

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISIONS AND ORDERS

IN THE MATTER OF ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:

AND IN THE MATTER OF discipline proceedings against Paul William Tweedie.

The Discipline Committee held a hearing on September 27, 1999,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

PAUL WILLIAM TWEEDIE

PRESENT:

Members of the Panel

Kathleen McFadyen (Chair)

Jean Hanson

Larry Capstick

The Honourable Lloyd Houlden, Independent Counsel to the Panel

Caroline Zayid and Trevor Evans, McCarthy Tétrault, Counsel for the Prosecution

Ian Fellows, Green Chercover, Defense Counsel. Mr. Tweedie was not present.

A Notice of Hearing, dated June 18, 1999 was served on Paul William Tweedie, requesting attendance before the Discipline Committee of the Ontario College of Teachers on July 5, 1999 to set a date, and specifying the charges. A date for hearing was set for September 27, 1999.

It is alleged that Paul William Tweedie is guilty of professional misconduct in that:

- a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, section 1, subsection (5);
 - b) he abused a student physically, sexually, verbally, psychologically, or emotionally, contrary to Ontario Regulation 437/97, section 1, subsection (7);
 - c) he contravened a law the contravention of which is relevant to his suitability to hold a certificate of qualification and registration contrary to Ontario Regulation 437/97, section 1, subsection (16);
 - d) he contravened a law the contravention of which has caused or may cause a student or students under his professional supervision to be put at or remain at risk contrary to Ontario Regulation 437/97, section 1, subsection (17);
 - e) he failed to comply with the *Education Act*, Revised Statutes of Ontario, c.E2, section 264(1)(c) and the regulations made under that Act contrary to Ontario Regulation 437/97, section 1, subsection (15);
 - f) he performed acts or omissions that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional contrary to Ontario Regulation 437/97, section 1, subsection (18);
- and

g) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, section 1, subsection (19).

The Notice of Hearing states that Paul William Tweedie is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit 1).

On September 27, 1999 the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Paul William Tweedie was guilty of professional misconduct.

Mr. Tweedie was not in attendance at the hearing as he is currently incarcerated on a conviction for sexual exploitation. Proof of service of the Notice of Hearing was presented and accepted by the panel (Exhibit 1).

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit 1, alleging that Paul William Tweedie is guilty of professional misconduct in that his acts were contrary to the Professional Misconduct Regulation made under the Ontario College of Teachers Act and filed as Regulation 437/97 on December 4, 1997, in particular, section 1, subsections (5), (7), (15), (16), (17), (18), and (19).

Particulars of the alleged misconduct are set out in Exhibit 1 and they are to the effect that:

- 1) Paul William Tweedie is a member of the Ontario College of Teachers.
- 2) At all material times, Mr. Tweedie was employed as a teacher at [XXX].
- 3) On April 26, 1999, Paul William Tweedie pleaded guilty to the charge that between March 15, 1996 and April 17, 1998 at the Town of Cobourg or elsewhere in the Province of Ontario, being in a position of trust or authority towards [XXX], a young person, did for a sexual purpose, touch directly the body of [XXX], a young person, with a part of his body to wit: penis, contrary to section 153(1)(a) of the *Criminal Code of Canada* – sexual exploitation.
- 4) Mr. Tweedie was sentenced at the court in Cobourg on August 23, 1999.
- 5) In March, 1996, [XXX] was a [XXX] student at [XXX], Cobourg, Ontario. Mr. Tweedie was [XXX]'s [XXX] teacher for [XXX] and subsequently for [XXX], commencing in September, 1996.
- 6) On or about [XXX], 1996, which was [XXX]'s, she received roses at school without a card on them. She was later told by Mr. Tweedie, during 1997, that he had sent the roses to her.
- 7) In or about April 1997, when [XXX] returned from being away for a week on a school trip, Mr. Tweedie told her that he missed seeing her smiling face every morning.
- 8) In or about April 1997, on a school field trip to the Toronto Zoo, Mr. Tweedie bought [XXX] a peacock feather. He also offered to buy her lunch but she refused. During the course of that trip, Mr. Tweedie engaged in inappropriate discussion of a sexual nature with [XXX]

