

**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 Christopher Douglas Ward, a member of the Ontario College of Teachers.

PANEL: Nancy Hutcheson, Chair
Lynne Mastin
Jacques Tremblay

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| BETWEEN: |) | |
| |) | David E. Leonard, |
| |) | McCarthy Tétrault LLP, |
| |) | for Ontario College of Teachers, |
| ONTARIO COLLEGE OF TEACHERS |) | assisted by Trevor Evans, |
| |) | Senior Law Clerk |
| - and - |) | |
| |) | |
| CHRISTOPHER DOUGLAS WARD |) | William W. Markle, |
| (CERTIFICATE #428666) |) | Markle May Phibbs, |
| |) | assisted by Stephanie Carey, |
| |) | for Christopher Douglas Ward, |
| |) | |
| |) | |
| |) | Paul Le Vay, |
| |) | Stockwoods LLP, |
| |) | Independent Legal Counsel |
| |) | |
| |) | Heard: October 12, 2006 |

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on October 12, 2006 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated January 4, 2006 was served on Christopher Douglas Ward, requesting attendance before the Discipline Committee of the Ontario College of Teachers on January 16, 2006 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for October 12, 2006.

Christopher Douglas Ward was not in attendance at the hearing.

THE ALLEGATIONS

The allegations against Christopher Douglas Ward in the *Notice of Hearing*, (*Exhibit 1*) dated January 4, 2006 are as follows:

IT IS ALLEGED that Christopher Douglas Ward is guilty of professional misconduct as defined in section 30(2) and 40(1.1) of the *Ontario College of Teachers Act, 1996* (the “Act”), in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he abused a student or students physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsections 1(7);
- (c) 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);
- (d) 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);

- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the Act.

PUBLICATION BAN

On October 12, 2006 the Discipline Committee made an order that there be no publication of any information that may disclose the identity of the student involved in this matter.

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. Christopher Douglas Ward, born 20 October 1973, is a member of the Ontario College of Teachers (the "Member"). Attached hereto and marked as **Exhibit A** is a copy of the Ontario College of Teachers Registered Member information of the Member.
2. At all material times the Member was employed by the Ottawa-Carleton Catholic School Board (the "Board") as a teacher of Grades 7 and 8 at All Saints Catholic High School in Kanata (the "School"), which has a student enrolment from grades 7 to 12. In addition to his classroom teaching responsibilities, the Member was also the director of a

musical band at the School and was involved in various [**] productions for the School and the Board.

3. At all material times [] was a female student at the School. [] was born on []. [] was interested in [] and [].

4. The Member began teaching at the School in the 2002-2003 academic year. That academic year, [] was 13 years old and in Grade 8. The member was []'s [] teacher and the director of the school [] in which [] played.

5. During the 2003-2004 academic year, [] was 14 years old and in grade 9. That academic year, the Member was again the director of the school [] for grades 7 and 8. [] was a [] mentor, assisting with students in grade 7 and 8. Her duties included putting away [] and meeting with the Member at lunch time to offer help and to get advice. During that academic year, [] also participated in four or five school [] as a member of the []. The Member was the stage manager for [], in charge of the []. For one particular production, [], the Member chose [] to be the [].

6. During the 2004-2005 academic year, [] was 15 years old and in grade 10. Commencing in approximately the month of February 2005, while [] was working as [] for the Member on a Board production of [], the Member developed an interest in [] that extended beyond the boundaries of an appropriate teacher/student relationship.

7. As a result of active steps taken by the Member, his relationship with [] quickly became inappropriate and unprofessional. The Member sought out and obtained the home telephone number and email address of []. He then began to use them frequently

to communicate with [REDACTED] concerning matters other than those relating to school and academic activities. During the course of this relationship, the Member engaged in inappropriate communications with [REDACTED] by telephone and email. To hide his relationship with [REDACTED], the Member created email addresses which he used only for the purpose of communicating with [REDACTED]. During the frequent communications with [REDACTED], the Member and [REDACTED] discussed many topics of a private and personal nature. The Member shared with [REDACTED] his unprofessional and inappropriate interest in her, shared with her details of his personal life, including marital difficulties he was having with his wife, and encouraged [REDACTED] to share personal and private details of her life, which she did. During the course of these communications, the Member and [REDACTED] discussed extending and expanding their relationship and starting a life together. During the course of these communications, the Member repeatedly professed his love for [REDACTED]. Throughout, the Member cautioned and counselled [REDACTED] to keep their relationship secret, which [REDACTED] did.

8. In July 2005, a fellow student of [REDACTED] found a number of inappropriate and unprofessional email communications exchanged between the Member and [REDACTED]. The fellow student brought the email communications to the attention of the Vice-Principal of the School, and the Board launched an investigation.

9. In August 2005, while the Member was under investigation by the Board, the Member continued to communicate in an inappropriate and unprofessional manner with [REDACTED], which communication included, but was not limited to, his use of email and telephone calls.

10. On or about 6 September 2005, the employment of the Member by the Board was terminated for cause. Following his dismissal by the Board, the Member continued to communicate inappropriately and unprofessionally with [REDACTED] by telephone and email.

