

**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 Frederick Wayne Tyrrell.

The Discipline Committee held a hearing on April 19, 2001,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**FREDERICK WAYNE TYRRELL  
CERTIFICATE # 221381**

**PRESENT:**

Members of the Panel

Guill Archambault(Chair)

Bernard J. Adam

Janet Cornwall

The Honourable Lloyd Houlden, Independent Counsel to the Panel

David Leonard, McCarthy Tétrault, Counsel for the Ontario College of Teachers,  
assisted by Trevor Evans, Senior Law Clerk

The member did not attend, nor was he represented.

This decision is subject to a publication ban. On April 19, 2001, the Discipline Committee made an order directing that there may be no publication of any information which may disclose the identity of the students involved in this matter.

A Notice of Hearing, dated November 10, 1999 was served on Frederick Wayne Tyrrell, requesting attendance before the Discipline Committee of the Ontario College of Teachers on December 6, 1999 to set a date for hearing, and specifying the charges. A date for hearing was set for April 19, 2001.

It is alleged that Frederick Wayne Tyrrell is guilty of professional misconduct in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he abused students physically, sexually, verbally, psychologically, or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2 section 264(1)(c) or the Regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- (d) he contravened a law and that contravention is relevant to his 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 of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18); and

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

The Notice of Hearing states that Frederick Wayne Tyrrell is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On April 19, 2001, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Frederick Wayne Tyrrell was guilty of professional misconduct.

Frederick Wayne Tyrrell was not in attendance at the hearing, nor was he represented by counsel. Proof of service of the Notice of Hearing was presented and accepted by the panel.

**EVIDENCE:**

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that Frederick Wayne Tyrrell 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, subsections 1(5), (7), (15), (16), (18) and (19).

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

1. Frederick Wayne Tyrrell is a member of the Ontario College of Teachers.
2. At all material times, the member was employed by the Thames Valley District School Board, formerly the London Board of Education as a teacher, vice-principal, then principal.
3. On a date or dates between January 1, 1976 and September 30, 1976 the member had sexual intercourse with [REDACTED], who was a [REDACTED] female student at [REDACTED] School.
4. On a date or dates on or between January 1, 1976 and September 1976, the member committed an act or acts of gross indecency with [REDACTED], who was a [REDACTED] year old student at [REDACTED] School.
5. Between January 1, 1974 and January 1, 1976 the member also engaged in inappropriate sexual and physical contact with [REDACTED], including kissing and fondling of [REDACTED] at [REDACTED] School.
6. On a date or dates on or between September 1, 1977 and September 2, 1978, the member had sexual intercourse with [REDACTED], a [REDACTED] female student.
7. On a date or dates on or between September 1, 1977 and September 2, 1978, the member committed indecent assaults upon [REDACTED], a [REDACTED] female student.
8. On a date or dates on or between September 1, 1978 and September 2, 1980, the member had sexual intercourse with [REDACTED], a [REDACTED] student.
9. On a date or dates on or between September 1, 1977 and September 2, 1981, the member committed an act or acts of gross indecency with [REDACTED], a female student or former student.

10. Between September 1, 1988 and September 2, 1981 the member engaged in sexual touching of [ ] which included fondling, oral sex, and sexual intercourse. The said touching occurred in the member's car, in the school where the member was employed, and elsewhere.
11. Between September 1, 1977 and September 2, 1981, the member suggested or recommended that [ ] engage in sexual touching of, or sexual intercourse with, other teachers in exchange for money.
12. On a date or dates on or between January 1, 1981 and September 30, 1983, the member committed an act or acts of gross indecency with [ ], an [ ] female student.
13. On a date or dates on or between January 1, 1981 and January 3, 1983, the member indecently assaulted [ ], a [ ] female student.
14. On a date or dates on or between January 4, 1983 and September 30, 1983, the member sexually assaulted [ ], a [ ] female student.
15. Between January 1, 1981 and September 30, 1983, the member engaged in sexual touching of [ ] including touching her breasts and oral sex.
16. On or about December 3, 1998, the member was found guilty of three counts of having sexual intercourse with students [ ] and [ ], one count of indecent assault on [ ] and two counts of gross indecency with [ ] and [ ], contrary to subsections 146(1), 149, 157, 164(2) and of the *Criminal Code of Canada* applicable at the time of the offences.
17. On or about January 18, 1999, the member was sentenced to a total of three years penitentiary imprisonment in respect of the said convictions.

