

**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 Peter Gerard Stirling, a member of the Ontario College of Teachers.

PANEL: Gabrielle Blais, Chair
 Tianna Travaglini-Babic
 Jacques Tremblay

BETWEEN:)	
	)	Heather Meredith,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Jennifer Robinson
	)	Law Clerk
- and -)	
	)	Kate A. Hughes,
	)	Cavalluzzo Hayes Shilton
PETER GERARD STIRLING	)	McIntyre & Cornish LLP,
(CERTIFICATE #159104)	)	for Peter Gerard Stirling
)	
	)	Scott Hutchison,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: May 15, 2007

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on May 15, 2007 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated March 7, 2006, was served on Peter Gerard Stirling, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on April 5, 2006 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for May 15, 2007. Peter Gerard Stirling was in attendance at the hearing.

THE ALLEGATIONS

The allegations against Peter Gerard Stirling in the *Notice of Hearing*, (*Exhibit 1*) dated March 7, 2006, are as follows:

IT IS ALLEGED that Peter Gerard Stirling is guilty of professional misconduct as defined in section 30(2) and/or is incompetent as defined in Section 30(3) of the *Ontario College of Teachers Act, 1996* (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, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to keep records as required by his professional duties, contrary to Ontario Regulation 437/97, subsection 1(10);
- (d) he failed to supervise adequately a student or students who was/were under his professional supervision, contrary to Ontario Regulation 437/97, subsection 1(11);

- (e) he failed to comply with the *Act* and the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (f) 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 judgment 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.

At the hearing on May 15, 2007, College counsel sought to withdraw the following allegations of professional misconduct contained in the *Notice of Hearing*: breaches of Ontario Regulation 437/97, subsections 1(7), 1(10), 1(14), 1(15), 1(18), 1(19) and the allegation of incompetence as defined in Section 30(3) of the Act. The Committee agrees that these allegations shall be withdrawn.

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced an *Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty (ASF – Exhibit 2)*.

AGREED STATEMENT OF FACTS

The Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty provides as follows:

1. Peter Gerard Stirling (the “Member”) is a member of the Ontario College of Teachers. Attached hereto and marked as **Exhibit “A”** is a copy of the Ontario College of Teachers Registered Member Information in respect of the Member.
2. At all material times the Member was employed by the Grand Erie District School Board (the “Board”) at the Elementary Level at Princess Elizabeth Public School, (the “School”), in Brantford, Ontario. The Member taught a Special Education Class (mild intellectually delayed) at the School.
3. Between 2002 and December 8th, 2004, the Member had difficulty with classroom management, student discipline and delivery of appropriate curriculum, which difficulties were identified by School administration, a Special Education Teaching Consultant and educational assistants assigned to help the Member.
4. In addition, during this time, there were incidents in which the Member failed to address or correct inappropriate student behaviour and/or provide proper supervision of students.
5. Issues respecting the Member’s classroom management, discipline techniques, and ability to deliver appropriate curriculum were identified during a January 17, 2002 observation of the Member (**Exhibit “B”**), Classroom observations on February 5, 2002 (**Exhibit “C”**), April 4, 2002 (**Exhibit “D”**), October 29, 2002 (**Exhibit “E”**) during which time the Member received an *Unsatisfactory* rating, and March 4, 2003 (**Exhibit**

“F” and “G”) during which time the Member received a *Satisfactory* rating; in a Performance Appraisal conducted on October 28, 2004 in which the Member received an *Unsatisfactory* rating (**Exhibit “H”**), and in a December 7, 2004 Teacher Performance Appraisal in which the Member’s performance was again rated *Unsatisfactory* (**Exhibit “I”**).

6. Reviewers noted, *inter alia*, the Member’s students seemed to be unclear about the rules governing their behaviour in the Member’s classroom; at times the classroom was disorganized, at times some students were not properly supervised, lesson plans were very sparse and brief; at times the portable classroom was generally messy and uninviting; the Member had not established clear routines; on one occasion the Member’s body language, facial expression and tone of voice conveyed a lack of patience and some annoyance with certain of his students; at times the member demonstrated an inability to address inappropriate student behaviour in a positive manner; the Member infrequently used appropriate strategies to manage discipline, the Member infrequently demonstrated a knowledge of a variety of effective classroom management techniques; and appropriate and successful safe routines had not been established as routines in the classroom.

7. The Member was provided with various suggestions and strategies for improving his classroom management skills. The Member, who acknowledged that classroom management was “frequently a challenge” for him, was provided with a number of suggestions from a Behaviour Consultant (**Exhibit “J”**) on January 30, 2003.

