

**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  
Greg James Stewart, a member of the Ontario College of Teachers.

PANEL:            Mel Greif, Chair  
                      Alexander Bass, OCT  
                      Robert Ryan, OCT

BETWEEN:	)	
	)	Christine Lonsdale,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Daniela De Bartolo,
	)	Litigation Paraprofessional
	)	
- and -	)	
	)	Greg James Stewart was not
	)	present, nor was he represented
Greg James Stewart	)	
(CERTIFICATE #245297)	)	
	)	Rebecca Durcan,
	)	Steinecke Maciura LeBlanc,
	)	Independent Legal Counsel
	)	
	)	Heard: November 2, 2010

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (“the Committee”) on November 2, 2010 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing* (Exhibit 1), dated September 30, 2010 was served on Greg James Stewart, requesting attendance before the Discipline Committee of the Ontario College of Teachers on October 27, 2010 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for November 2, 2010.

The Member did not appear, nor was he represented by counsel.

Counsel for the College submitted an Affidavit of Audley Trevor Evans, Senior Law Clerk at McCarthy Tétrault, sworn October 28, 2010 (Exhibit 3) outlining written and oral communications with the Member with respect to the date of the hearing and his ability to make submissions and participate in the hearing. The Committee was satisfied that the Member was served with the *Notice of Hearing* and all disclosure documents and was aware of the time and date of the hearing; further, that the Member spoke with Mr. Evans by telephone and acknowledged receipt of all documents, stated that he would not be participating in the hearing. He further acknowledged by telephone to Mr. Evans that he understood that the College would be seeking revocation of his Certificate. The Committee therefore proceeded to hear the matter in the absence of the Member.

## **THE ALLEGATIONS**

The allegations against Greg James Stewart (“the Member”) in the *Notice of Hearing* are as follows:

**IT IS ALLEGED** that Greg James Stewart is guilty of professional misconduct as defined in subsections 30(2) and 40(1.1) of the *Ontario College of Teachers Act* (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 abused a student or students physically, contrary to Ontario Regulation 437/97, subsection 1(7.1);
- (c) he abused a student or students psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7.2);
- (d) he abused a student or students sexually, contrary to Ontario Regulation 437/97, subsection 1(7.3);
- (e) he failed to comply with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c) thereof or the Regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- (f) he contravened a law, the contravention of which is relevant to the Member's suitability to hold a Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (g) he contravened a law, the contravention of which has caused students under the Member's professional supervision to be put at or to remain at risk, contrary to Ontario Regulation 437/97, subsection 1(17);
- (h) 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);
- (i) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (j) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40 (1.1) of the *Act*.

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

1. At all material times, the Member was employed by the Thames Valley District School Board (the "Board") as a teacher at [XXX] School (the "School") in London.

2. During the 2008-2009 academic year, the Student was a female Grade [XXX] student [XXX] at the School.
3. Between the approximate dates of 31 December 2008 and 25 March 2009, the Member acted inappropriately and unprofessionally towards the Student in that he:
  - (a) fondled her breasts;
  - (b) spoke to her about masturbation and instructed her to view specific websites so as to learn about that subject; and
  - (c) on or about 24 March 2009, pushed his body against her.
4. On or about 15 April 2010, the Member pleaded guilty in the Ontario Court of Justice to a charge that he between 31 December 2008 and 25 March 2009, at the City of London, did commit a sexual assault on the Student, contrary to Section 271(1) of the *Criminal Code* (Canada), and was found guilty of that charge.
5. On or about 2 July 2010, the Member was sentenced to six months incarceration to be followed by a period of probation for one year.

#### **MEMBER'S PLEA**

As the Member was neither present nor represented by counsel, the Committee proceeded on the basis that the Member denied the allegations set out in the *Notice of Hearing*. The Chair, on behalf of the Member, entered a plea of not guilty to the allegations.

#### **THE EVIDENCE**

Counsel for the College entered into evidence the following additional documents:

*Registered Member Information* (Exhibit 2). Greg James Stewart is a member of the Ontario College of Teachers as shown on the *Registered Member Information*.

