

**DISCIPLINE COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS**

IN THE MATTER OF the *Ontario College of Teachers Act, 1996*, and the Regulation (Ontario Regulation 437/97) thereunder;

AND IN THE MATTER OF a discipline proceeding against Guy Reginald Wakeford, a member of the Ontario College of Teachers.

PANEL: Anne Vinet-Roy, Chair
 Gabrielle Blais
 Don Cattani

BETWEEN:)	
)	
	)	Eric Block,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Jennifer Robinson,
	)	Law Clerk
- and -)	
)	
GUY REGINALD WAKEFORD	)	Nancy Jammu-Taylor,
(CERTIFICATE #438116)	)	McTague Law Firm LLP,
	)	for Guy Reginald Wakeford,
	)	(via teleconference)
)	
	)	Scott Hutchison,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: February 6, 2006

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on February 6, 2006 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated September 13, 2004 was served on Guy Reginald Wakeford, requesting attendance before the Discipline Committee of the Ontario College of Teachers on October 4, 2004 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for February 6, 2006.

Guy Reginald Wakeford was not in attendance at the hearing.

The Allegations

The allegations against Guy Reginald Wakeford in the *Notice of Hearing*, (*Exhibit 1*) dated September 13, 2004 are as follows:

IT IS ALLEGED that Guy Reginald Wakeford is guilty of professional misconduct as defined in section 30(2) of the *Ontario College of Teachers Act, 1996* (the “Act”), in that:

- (a) he provided false information or documents to The Neskantaga First Nation Education Authority with respect to his professional qualifications, contrary to Ontario Regulation 437/97, subsection 1(1);
- (b) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (c) he signed or issued, in his professional capacity, a document that he knew or ought to have known contains a false, improper or misleading statement contrary to Ontario Regulation 437/97, subsection 1(12); and/or
- (d) he falsified a record relating to his professional responsibilities, contrary to Ontario Regulation 437/97, subsection 1(13);

- (e) he failed to comply with the Act and the Education Act, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c) thereof or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (f) he committed acts that having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (g) he engaged in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (h) he displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of his students of a nature or extent that demonstrates that the Member is either unfit to carry out his professional responsibilities or that the Member's certificate should be made subject to terms, conditions or limitations.

At the hearing, College Counsel withdrew the allegation that the Member displayed a lack of knowledge, skill or judgment and/or a disregard for the welfare of his students of a nature or extent that demonstrates that the Member is either unfit to carry out his professional responsibilities or that the Member's certificate should be made subject to terms, conditions or limitations.

Agreed Statement of Facts

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 2, an Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty. (ASF – Exhibit 2)*

The *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* provides as follows:

1. Guy Reginald Wakeford (the "Member") is a member of the Ontario College of Teachers. Attached hereto is a copy of the Ontario College of Teachers Register Status Information respecting the Member. (*ASF – Exhibit 2, Tab A*)
2. At all material times, the Member was employed by the Eabametoong First Nation Education Authority (“the Board”) and provided guidance counselling and student services to students at the John C. Yesno Education Centre (“the School”), in Eabametoong (Fort Hope), a fly-in Ojibwe First Nations Community on the north shore of Eabamet Lake, Ontario.
3. From August 2002 until March 2003, C.P. was the Principal of the School. Upon his retirement from the School, C.P. was 68 years of age.
4. At the time in question, regular evaluations of school teachers were conducted by C.P., the School’s Principal. C.P.’s usual practice was to make notes based on his observations of the teacher, complete the evaluation form in his own handwriting, then meet with the teacher to present his conclusions orally. C.P. never entered his comments in typed form. After the meeting, the teacher would be given an opportunity to add comments to the evaluation form. The evaluation form would then be returned to C.P. for review and for filing in the official School records.

5. The School's evaluation forms have a rating scheme as follows: "1" is "unsatisfactory"; "2" is "satisfactory", "3" is "good"; "4" is above average" and "5" is "superior".
6. In or about February 2003, C.P. observed the Member teaching. On or about February 11, 2003, the Member met with C.P., who conducted an oral evaluation of the Member. C.P. told the Member that his rating of the Member was "average". The Member offered to complete the form in accordance with their discussion following the oral evaluation. Following the oral evaluation, on February 11, 2003, C.P. provided the Member with a blank evaluation form, which he had signed, for the Member's completion. C.P. also instructed the Member to submit the completed evaluation to C.P. for review and confirmation.
7. The Member completed the evaluation form (the "February Evaluation"). Despite the oral evaluation given to the Member by C.P., the Member gave himself a uniformly positive evaluation, grading himself with a "5" or "Superior" and entered typed comments on the form which purported to be those of C.P. but which did not reflect the oral evaluation provided by C.P. A copy of the February Evaluation is attached. (*ASF – Exhibit 2, Tab B*)
8. Prior to filling out the February Evaluation, the Member had no other discussion regarding the Member's evaluation with C.P. or any other School official. The Member completed the February Evaluation in an inaccurate and misleading fashion.
9. The Member did not return the February Evaluation to C.P., as instructed, or to any other School official.
10. Neither C.P. nor any other School official completed or approved the February 2003 Evaluation. Except for the signature of C.P. and the date thereof, the contents of the February Evaluation were completed solely by the Member.
11. C.P. left the School in March 2003.