11. On or about 9 December 2005, the Executive Committee of the College ordered an interim suspension of the Member's Certificate of Qualification and Registration, and the Member was so advised by the College. Despite the involvement of the College and his Certificate of Qualification and Registration being interim suspended, the Member continued communicating with [REDACTED]

12. In December 2005, the Member mailed a parcel containing Christmas presents to [REDACTED] at her home. The Member mailed the parcel from his home in Nova Scotia, where he moved following the termination of his employment with the Board. The Member took steps to attempt to conceal the fact that he had sent the parcel, putting the name of a female person with his home address on the return address portion of the address label.

13. In February 2006, the Member mailed by Express Post an envelope containing a Valentine's Day card to [REDACTED] at her home. The Member took steps to attempt to conceal the fact that he had sent the parcel, again putting the name of the same female person with his home address on the return address portion of the address label. Attached hereto and marked as **Exhibit "B"** is a copy of the Express Post envelope, which was mailed in Nova Scotia on 11 February 2006, and delivered on 13 February 2006.

14. Following his return to Nova Scotia, the Member continued communicating with [REDACTED]. On numerous occasions the Member called [REDACTED] on her home telephone or had [REDACTED] call him at his home. Attached hereto and marked as **Exhibit "C"** are copies of the

chargeable messages on the phone bills for []'s home phone covering the periods 9-21 November 2005, and 26 December 2005 to 19 January 2006. The Member remains in regular communication with [], having spoken to her about the Hearing in this matter as recently as the week of 25 September 2006.

PLEA OF NO CONTEST

15. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 15 above (the "Admitted Facts"). The Member hereby acknowledges that his conduct as described in the Admitted Facts constitutes conduct that is unprofessional and pleads no contest to allegations of professional misconduct against him being more particularly, breaches of Ontario Regulation 437/97, subsections 1(5), 1(7), (14), (15), (18) and (19).

16. The Member states that:
- a) he understands fully the nature of the allegations that have been made against him;
 - (a) he understands that by pleading no contest to the particulars as set out herein, he is waiving his right to require the College to prove the case against him and the right to have a hearing into those allegations;
 - (b) he voluntarily decided to plead no contest ; and
 - (c) he states that this plea of no contest was made voluntarily, unequivocally and with the benefit of independent legal counsel.

17. In light of the admitted facts and circumstances, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

JOINT SUBMISSION ON PENALTY

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 is that:

- (a) the Discipline Committee direct the Registrar of the Ontario College of Teachers to revoke immediately the Certificate of Qualification and Registration of the Member, which Certificate the Member agrees to surrender immediately to the Registrar of the Ontario College of Teachers;
- (b) the Discipline Committee orders that the Member may not apply for reinstatement for a period of at least five (5) years following the date of this Order; and
- (c) the findings and Order of the Committee be published, in summary, with the Member's full name, in the official publication of the College, Professionally Speaking/Pour parler profession.

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

DECISION

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 Christopher Douglas

Ward committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7), 1(14), 1(15), 1(18) and 1(19).

REASONS FOR DECISION

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

The Member admits that he developed an interest in [■] that extended beyond the boundaries of an appropriate teacher/student relationship. He sought out and obtained the home telephone number and e-mail address of [■]. He frequently shared with [■] his unprofessional and inappropriate interest in her, shared with her marital difficulties he was having and discussed extending and expanding the relationship with [■] and starting a life together. The Member repeatedly professed his love for [■].

The Member cautioned and counselled [■] to keep their relationship secret and he took steps himself to maintain secrecy, including creating e-mail addresses he used only for the purpose of communicating with [■] and sending parcels with the name of a female person on the return address portion of the address label.

The Member admits that he continued to communicate in an inappropriate and unprofessional manner with [■] in the face of an investigation by the Board and by the College, despite his dismissal for cause by the Board, allegations of professional misconduct by the College and his interim suspension from the College. The Member

persists in his relationship with [■], communicating with her by phone as recently as the week of 25 September 2006.

The Committee finds that this persistent and unrepentant behaviour demonstrates a serious breach of trust and an abuse of the teacher/student relationship such that the Member is guilty of professional misconduct.

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 revoke the Certificate of Qualification and Registration of the Member, which Certificate the Member is to surrender immediately to the Registrar of the Ontario College of Teachers;
2. The Discipline Committee orders that the Member may not apply for reinstatement for a period of at least five (5) years following the date of this Order; and
3. 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 PENALTY DECISION

The Committee finds that the penalty proposed in the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty* is appropriate in these circumstances. The Member engaged in an ongoing inappropriate relationship, commenced at the behest of the Member and derived from the power imbalance inherent in the nature of the teacher/student relationship. Although this agreement saves the student from giving evidence in this matter, the Member persists in placing his interests above the well being of this student. The Committee has grave concerns about potential harm to students were the Member to continue to teach. The penalty eliminates the possibility of recurrence of this type of behaviour on the part of the Member and protects students and the public.

Section 33 (4) of the *Ontario College of Teachers Act* specifies that an application for reinstatement following revocation shall not be made earlier than one year from the date of the order. The Committee finds that, in light of the Member's ongoing relationship with a student and his disregard for her well being and that of her family, as well as his disdain for the expectations of his profession, one year is not sufficient to ensure rehabilitation on the part of the Member. Therefore, to protect the safety of students, the Committee has ordered that the Member cannot apply for reinstatement for a period of at least five years from the date of this order.

The Committee finds 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: October 12, 2006

Nancy Hutcheson
Chair, Discipline Panel

Lynne Mastin
Member, Discipline Panel

Jacques Tremblay
Member, Discipline Panel