- 9) In or about May of 1997, [XXX] started working with [XXX] at Mr. Tweedie's residence and also started [XXX] with him. Also during that month, Mr. Tweedie, on a school trip to the [XXX], pressed or leaned his body against [XXX] inside a cave while they were waiting for other students.
- 10) Further, in May 1997, Mr. Tweedie gave [XXX] his gold signet ring and asked her to enter into a personal, intimate relationship with him.
- 11) On or about May 31, 1997, Mr. Tweedie arranged for [XXX] to communicate with him by electronic mail. Thereafter, Mr. Tweedie engaged in correspondence using that medium. The said correspondence was personal and unprofessional. A series of e-mails sent by Mr. Tweedie on or about June 6, 1997, suggested that he would alter [XXX]'s school mark as a result of the personal communication or relationship between them.
- 12) In or about June, 1997, [XXX] requested that she be [XXX] commencing in September, 1997, and Mr. Tweedie agreed to that.
- 13) In June of 1997, Mr. Tweedie fondled [XXX]'s buttocks, kissed and hugged her while at the school.
- 14) On or about July 1, 1997, [XXX] went to her grandparent's home in [XXX], Ontario, for a period of three weeks. During that time, Mr. Tweedie met with [XXX] and had sexual intercourse with her several times in his car. He also took her to the Chateau Laurier Hotel in Ottawa and had sexual intercourse with her there. During that time, Mr. Tweedie gave [XXX] a gold necklace and two weeks later he gave her a diamond pendant to go with the necklace.

- 15) On or about August 11, 12 and 16, 1997, [XXX] worked at Mr. Tweedie's residence painting gates. On those dates, Mr. Tweedie had sexual intercourse with [XXX]
- 16) Between August 22 and 26, 1997, [XXX] accompanied Mr. Tweedie and his wife to the [XXX]. Mr. Tweedie had sexual intercourse with her at his home during this time.
- 17) During the course of his relationship with [XXX], Mr. Tweedie told her that he was having marital problems, that his wife was very hard to live with and that she withheld sexual relations between them for months at a time.
- 18) During the course of the relationship, Mr. Tweedie requested that [XXX] keep the relationship with him a secret as he considered it the best thing to do. He also told her that he had contacted his lawyer and found out that he could get into trouble because she was a student and if found out he might go to jail, in which case he said he would kill himself.
- 19) In early September, 1997 Mr. Tweedie was booked for back surgery. He gave [XXX] information for lessons for the class. She did the research and the [XXX].
- 20) On or before September 19, 1997, [XXX] became [XXX] as a result of [XXX] Mr. Tweedie.
- 21) As a result of the [XXX], [XXX] withdrew from school in September, 1997.
- 22) Mr. Tweedie continued the relationship with [XXX] and on November 30, 1997, took [XXX] to meet his parents in [XXX], Ontario. He had sexual intercourse with her there and also in a motel on the way home.
- 23) Mr. Tweedie admitted, to both [XXX] and her mother, that he is the father of [XXX]'s child, although he blamed [XXX] for the [XXX] and the relationship.

- 24) The intimate relationship between Mr. Tweedie and [XXX] continued until February 1998 when [XXX] broke off the relationship.
- 25) Mr. Tweedie was suspended by the Kawartha Pine Ridge District School Board with pay from April 27, 1998 to May 14, 1998 and without pay effective May 15, 1998. The said Board terminated Mr. Tweedie's employment at a meeting held on May 28, 1998.

FINDINGS OF FACT:

Counsel for the member agreed to the facts as outlined in the Proceedings on Guilty Plea, before The Honourable Justice T. Whetung on April 26, 1999 (Exhibit 3) which conformed to the allegations as outlined in the Notice of Hearing (Exhibit 1).

Paul William Tweedie was found guilty of sexual exploitation, S.153(1)(a) under the *Criminal Code of Canada* (Exhibit 3) and sentenced to eight months imprisonment (Exhibit 2).

REASONS:

The Committee finds that the facts as presented by counsel constitute a finding of professional misconduct under sections (5), (15), (16), (17), (18), and (19) of the Professional Misconduct Regulation.

Counsel for Mr. Tweedie requested an adjournment of the decision of penalty until such time as Mr. Tweedie could attend to make submissions on his own behalf, in regard to the matter of penalty and publication.

DECISIONS AND ORDERS:

Accordingly, the Committee finds Paul William Tweedie guilty of professional misconduct under section 1, subsections (5), (7), (15), (16), (17), (18) and (19) of the Professional Misconduct Regulation, as alleged.

The matter of penalty will be determined at a Discipline Hearing before this panel to be held 30 days after the release of the member from prison, or at such other date as may be fixed by the Registrar. The member's license is suspended until the matter of penalty has been determined. The Committee's ban on publication will stand except that publication may be made of the fact that the member has been found guilty of professional misconduct and that his certificate is under suspension. The Registry of the Ontario College of Teachers will show a finding of professional misconduct with the penalty to be determined at the future hearing.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing be published in the official publication of the Ontario College of Teachers. The name of the member is being withheld pending determination at the conclusion of the hearing.

**DATED AT TORONTO, THIS 27th DAY OF SEPTEMBER, 1999
BY ORDER OF THE DISCIPLINE COMMITTEE**

Kathleen McFadyen, (Chair)

Jean Hanson

Larry Capstick