12. The School's Education Co-ordinator, S.N., conducted an evaluation of the Member in April 2003 (the "April Evaluation"), a copy of which is attached. (*ASF – Exhibit 2, Tab C*) Stating that he disagreed with the April Evaluation, the Member refused to sign it. The Member did not alert the School or any related official of the existence of the February Evaluation.
13. In or about March 2003, in an effort to gain new employment, the Member provided Neskantaga First Nation Education Authority ("Neskantaga") with the February Evaluation.
14. Based in part on the inaccurate and misleading statements contained in the February Evaluation, Neskantaga hired the Member as Principal.
15. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 14 above (the "admitted facts"). The Member hereby acknowledges that the admitted facts, and in particular the facts and exhibits referred to in paragraphs 7, 8, 9,10, 12 (last sentence) and 13 above, constitute conduct which is disgraceful, dishonourable and unprofessional and pleads no contest to the allegations of professional misconduct against him being more particularly breaches of Ontario Regulation 437/97 1(1), 1(5), 1 (12), 1(13), 1 (14) 1(15), 1 (18) and 1(19).
16. The Member states that he:
 - (a) understands fully the nature of the allegations that have been made against him;
 - (b) understands that by pleading no contest he is waiving his right to require the College to prove the case against him and the right to have a hearing; and
 - (c) states that this plea of no contest was made voluntarily, unequivocally and with the benefit of independent legal counsel.
17. The Member provides this plea of no contest pursuant to Rule 3.02 of the Rules of Procedure of the Discipline Committee under protection of the *Evidence Act*, R.S.O.

1990, c. E 23 and for the purpose of this proceeding under the *Ontario College of Teachers Act*, 1996, Chapter 12, and for no other purpose. The Member's plea of no contest does not constitute an admission by the Member as to the facts or findings in any other civil, criminal or administrative proceeding.

18. The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be that the Committee:

(a) directs the Registrar of the Ontario College of Teachers to suspend the certificate of qualification and registration of the Member for a period of three (3) months from the date of this Order, the fact of such suspension to be recorded on the register; and

(b) directs that there be publication of the findings and order of the Committee, in summary form, including the full name of the Member, in the official publication of the College.

19. By this document, the Member acknowledges his understanding that any agreement between the College and defence counsel with respect to penalty proposed does not bind the Discipline Committee.

Decision as to Finding

Having examined the Exhibits filed, and based on the plea of no contest, the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, and the submissions made by counsel, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Guy Reginald Wakeford

committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(1), 1(5), 1(12), 1(13), 1(14), 1(15), 1(18) and 1(19).

Penalty Decision

The Committee accepts the Joint Submission on Penalty and makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to suspend the certificate of qualification and registration of the Member for a period of three (3) months from the date of this Order, the fact of such suspension to be recorded on the register; and
2. Pursuant to Section 30 (5) (3) of the *Ontario College of Teachers Act*, the findings and order of the Committee shall be published in summary, with the Member's full name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

Reasons for Decision

The Committee accepted the evidence contained in the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty. (Exhibit 2)*

The Committee found that the Member, a teacher, was guilty of professional misconduct in that he falsified his evaluation and used this evaluation to obtain new employment as a principal. Such misconduct brings the integrity of the profession into disrepute. The public and the profession should be satisfied that teacher evaluations are both accurate and honest, as they are used to maintain employment and to secure promotion.

The Committee is satisfied that suspension of the Member's certificate of qualification and registration for three months is an appropriate penalty and is in the public interest.

The Committee felt that publication meets the objective of general deterrence to the profession as well as the objective of specific deterrence to the Member and serves the public interest.

Dated: February 6, 2006

Anne Vinet-Roy
Chair, Discipline Panel

Gabrielle Blais
Member, Discipline Panel

Don Cattani
Member, Discipline Panel