

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 Pieter Van Dyken.

The Discipline Committee held a hearing on July 19, 1999,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**PIETER VAN DYKEN
CERTIFICATE #151687**

PRESENT:

Members of the Panel

Diane Leblovic (Chair)

Larry Capstick

Wayne Cornack

The Honourable Robert Reid, Independent Counsel to the Panel

Thomas L. Forbes, Q.C. and Trevor Evans, McCarthy Tétrault, Counsel for the Prosecution

The member was not present nor was he represented.

A Notice of Hearing, dated June of 1999 was served on Pieter Van Dyken on June 16, 1999, requesting attendance before the Discipline Committee of the Ontario College of Teachers to set a date on July 5, 1999 and specifying the charges. The date set for hearing was July 19, 1999. Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit 1, alleging that Pieter Van Dyken 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 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 or students 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 Pieter Van Dyken is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit 1).

On July 19, 1999 the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Pieter Van Dyken was guilty of professional misconduct.

Pieter Van Dyken 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 (Exhibit 1).

EVIDENCE:

Six witnesses gave testimony to the allegations against Pieter Van Dyken. These witnesses were [■] and [■], the victims, Trevor Evans, Senior Law Clerk at McCarthy Tétrault, John Greydanus, Chairman of the [■], Sgt. Jim

Colham, Waterloo Regional Police and Constable Mike Allard, Waterloo Regional Police.

The evidence provided is listed as per the allegations below:

1. Pieter Van Dyken, also known as Peter Van Dyken, is a member of the Ontario College of Teachers.
2. At all material times, Mr. Van Dyken was employed as a teacher and Principal at the [] by the [].
3. On November 4, 1997, Mr. Van Dyken was convicted by the Ontario Court (Provincial Division) at the City of Kitchener, Ontario, after pleading guilty to the charge, that between January 1, 1988 and June 30, 1990, he did commit a sexual assault on [], for which he was sentenced on February 5, 1998 to eight months custody, and eighteen months probation.
4. On November 4, 1997, Mr. Van Dyken was convicted by the Ontario Court (Provincial Division) at the City of Kitchener, Ontario, after pleading guilty to the charge, that between March 1, 1989 and March 31, 1989, although not a teacher or principal of [] at the time, being in a position of trust or authority toward [], a young person, did for a sexual purpose touch directly the body of [], a young person, with a part of his body: his hands to []'s breasts, contrary to section 146(1) of the *Criminal Code of Canada*, for which he was sentenced on February 5, 1998, to two months custody, consecutive and eighteen months probation concurrent.

5. Between January 1, 1988, and June 30, 1990, [REDACTED] was a student at the [REDACTED], where Mr. Van Dyken was Principal and [REDACTED].
6. [REDACTED] was born on [REDACTED]. At all material times [REDACTED] was a grade [REDACTED] student at the [REDACTED].
7. Due to difficulties [REDACTED] was experiencing at school, Mr. Van Dyken offered assistance to [REDACTED] after regular school hours.
8. During some of those sessions, Mr. Van Dyken hugged [REDACTED] and kissed his lips.
9. Between January 1, 1988 and June 30, 1990, Mr. Van Dyken invited [REDACTED] to his home for [REDACTED]. On approximately 50 occasions, Mr. Van Dyken took [REDACTED] into an office in his home. On those occasions, Mr. Van Dyken sat against the wall, with his legs open and had [REDACTED] sit between his legs. Mr. Van Dyken read stories to [REDACTED] and during that time he placed his hand inside [REDACTED]'s pants and fondled his penis. Those episodes lasted between 15 minutes and ½ hour on each occasion.
10. On one occasion, Mr. Van Dyken invited [REDACTED] to what [REDACTED] thought was a meeting of teachers in Paris, Ontario. [REDACTED] stayed in the same hotel room as Mr. Van Dyken. [REDACTED] was asked by Mr. Van Dyken to stay in the same bed, and while there Mr. Van Dyken touched [REDACTED]'s penis.
11. Between January 1988 and June 1990, Mr. Van Dyken took [REDACTED] on a camping trip. Mr. Van Dyken invited [REDACTED] to share his sleeping bag.
12. Between January 1, 1988 and June 30, 1990, Mr. Van Dyken wrote a number of cards and letters to [REDACTED]. These letters contained an invitation to come and see Mr. Van Dyken either at the school or at his home. The letters contained other

statements implying or threatening an inappropriate relationship between Mr. Van Dyken and [REDACTED], and between Mr. Van Dyken and one or more of [REDACTED]'s brothers. Mr. Van Dyken later wrote letters to [REDACTED] when [REDACTED] was in high school asking for further contact.

13. [REDACTED] was born on [REDACTED]. In 1986, she graduated from [REDACTED]. While [REDACTED] was a student at the school, Mr. Van Dyken was both a teacher and Principal.
14. While [REDACTED] was a student at the school, she and Mr. Van Dyken had a close relationship. He called her names like "cutey-pie" and "sweetie-pie" while they were at school. Following graduation [REDACTED] saw Mr. Van Dyken periodically - usually at [REDACTED] or [REDACTED].
15. During the March break in 1989, when [REDACTED] was [REDACTED], she was staying with friends who lived close to Mr. Van Dyken's home in Cambridge. On one occasion, she was asked to [REDACTED].
16. At the conclusion of the evening, Mr. Van Dyken offered to walk her back to her residence taking a route through the park. Mr. Van Dyken held her hand and kissed her. He then put his hands underneath her sweater and began to fondle her breasts under her shirt and on top of her bra.
17. Two or three days later, [REDACTED] made a suicide attempt by swallowing a number of pills.

FINDINGS OF FACT:

The panel finds that based on the uncontested evidence given by the witnesses and all of the exhibits filed, that the College has established on the preponderance of clear and credible testimony, that Pieter Van Dyken's conduct constitutes professional misconduct.

REASONS:

The Committee finds that principals and teachers have a special responsibility to their students and to their community which requires a high level of trust and authority. Mr. Van Dyken's behaviour with [] and [] was both reprehensible and a clear breach of trust. It was also unacceptable for Pieter Van Dyken to engage in sexual exploitation with a [] former student. It was unacceptable for Pieter Van Dyken to touch [] who was [] at the time, in a sexual way. Pieter Van Dyken took advantage of his position as principal and teacher to involve [] in sexual assault while on outings outside of school and while at Peter Van Dyken's home.

DECISIONS AND ORDERS:

Accordingly, the Committee finds Pieter Van Dyken guilty of professional misconduct under section 1 (5), (7), (15), (16), (17), (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke Pieter Van Dyken'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 and in any other manner or medium that the Committee considers appropriate in the particular case. The Committee also orders that, in any publication, whether that of the College or any media, that the names or initials of the students not be published.

**DATED AT TORONTO, THIS 19th DAY OF JULY, 1999
BY ORDER OF THE DISCIPLINE COMMITTEE**

Diane Leblovic, **Chair**

Larry Capstick

Wayne Cornack