*Brief of Court Documents – Her Majesty The Queen v. Greg J. Stewart (Exhibit 4)*

The *Brief of Court Documents* with respect to the criminal proceedings against the Member submitted into evidence consisted of:

- A. Warning and Certified Copy of Information dated March 26, 2009
- B. Certified Copy of Probation Order dated July 2, 2010
- C. Transcript of Arraignment and Guilty Plea before Mr. Justice J. Skowronski dated April 15, 2010
- D. Transcript of Crown Facts, Victim Impact Statement and Statement of Greg Stewart before Mr. Justice J. Skowronski dated June 28, 2010
- E. Transcript of Reasons for Sentence before Mr. Justice J. Skowronski dated July 2, 2010.

The evidence presented in the Court Documents confirms that on or about 15 April 2010, the Member pleaded guilty in the Ontario Court of Justice to a charge that he between 31 December 2008 and 25 March 2009, at the City of London, did commit a sexual assault on the Student, contrary to Section 271(1) of the *Criminal Code* (Canada), and was found guilty of that charge. On or about 2 July 2010, the Member was sentenced to six months incarceration to be followed by a period of probation for one year. The Member has not appealed the conviction or sentence.

**DECISION**

Having considered the evidence and onus and standard of proof, and the submissions made by Counsel for the College, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Greg James Stewart committed acts of professional misconduct as alleged, more particularly breaches of

Ontario Regulation 437/97, subsections 1(15), 1(7.1), 1(7.2), 1(7.3), 1(15), 1(16), 1(17), 1(18),1(19) and that he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the *Act*.

### **REASONS FOR DECISION**

Rules 13.05 and 13.06 of the *Rules of Procedure of the Discipline Committee of the Ontario College of Teachers* allow the Committee to accept as proof that an offence was committed by a person, where there is a finding of guilt and conviction in a Canadian court, provided that there is no evidence to the contrary and that no appeal has been granted.

It is uncontested that the Member was convicted of sexual assault of a student and sentenced to six months incarceration, followed by a period of probation for one year.

The Committee finds that the Member's conviction for sexual assault of a student constitute acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(15), 1(7.1), 1(7.2), 1(7.3), 1(15), 1(16), 1(17), 1(18),1(19) and that he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the *Act*.

### **PENALTY DECISION**

The Committee makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke the Member's certificate of qualification and registration; and

2. Pursuant to Section 30 (5) (3) of the Ontario College of Teachers Act, the findings and order of the Committee shall be published in summary, with the name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession.*

## **REASONS FOR PENALTY DECISION**

The Member, having been convicted of sexual assault of a female grade [XXX] student under his care, demonstrates that he should not be a teacher in a position of trust and authority. He has entirely failed in that trust and is considered by the courts of Ontario to have broken laws that protect the young and was incarcerated. The Member stalked a female student [XXX] in the school and pestered her with unsolicited sexual advice and sexual questioning that he had no business engaging in. The student resisted his advances but in spite of that, the Member persisted (Exhibit 4). The Member's actions became increasingly physical and ended with an incident of sexual abuse. His behaviour was both dangerous, despicable and totally outside the realm of civilized behaviour. The Member, by his actions, has forfeited the privilege of being in the profession and therefore revocation of his certificate is the only consequence possible.

Publication of the findings and order of the Committee, with the name of the Member is appropriate. The behaviour of the Member was such that the strictest of discipline was required. The revocation of a Member's certificate is the most serious consequence available to the Discipline Committee and it is therefore appropriate that the Member's name be published. Publication also confirms to the profession that this type of behaviour is unacceptable and will result in revocation.

In conclusion, the Committee is confident that the penalty order serves the interests of the public and the profession.

Dated: November 29, 2010

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Mel Greif,  
Chair, Discipline Panel

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Alexander Bass, OCT  
Member, Discipline Panel

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Robert Ryan, OCT  
Member, Discipline Panel