8. On May 9, 2003, the Member was advised of the Principal’s concerns regarding the lack of supervision being provided to the students by the Member (**Exhibit “K”**).

9. During the period September to December, 2003, a number of complaints were received by School administration about the Member's inappropriate disciplining of students and the lack of supervision being given to students. By Letter of Discipline dated January 7, 2004 (**Exhibit "L"**), the Member was warned that future incidents would lead to further discipline, up to and including dismissal.

10. Commencing in September 2004, a behaviour counsellor and social worker were assigned to assist the Member. As well, a junior consultant provided role modelling for the Member for a variety of lessons. Arrangements were also made for the Member to visit and observe a Grade 6 core classroom and the Member was assigned a Grade 6 class without special needs students.

11. The Principal received further reports from students that the Member's classroom made them feel unsafe. Some parents expressed to the administration concern regarding incomplete work not being addressed by the Member and lack of proper supervision.

12. A Teacher Performance Appraisal meeting was held with the Member on December 8, 2004. Subsequently, a number of problems were reported between December and early January 2005, including concerns that the Member's disciplining of students was inappropriate.

13. The Member took a two day course entitled "Managing Behaviour and Anger in the Classroom" on January 5th and 6th, 2005 (**Exhibit "M"**).

14. At a meeting of the Board on January 24, 2005, the Member's employment with the Board was terminated, effective January 25, 2005.

15. Since that time, the Member has completed a Long Term Occasional assignment replacing a special education teacher from October 26th, 2005 to the end of June 2006 with the Waterloo Catholic District School Board at St. Augustine Catholic School. The Member is presently working at the Waterloo Catholic District School Board as an occasional teacher (**Exhibit “N”**).

GUILTY PLEA

16. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 15 above (the “Admitted Facts”), and acknowledges that these Admitted Facts constitute conduct which is unprofessional. The Member hereby pleads guilty to the allegations of professional misconduct as defined in Section 30(2) of the Ontario College of Teachers Act, 1996, in that he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5) and that he failed to supervise adequately a person or persons under his professional supervision, contrary to Ontario Regulation 437/97, subsection 1(11).

17. The Member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) he understands that by pleading guilty to the allegations, he is waiving his right to require the College to prove the case against him and the right to have a hearing;
- (c) he voluntarily decided to plead guilty; and
- (d) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally and with the advice of legal counsel.

18. In light of the Admitted Facts, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

JOINT SUBMISSION ON PENALTY

19. In light of the Admitted Facts and circumstances and the Member's plea of guilt, the Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be that the Committee:

- (a) direct the Registrar of the Ontario College of Teachers to suspend the Certificate of Qualification and Registration of the Member for a period of three months;
- (b) directs that imposition of the suspension referred to in paragraph (a) above shall be postponed for a period of nine (9) months from the date of the Order, and shall not be imposed provided that the Registrar confirms in writing that all the requirements of paragraph (c) have been fulfilled;
- (c) directs the Registrar of the Ontario College of Teachers to impose the following terms, conditions or limitations on the Member's Certificate of Qualification and Registration, the fact of such terms and conditions and limitations to be recorded on the Register until such time as they are fulfilled:
 - (i) the Member must complete, at his own expense, by a date no later than six months from the date of this Order:

- A. a course of instruction in curriculum planning; and,
 - B. a course or courses in classroom management and effective student discipline, each of which courses must be approved by the Registrar;
- (ii) the Member shall deliver directly to the Registrar proof of the successful completion of the courses referred to in subparagraph (i) above within 60 days of the completion of each respective course.
- (d) the Member shall advise the Registrar within ten (10) days following his return to teaching duties of the date of such return;
- (e) within thirty (30) days of the date of the Discipline Committee's decision in this matter, the Member shall provide a copy of the paragraphs of this Agreed Statement of Facts setting out the Admitted Facts to the Principal or other such representative of his employer the Registrar deems appropriate (his "Supervisor"), and shall obtain from the Supervisor and provide to the Registrar a written undertaking to advise the Registrar immediately if there are any complaints of a similar nature to those described in the Admitted Facts, such undertaking to remain in effect for a period of two (2) years from the date of the Discipline Committee's decision.

In the event that there is a change in the supervision of the Member's teaching duties during the two (2) year period, including if the Member

enters into a new Long Term Occasional or other teaching assignment, the Member shall notify the Registrar and shall provide to his new Supervisor a copy of the paragraphs of this Agreed Statement of Facts setting out the Admitted Facts and shall obtain from his new Supervisor a further undertaking to advise the Registrar immediately if there are any complaints of a similar nature to those described in the Admitted Facts, such undertaking to remain in effect for a period of two (2) years from the date of the Discipline Committee's decision.

