

**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
Gordon Samuel Thomas, a member of the Ontario College of
Teachers.

PANEL: Ted Coulson, Chair
Audrey Hadfield
Lou Watson

BETWEEN:)	
)	
	)	Heather Meredith,
	)	McCarthy Tétrault,
ONTARIO COLLEGE OF TEACHERS	)	for Ontario College of Teachers,
	)	assisted by Trevor Evans,
- and -	)	Senior Law Clerk
)	
GORDON SAMUEL THOMAS	)	Gordon Samuel Thomas
(CERTIFICATE #320722)	)	was not present,
	)	nor was he represented by counsel
)	
)	
	)	Johanna Braden,
	)	Stockwoods,
	)	Independent Legal Counsel
)	
	)	Heard: February 3, 2005

REASONS FOR DECISION, DECISION AND ORDER (S)

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on February 3, 2005 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated July 24, 2002 was served on Gordon Samuel Thomas, requesting attendance before the Discipline Committee of the Ontario College of Teachers on September 23, 2002 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for February 3, 2005.

Gordon Samuel Thomas was not in attendance at the hearing.

The Allegations

The allegations against Gordon Samuel Thomas in the *Notice of Hearing*, (*Exhibit 1*) dated July 24, 2002, are as follows:

IT IS ALLEGED that Gordon Samuel Thomas is guilty of professional misconduct as defined in subsection 30(2) 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 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 contravened laws, 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);

- (e) 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);
- (f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1 (19); and
- (g) 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.

Publication Ban

On February 3, 2005 the Committee made an order that there be no publication of any information that may disclose the identities of the students involved in this matter.

Agreed Statement of Facts

Counsel for the College advised the Committee that an 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*. (ASF – Exhibit 2)

The *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* provides as follows:

1. Gordon Samuel Thomas (the “Member”) is a Member of the Ontario College of Teachers. Attached hereto is a copy of the Ontario College of Teachers Registered Member Information of the Member. (ASF-Exhibit 2, Tab A).
2. At all times material hereto, and from approximately 1965 to 1989, the Member was employed by the Algoma District School Board, and its predecessor, the Sault Ste.

Marie Board of Education (the “Board”), as a Vice Principal, acting Principal and teacher, respectively.

3. At all material times [REDACTED] whose year of birth was [REDACTED], was a female [REDACTED] student at [REDACTED] School at which the Member was Vice Principal.
4. At all materials times [REDACTED], whose approximate year of birth is [REDACTED], was a female [REDACTED] student at [REDACTED] School at which the Member was Vice Principal.
5. At all materials times [REDACTED], whose approximate year of birth is [REDACTED], was a female [REDACTED] student at [REDACTED] School at which the Member was Vice Principal.
6. At all materials times [REDACTED], whose approximate year of birth is [REDACTED], was a female [REDACTED] student at [REDACTED] School at which the Member was a Teacher.
7. At all material times the Member was in a position of trust or authority towards [REDACTED], [REDACTED], [REDACTED] and [REDACTED]
8. On 13 January 2003, the Member was arraigned before the Honourable Madam Justice Pardu of the Superior Court of Justice and charged with twenty-two Counts, including sexual assault, indecent assault and gross indecency, against fourteen complainants, all of whom were [REDACTED] students [REDACTED], over a period of twenty years from 1965 to 1985. Attached is a copy of the Indictment issued by the Superior Court of Justice on 13 January 2003. The Member pleaded not guilty to all charges.

