

**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 William George Thomson, a member of the Ontario College of Teachers.

PANEL:           Lynne Mastin, Chair  
                      Jacques Tremblay  
                      John Wells

BETWEEN:	)	
	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -	)	
	)	
WILLIAM GEORGE THOMSON	)	William George Thomson was
(CERTIFICATE #224697)	)	not present or represented
	)	
	)	
	)	Scott Hutchison,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: January 16, 2007

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on January 16, 2007 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated June 16, 2004 was served on William George Thomson (the “Member”), requesting attendance before the Discipline Committee of the Ontario College of Teachers on September 15, 2004 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for January 16, 2007.

William George Thomson was not in attendance at the hearing or represented by counsel. College counsel advised the Committee that the Member had informed him that he would not be present, but agreed that the hearing proceed as scheduled.

## THE ALLEGATIONS

The allegations against William George Thomson in the *Notice of Hearing, (Exhibit 1)* dated June 16, 2004 are as follows:

**IT IS ALLEGED** that William George Thomson is guilty of professional misconduct as defined in section 30(2) of the Ontario College of Teachers Act (the “Act”) and/or is incompetent as defined in section 30(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 abused a student or students physically, sexually, verbally, psychologically, and/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 specifically section 264(1)(c) thereof or 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 judgment and/or a disregard for the welfare of 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 January 16, 2007, College counsel sought to withdraw the allegations of professional misconduct and incompetence contained in paragraphs (a), (b), (c), (d) and (f) above. The Committee agrees that these allegations shall be withdrawn.

#### AGREED STATEMENT OF FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced 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. William George Thomson (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 respecting the Member.
2. At all material times the Member was employed by the Toronto District School Board (“the Board”) and taught Secondary English at L.B. Pearson Collegiate Institute (“the School”).
3. On January 18, 2003, the Member forwarded an e-mail to the Principal of the School, a copy of which is attached as Exhibit “B” (the “January 18 e-mail”).
4. The January 18 e-mail was sent by the Member following an incident between the Member and the Principal in which the Member became upset by the perceived arbitrariness and unfairness of the Principal’s conduct towards the Member. At the time, the Member was in a very emotional state, which contributed to his sending the January 18 e-mail. Recognizing the inappropriate nature of some of the contents of the January 18 e-mail, on January 19, 2003, the Member sent another e-mail to the Principal apologizing for the content of the January 18 e-mail. The Board, in part due to the sending of the January 18 e-mail, terminated the Member’s employment.

## PLEA OF NO CONTEST

5. By this document, for the purposes of this proceeding only, the Member admits the truth of the facts and exhibits referred to in paragraph 3 above. The Member acknowledges that his conduct, as described in paragraph 3 above, constitutes conduct that is unprofessional and pleads no contest to the allegation of professional misconduct made against him, being more particularly a breach of Ontario Regulation 437/97 1(19).
  
6. The Member states that:
  - a) he understands fully the nature of the allegations against him;
  - b) he understands that by signing this document he is consenting to the evidence as set out in paragraph 3 above being presented to the Discipline Committee, which panel of the Discipline Committee will include Lynne Mastin, who presided over the pre-hearing conference on November 29, 2006;
  - c) he understands that by pleading no contest to the allegation referred to above, he is waiving the right to require the College to prove the case against him and the right to have a hearing; and
  - d) he states that this plea of no contest was made voluntarily, unequivocally and without the benefit of independent legal counsel.

## JOINT SUBMISSION ON PENALTY

7. In light of the conduct described in paragraph 3 above, and the mitigating facts described in paragraph 4 above, 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) require the Member to appear before the Committee immediately following the hearing to be counselled; and
  - b) direct that the findings and order of the Committee be published in the official publication of the College *Professionally Speaking/Pour parler profession*, without the name of the Member.
8. The remaining allegations contained in the *Notice of Hearing* will be withdrawn by the Ontario College of Teachers and so marked by the Discipline Committee.

## DECISION

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 for the College, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that William George Thomson committed an act of professional misconduct, being more particularly a breach of Ontario Regulation 437/97, subsection 1(19).

## REASONS FOR DECISION

The Committee accepts the evidence contained in the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty (Exhibit 2)*. The Member admits he acted unprofessionally in that he forwarded the January 18 e-mail to the Principal of the School. The e-mail was sent following an incident between the Member and the Principal in which the Member became upset by the perceived arbitrariness and unfairness of the Principal's conduct towards the Member.

In this e-mail to his principal, the Member refers to him in the following manner:

“...until I kowtow and Seig Heil to the local Fuhrer. Since I have never been one to kneel before Nazi tyrants, it is unlikely that will happen. It is unfortunate that students are being held ransom by a tin-pot despot...”

The Committee finds that the use of this derogatory language directed to any member of the profession is conduct unbecoming a member.

### PENALTY DECISION

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

- (a) the Member is required to appear before the Committee immediately following the hearing to be counselled; and
- (b) 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, without the name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

### REASONS FOR PENALTY DECISION

The act of professional misconduct by the Member was of a relatively minor nature. Taking into account the emotional state and perception of the Member and the Member's apology for the content of the e-mail, the Committee determined that counselling of the Member was sufficient penalty to specifically deter the Member from further such conduct.

The Committee's decision to publish the findings without the name of the Member was made for the following reasons. The misconduct was an isolated incident and was not of a severe nature. There was no evidence before the Committee of any previous misconduct. Publication in summary, even without the name of the Member, still serves as a general deterrent to the profession and serves to protect the public interest.

Dated: January 16, 2007

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Lynne Mastin  
Chair, Discipline Panel

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Jacques Tremblay  
Member, Discipline Panel

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John Wells  
Member, Discipline Panel