

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

**A COMPLAINT SUBMITTED BY THE REGISTRAR  
REGARDING JAMES RUSSEL WADDEN**

**PANEL:** Terry H. Price, OCT  
Susan Robertson  
Liz Papadopoulos, OCT

**IMPORTANT NOTICE**

The Investigation Committee has disposed of this matter with a ratification of an agreement between the College and James Russel Wadden.

On November 20, 2009, the Ontario College of Teachers (the "College") received notification from the Nova Scotia Department of Education, concerning one of its former employees, James Russel Wadden, a retired teacher with the Halifax Regional School Board, pursuant to its obligations under Section 20A of the *Nova Scotia Governor-in-Council Education Act Regulations*.

James Russel Wadden (the "Member") is a member of the College whose certificate of qualification is suspended for non-payment of fees.

According to an e-mail received from the Nova Scotia Department of Education, on November 13, 2009, the Member was convicted in relation to charges of possession of child pornography. The pornographic images were found on the Member's computer in April 2009, after he had brought it in to a local computer repair business. The employee subsequently contacted the police and the Member's computer was seized and sent for forensic analysis. There were three pornographic images found on the Member's computer. The Member was given the mandatory minimum sentence of 14 days in a correctional facility, followed by 18 months of probation.

On December 4, 2009, the Registrar initiated an investigation into the matter. The Member was duly notified.

On February 22, 2010, the College requested that the Member sign an Agreement and Undertaking not to teach, or seek or engage in any employment for which a certificate of qualification and registration is required until the College disposes of the complaint.

On March 30, 2010, the Member signed the Agreement and Undertaking not to teach, or seek or engage in any employment for which a certificate of qualification and registration is required until the College disposes of the complaint.

On April 26, 2010, the Nova Scotia Department of Education advised the College that the Member's Nova Scotia Teacher's Certificate was cancelled effective April 15, 2010 due to the criminal conviction for child pornography.

In consideration of the above, in June 2010, the parties signed a Memorandum of Agreement (the "MOA") which, in their opinion, resolves the issues raised by the complaint.

## Allegations

As the Complainant, the Registrar alleges that James Russel Wadden, a former teacher with the Halifax Regional School Board, acted in an inappropriate and unprofessional manner and failed to maintain the standards of the profession when he:

1. in or about the month of April 2009, possessed child pornography in the form of graphic computer images; and
2. in so doing, contravened laws that are relevant to the Member's suitability to hold a certificate of qualification and registration and that have caused or may cause a student under the Member's professional supervision to be put at or to remain at risk.

## Documents Provided to the Committee

- Request for Ratification
- E-mail from Nova Scotia Department of Education to College, dated November 20, 2009
- News article, dated November 19, 2009
- Memorandum from Registrar to Director of Investigations and Hearings re. Registrar's Complaint, dated December 8, 2009
- Request to Initiate Investigation Form, dated December 4, 2009
- Letter from Registrar to Member re. Complaint of Registrar, dated January 8, 2010
- Letter from Investigator to Member re. Agreement and Undertaking, dated February 22, 2010
- Memorandum from Investigator to file re. Telephone Conversation with Member, dated March 9, 2010
- Agreement and Undertaking signed by Member, dated March 30, 2010
- Memorandum from Investigator to file re. Telephone Conversation with Registrar in Nova Scotia, dated December 11, 2009

- Preliminary Investigative Report from Registrar in Nova Scotia, dated December 4, 2009
- Letter from Registrar in Nova Scotia to College re. cancelled certificate, dated April 26, 2010
- Nova Scotia Court Information re. charge of child pornography, dated August 24, 2009
- Record of Conviction, Nova Scotia, dated March 2, 2010
- Memorandum of Agreement signed by the parties

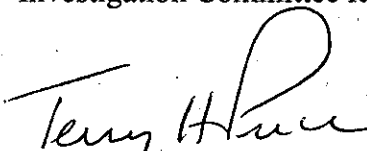
## Decision of the Committee

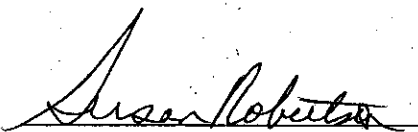
The Ontario College of Teachers (the "College") is the regulatory body for the teaching profession in Ontario. Its mandate is to regulate the teaching profession in the public interest. The College registers individuals who are qualified to teach in Ontario, supports teachers in their profession, and resolves complaints about members of the teaching profession.


On June 22, 2010, a panel of the Investigation Committee carefully reviewed the submissions of the parties and all relevant information available to the College. The panel also determined that none of the panel members were in a position of conflict regarding this complaint.

The Investigation Committee is satisfied that the allegations set out in the complaint relate to professional misconduct as that term is defined in the *Ontario College of Teachers Act, 1996* and its Regulations.

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.

  
Terry H. Price, OCT, Chair

  
Susan Robertson

  
Liz Papadopoulos, OCT