the Teacher's conduct with two other female students at the school were also laid by the police, as well as a charge of sexual assault of a fourth female, unrelated to the School.
 9. By failing to respond to the concerns expressed to him by the staff and students of the School respecting the conduct of the Teacher and by failing to adequately supervise the Teacher, the Member placed at risk the safety and welfare of the students at the School.

Member's Plea

The Member admits that the matters referred to in paragraphs 3 and 4 of the Agreed Statement of Facts constitute Professional Misconduct and pleads no contest to the allegations of Professional Misconduct against him, being more particularly breaches of Ontario Regulation 437/97, subsections 1 (5) and 1 (11) as set out in the Notice of Hearing dated February 27, 2003.

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, Plea of No Contest and Joint Submission on Penalty, which provides as follows:

1. Arthur Steinberg (“the Member”) is a Member of the Ontario College of Teachers.
2. At all material times, the Member was Co-founder and Co-director of [REDACTED], a private school in Mississauga, Ontario, providing tuition to students from Junior Kindergarten to Grade 12. In his capacity as Co-director of [REDACTED], the Member was ultimately responsible for the overall supervision of faculty and staff employed at [REDACTED].
3. In February 2001, the Member was given information which, if true, put him on notice that a male staff member had extended a social invitation to a female student. The female student reported this invitation, requesting that the report be kept confidential until after the presentation of year-end marks. The Member was assured that the invitation was rejected by the female student who had no intention of accepting any invitation from the male teacher.
4. The Member accepts that although steps were taken by him to investigate the incident referred to in paragraph 3 above, such steps were inadequate, bearing in mind the paramount importance of student safety. The Member accepts that such failure amounted to professional misconduct.
5. By this document, the Member pleads no contest to the facts referred to above, and to a finding of professional misconduct.
6. In light of the plea of no contest, the Ontario College of Teachers and the Member submit that the Discipline Committee may accordingly treat the matters referred to in paragraphs 3 and 4 above as constituting professional misconduct and may find the Member guilty of professional misconduct, being more

particularly breaches of Ontario Regulation 437/97, subsections 1 (5) and 1 (11) as set out in the Notice of Hearing dated February 27, 2003 (Exhibit 1).

Decision

Based on the Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty, the panel finds Arthur Steinberg guilty of professional misconduct, more particularly breaches of Ontario Regulation 437/97, subsections 1(5) and 1(11).

Penalty

Counsel for the College advised the panel that a Joint Submission as to Penalty had been agreed upon. Counsel for the Member agreed, that given the publicity in the local papers surrounding this matter, that he was not objecting to publication of the Member's name in *Professionally Speaking/Pour parler profession*.

The Joint Submission as to Penalty provides as follows:

The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this case would be that the Committee:

- (a) require the Member to appear before the Committee to be reprimanded, and the fact of the reprimand be recorded on the Register; and
- (b) directs that the findings, the name of the Member and order of the Committee be published in the official publication of the College, *Professionally Speaking/Pour parler profession*.

Penalty Decision

The Committee accepts the Joint Submission as to Penalty and accordingly requires that the Member appear before the Committee to be reprimanded, and directs that the fact of the reprimand be recorded on the Register.

The Committee also directs that the name of the Member as well as the findings and order of the Committee be published in the official publication of the College, *Professionally Speaking/Pour parler profession.*

**DATED AT TORONTO, THIS 24TH DAY OF JUNE, 2003
BY ORDER OF THE DISCIPLINE COMMITTEE.**

Pierrette Nadeau, **Chair**

Paul Charron

Pauline Demers