

**DECISION OF THE INVESTIGATION COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS
IN THE MATTER OF**

**A COMPLAINT SUBMITTED BY THE REGISTRAR
REGARDING BRADLEY JAMES TIMKO**

PANEL: Harry Mulvale, Elizabeth Papadopoulos, Patrick Slack

On May 26, 2003, the Lakehead District School Board (the "Board") notified the Ontario College of Teachers (the "College") pursuant to subsection 43.2(1) of the *Ontario College of Teachers Act, 1996* (the "Act"), about concerns that Bradley James Timko, a teacher with the Board, had engaged in possible professional misconduct.

Bradley James Timko is a member of the College in good standing. He was a Grade [XXX] teacher at [XXX] School in the 2002-2003 school year.

In April 2003, a spouse of one of Mr. Timko's friends contacted the Board about Mr. Timko's behaviour. In a subsequent meeting, the friend informed the Board that Mr. Timko told him that he had sexual intercourse with [XXX], an [XXX]-year-old Grade [XXX] student [XXX] at the school. Mr. Timko also apparently informed the friend that he had provided a [XXX] examination in advance to the student and instructed her to make a few mistakes upon writing it to avert suspicion.

Upon investigation, the Board also determined that Mr. Timko had used a Board computer to access pornography on the Internet. Mr. Timko was assigned to home duties, where he remained until he submitted his resignation.

On August 19, 2003, the complaint against the member was assessed as suitable for the College's Dispute Resolution Program.

On September 16, 2003, the parties indicated that they were amenable to participating in dispute resolution.

In October 2003, the parties signed a Memorandum of Agreement (the "MOA") which, in their opinion, resolved the issues raised by the complaint.

Allegations

The Registrar alleges that Bradley James Timko, a [XXX] teacher at [XXX] School, of the Lakehead District Schools Board, acted unprofessionally in the 2002-2003 school year, in that he:

1. maintained an inappropriate relationship with [XXX], particulars of which include the following:
 - (a) he gave her a present;
 - (b) he made sexual advances towards [XXX] that began with flirtation and discussions of sexual acts, and then progressed to sexual touching and digital penetration;
 - (c) he had sexual intercourse with [XXX] on numerous occasions;
2. provided [XXX] with a [XXX] examination in advance, and advised her to make a few mistakes in writing the examination to avert suspicion; and
3. repeatedly visited pornographic web sites and downloaded pornography during and after school hours, using school computers.

Documents Considered by the Committee

- Request for Ratification
- The Registrar's memorandum initiating the complaint dated August 25, 2003
- The Registrar's Request to Initiate an Investigation dated August 25, 2003
- The Letter of Notification from the College to the member dated September 2, 2003
- Notification letter from the Board to the College dated May 26, 2003, including enclosures, being a report entitled Background Information
- Letter from Superintendent of Employee Relations of the Board to the College dated July 8, 2003 and enclosures being:
 - Typed witness statement of [XXX] dated May 28, 2003
 - Minutes of meeting between Board and OSSTF dated May 26, 2003
- List of e-mail addresses
- Typewritten statement of [XXX] dated July 7, 2003
- Witness statement from [XXX] dated May 28, 2003
- Witness statement of [XXX] dated May 28, 2003
- Witness statement [XXX] dated May 28, 2003
- Memorandum of Agreement signed by the parties

Decision of the Committee

On November 27, 2003, a panel of the Investigation Committee considered this complaint and, in accordance with the provisions of 26(5)(d) of the *Ontario College of Teachers Act, 1996*, the Investigation Committee ratified the attached Memorandum of Agreement. This is based on

the opinion of the committee that the terms of this Agreement resolve the complaint in the public interest.

Harry Mulvale

Elizabeth Papadopoulos

Patrick Slack