9. Following a lengthy criminal trial before a jury, the Member was found guilty on 20 February 2003, on twenty one counts, and was acquitted of one count, being Count number 13. Mr. Justice W. L. Whalen then sentenced the Member to a term of imprisonment of twelve years, in total, on all counts. Attached is a copy of the transcript of the Arraignment, Guilty Finding and Reasons for Sentence on 13 January 2003, 20 January 2003 and 10 February 2003. *(ASF-Exhibit 2, Tab C)*

10. A non-publication and non-broadcast Order was imposed by the Court pursuant to Section 486(3) of the Criminal Code (Canada), directing that the identities of complainants and any information that could disclose the identities of those persons, are not to be published in any document or broadcast in any way. This Order was continued by the Court of Appeal for Ontario, and a copy of that Order is attached. *(ASF-Exhibit 2, Tab D)*

11. The Member appealed the conviction and sentence which had been imposed on him to the Court of Appeal for Ontario.

12. In a decision rendered on 13 October 2004, the Court of Appeal allowed the appeal in part in that the Court of Appeal:
 - (a) ordered a new trial on Counts 1, 2, 3, 4, 8, 12, 14, 18 and 22;
 - (b) granted leave to appeal the sentence, and
 - (c) allowed the appeal from sentence, by reducing the sentence imposed on the Member a total of nine years' imprisonment. Attached is a certified copy of the Reasons for Decision of Rosenberg, Gillese and Armstrong, JJ.A of the Court of Appeal for Ontario. *(ASF-Exhibit 2 - Tab E)*

13. Pursuant to the decision of the Superior Court of Justice, as upheld by the Court of Appeal as referred to above, the findings of guilt against the Member are as follows:

(a) In respect of [REDACTED], between the approximate dates of September [REDACTED] and June [REDACTED], at the City of Sault Ste. Marie, the Member:

- (i) had sexual intercourse with [REDACTED] without her consent (count 5);
- (ii) indecently assaulted [REDACTED] (count 6); and
- (iii) committed an act of gross indecency with [REDACTED] (count 7), contrary to sections 144, 149 and 157 of the Criminal Code(Canada), 1953-54, C. 51, S.135, 141 and 149, respectively.

The sentences which were imposed in respect of those counts were modified by the Court of Appeal as follows:

- (i) Count 5 - rape = 2 years imprisonment
- (ii) Count 6 - indecent assault = 6 months concurrent
- (iii) Count 7 - gross indecency = 6 months concurrent

(b) In respect of [REDACTED], between the approximate dates of September [REDACTED] and June [REDACTED], at the City of Sault Ste. Marie, the Member:

- (i) had sexual intercourse without her consent(count 9);
- (ii) indecently assaulted [REDACTED] (count 10);
- (iii) committed an act of gross indecency with [REDACTED] (count 11), contrary to sections 144, 149 and 157 of the Criminal Code (Canada), 1953-54, C. 51, S.135, 141 and 149, respectively.

The sentences imposed in respect of those counts were modified by the Court of Appeal as follows:

- (i) Count 9 - rape = 2 years imprisonment consecutive
- (ii) Count 10 - indecent assault = 6 months concurrent
- (iii) Count 11 - gross indecency = 6 months concurrent

(c) In respect of [REDACTED], between the approximate dates September [REDACTED] and December [REDACTED], at the City of Sault Ste. Marie, the Member:

- (i) had sexual intercourse with [REDACTED] without her consent (count 15);
- (ii) indecently assaulted [REDACTED] (count 16);
- (iii) committed an act of gross indecency with [REDACTED] (count 17), contrary to sections 144, 149 and 157 of the Criminal Code (Canada), 1953-54, C. 51, S.135, 141 and 149, respectively.

The sentences imposed in respect of those counts were modified by the Court of Appeal as follows:

- (i) Count 15 - rape = 2 years imprisonment consecutive
- (ii) Count 16 - indecent assault = 6 months concurrent
- (iii) Count 17 - gross indecency = 6 months consecutive

(d) In respect of [REDACTED], between the approximate dates of September [REDACTED] and June [REDACTED], at the City of Sault Ste. Marie, the Member:

- (i) had sexual intercourse with [REDACTED], without her consent (Count 19);
- (ii) indecently assaulted [REDACTED] (Count 20);
- (iii) committed an act of gross indecency with [REDACTED] (Count 21), contrary to sections 144, 149 and 157 of the Criminal Code (Canada), 1953-54, C. 51, S.135, 141 and 149, respectively.