- (f) directs that there be publication of the findings and Order of the Committee, with the name of the Member, in the official publications of the College.

20. By this document the Member acknowledges his understanding that any agreement between the College and the Member with respect to the penalty proposed in this document does not bind the Discipline Committee.

DECISION

Having examined the Exhibits filed, and based on the plea of guilt, the *Agreed Statement of Facts, Guilty Plea and Joint Submission on 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 Peter Gerard Stirling committed acts 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*.

REASONS FOR DECISION

The Member pleaded guilty and acknowledged that his conduct as described in paragraphs 1 to 15 (the “Admitted Facts”) of the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty* (ASF - Exhibit 2) is unprofessional.

The Committee accepted the Member’s guilty plea and the *Agreed Statement of Facts, Guilty Plea, and Joint Submission on Penalty*.

The Member behaved in an unprofessional manner with respect to classroom management, student discipline and delivery of appropriate curriculum. These were not isolated incidents but were documented over a two-year period. By this conduct, the Member failed to comply with the standards of the profession under Ontario Regulation 437/97 subsection 1(5) and engaged in acts that are unprofessional and under 1(11) failed to supervise his students adequately.

PENALTY DECISION

The Committee accepts the joint submission on penalty and makes the following order as to penalty and:

- (a) directs the Registrar of the Ontario College of Teachers to suspend the Certificate of Qualification and Registration of the Member for a period of three months;

- (b) directs that imposition of the suspension referred to in paragraph (a) above shall be postponed for a period of nine (9) months from the date of the Order, and shall not be imposed provided that the Registrar confirms in writing that all the requirements of paragraph (c) have been fulfilled;
- (c) directs the Registrar of the Ontario College of Teachers to impose the following terms, conditions or limitations on the Member's Certificate of Qualification and Registration, the fact of such terms and conditions and limitations to be recorded on the Register until such time as they are fulfilled:
 - (i) the Member must complete, at his own expense, by a date no later than six months from the date of this Order:
 - A. a course of instruction in curriculum planning; and,
 - B. a course or courses in classroom management and effective student discipline, each of which courses must be approved by the Registrar;
 - (ii) the Member shall deliver directly to the Registrar proof of the successful completion of the courses referred to in subparagraph (i) above within 60 days of the completion of each respective course.
- (d) the Member shall advise the Registrar within ten (10) days following his return to teaching duties of the date of such return;

- (e) within thirty (30) days of the date of the Discipline Committee's decision in this matter, the Member shall provide a copy of the paragraphs of this Agreed Statement of Facts setting out the Admitted Facts to the Principal or other such representative of his employer the Registrar deems appropriate (his "Supervisor"), and shall obtain from the Supervisor and provide to the Registrar a written undertaking to advise the Registrar immediately if there are any complaints of a similar nature to those described in the Admitted Facts, such undertaking to remain in effect for a period of two (2) years from the date of the Discipline Committee's decision.

In the event that there is a change in the supervision of the Member's teaching duties during the two (2) year period, including if the Member enters into a new Long Term Occasional or other teaching assignment, the Member shall notify the Registrar and shall provide to his new Supervisor a copy of the paragraphs of this Agreed Statement of Facts setting out the Admitted Facts and shall obtain from his new Supervisor a further undertaking to advise the Registrar immediately if there are any complaints of a similar nature to those described in the Admitted Facts, such undertaking to remain in effect for a period of two (2) years from the date of the Discipline Committee's decision.

- (f) directs that the findings and Order of the Committee, with the name of the Member be published in the official publication of the College, *Professionally Speaking/Pour parler profession.*

REASONS FOR PENALTY DECISION

The imposition of a three-month suspension serves as a specific deterrent to the Member and as a general deterrent to the profession. The Committee recommends that as an alternative to a suspension, the Member has the option to successfully complete courses in curriculum planning and classroom management, to be approved by the Registrar. This option will best serve to rehabilitate the Member and serve the public interest. The completion of these courses will assist the Member in fulfilling his teaching responsibilities. Furthermore, the extensive monitoring that will be undertaken over the next two years will protect school communities should the Member re-engage in similar behaviour and ultimately ensure public confidence in the education system.

Publication of the Committee's order acts as a general deterrent to guide members of the profession and to inform that similar behaviour will result in a finding of professional misconduct.

Date: May 15, 2007

Gabrielle Blais
Chair, Discipline Panel

Tianna Travaglini-Babic
Member, Discipline Panel

Jacques Tremblay
Member, Discipline Panel