18. On May 30, 1997, the member resigned his employment with the Thames Valley District School Board.

An Agreed Statement of Facts was filed as Exhibit #2. That statement had been dated April 7, 2001 and was signed by the member, Frederick Wayne Tyrrell, Thomas Forbes, Q.C. , Counsel for the Ontario College of Teachers and Melvyn Green, Sack Goldblatt Mitchell, Counsel for the member.

#### **FINDINGS OF FACT:**

Based on the Agreed Statement of Facts, the panel finds the following facts:

- (1) Frederick Wayne Tyrrell is a member of the Ontario College of Teachers.
- (2) At all material times, the member was employed by the Thames Valley District School Board, formerly the London Board of Education, as a teacher, vice-principal, then principal. The member was a vice principal at [REDACTED] from September 1974 until June 1978, when he left to assume the position of principal at another school.
- (3) The member was charged with having sexual intercourse with [REDACTED], a female, between January 1, 1976 and July 19, 1976. [REDACTED], whose date of birth is [REDACTED]. At the time, [REDACTED] was a [REDACTED] for the [REDACTED].
- (4) The member was also charged with committing acts of gross indecency with [REDACTED] between January 1, 1976 and September 30, 1976.
- (5) The member was charged with having sexual intercourse with [REDACTED] between September, 1977 and September 2, 1980. [REDACTED] was a [REDACTED] student in grade [REDACTED] at

- [redacted] School [redacted] when she first met the member, who was then the vice principal at the school.
- (6) The member was also charged with committing acts of gross indecency with [redacted] between September 1, 1977 and September 2, 1981.
  - (7) Finally, the member was also charged with indecently assaulting [redacted] between September 1, 1977 and September 2, 1978.
  - (8) On May 30, 1997, the member resigned his employment with the Thames Valley District School Board.
  - (9) On or about December 3, 1998, following a trial in the General Division of the Ontario Court of Justice, the member was found guilty of two counts of having sexual intercourse with [redacted], and one count of having sexual intercourse with [redacted], one count indecent assault on [redacted], one count of gross indecency with [redacted] and a further count of gross indecency with [redacted], contrary to sections 164(1), 146(2), 149 and 157, as the offences were then respectively numbered, of the *Criminal Code of Canada*.
  - (10) On or about January 18, 1999, the member was convicted of these six offences and sentenced to a total of three years imprisonment in respect of the said convictions. An appeal against the convictions and sentence was dismissed by the Court of Appeal for Ontario on January 4, 2001.
  - (11) A copy of the indictment dated April 23, 1998 on which is noted the endorsements of Justice Ronald Haines with respect to the findings of guilt dated December 3, 1998, and convictions entered on January 18, 1999 was attached as Exhibit A to the Agreed Statement of Facts.

(12) In view of his convictions at trial and the dismissal of his appeal therefrom by the Court of Appeal for Ontario, the member, Frederick Wayne Tyrrell, by the Agreed Statement of Facts, did not contest the factual findings inherent in his six convictions (that is, sexual intercourse and gross indecency with [■] and sexual intercourse and gross indecency with and indecent assault of [■]) and acknowledged that this conduct, as found, was capable of constituting professional misconduct as defined in Ontario Regulation 437/97.

The Committee finds that based on the Reasons for Judgement (Exhibit #3) that the witnesses were credible and agrees with the judgement that there was sufficient cogent and reliable evidence to support a finding of guilt beyond a reasonable doubt.

The Committee accepts the Agreed Statement of Facts as signed by the member.

#### **DECISIONS AND ORDERS:**

Accordingly, the Committee finds Frederick Wayne Tyrrell guilty of professional misconduct under subsections 1 (5), (15), (16), (18) and (19) of the Professional Misconduct Regulation, as alleged and under subsection 1(7) in that he abused students sexually, and directs the Registrar to revoke the member's Certificate of Qualification and Registration immediately.

**Notice**

It is important to the College's role in the governance of the profession to provide evidence to members that the College is active in self-regulation and is vigilant to breaches of its bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College's disciplinary Committees, and is, in the opinion of the panel, a practice that has significant general deterrent value.

Pursuant to section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers.

**DATED AT TORONTO, THIS 4th DAY OF MAY, 2001.  
BY ORDER OF THE DISCIPLINE COMMITTEE**

---

Guill Archambault, **Chair**

---

Bernard J. Adam

---

Janet Cornwall