The sentences imposed in respect of those counts were modified by the Court of Appeal follows:

- (i) Count 19 – rape = 2 years imprisonment consecutive
- (ii) Count 20 – indecent assault = 6 months concurrent
- (iii)** Count 21 – gross indecency = 6 months consecutive.

1. By this document, the Member, Gordon Samuel Thomas, pleads no contest to the facts referred to in paragraph 1 to 13 above.

2. By this document, the Member Gordon Samuel Thomas, pleads no contest to the allegations that the facts referred to in paragraph 13 above relating to the conduct of the Member is conduct which is disgraceful, dishonourable and unprofessional and pleads no contest to the allegations of professional misconduct against him being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), (7), (14), (15), (16), (18) and (19) as set out in the Notice of Hearing which is attached hereto.
(ASF-Exhibit 2 – Tab F)

3. By this document, the Member states that:

- (a) he understands fully the nature of the allegations that have been made against him; and
- (b) he understands that by pleading no contest to the allegations against him, he is waiving the right to require the College to prove the case against him and the right to have a hearing; and
- (c) he voluntarily decided to plead no contest to the allegations against him.

4. In light of the above facts and circumstances to which the Member has pleaded no contest, the Ontario College of Teachers and the Member submit that the Discipline

Committee find the Member guilty of professional misconduct, being more particularly breaches of Ontario Regulation 437, subsections 1(5), (7), (14), (15), (16), (18) and (19).

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.

Member's Plea

By this document, the Member Gordon Samuel Thomas, pleads no contest to the allegations that the facts referred to in paragraph 13 above relating to the conduct of the Member is conduct which is disgraceful, dishonourable and unprofessional and pleads no contest to the allegations of professional misconduct against him being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), (7), (14), (15), (16), (18) and (19) as set out in the *Notice of Hearing*.

Joint Submission as to Finding

In light of the above facts and circumstances to which the Member has pleaded no contest, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct, being more particularly

breaches of Ontario Regulation 437, subsections 1(5), (7), (14), (15), (16), (18) and (19).

Decision as to Finding

Having examined the Exhibits filed, and based on the plea of no contest, the *Agreed Statement of Facts, Plea of No Contest 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 Gordon Samuel Thomas committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsection 1(5), 1(7), 1(14), 1(15), 1(16), 1(18) and 1(19), as set out in the *Notice of Hearing*.

Joint Submission as to Penalty

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 direct the Registrar of the Ontario College of Teachers to immediately revoke the certificate of qualification and registration of the Member, which certificate the Member is to immediately surrender to the Registrar of the Ontario College of Teachers.

The Ontario College of Teachers and the Member also jointly submit that the findings and Order of the Committee, including the Member's full name, be published in summary, in the official publication of the College, *Professionally Speaking/Pour parler*

profession.

Penalty Decision

The Committee accepts the Joint Submission on Penalty and makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke immediately the Member's certificate of qualification and registration, which the Member is to surrender immediately to the Registrar.
1. 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 Member's full name, in the official publication of the College, *Professionally Speaking/Pour parler profession.*

Reasons for Decision

The Committee concludes that the penalty serves and protects the public interest.

The penalty must meet the objective of general deterrence to the members of the profession and the objective of specific deterrence to the Member.

Society places a very heavy responsibility on teachers, including public respect and confidence in the teaching profession. Parents place their trust in the profession and have a right to expect that their children will be safe in the custody of teachers. The

Committee regards the conduct of this member to be reprehensible and an abuse of this trust and authority.

Accordingly, the Committee is satisfied that revocation of the Member's certificate of qualification and registration is the appropriate penalty.

Date: February 3, 2005

Ted Coulson
Chair, Discipline Panel

Audrey Hadfield
Member, Discipline Panel

Lou Watson
Member, Discipline Panel