

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

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 Andrew George Watson.

The Discipline Committee held a hearing on November 21, 2002,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

ANDREW GEORGE WATSON
Certificate #257241

REASONS FOR DECISION, DECISION AND ORDER

PRESENT:

Members of the Panel

Bernard J. Adam (Chair)

Dick Malowney

Diane Leblovic

The Honourable Lloyd Houlden, retired judge, Independent Counsel to the Committee

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

Victoria Réaume, Cavalluzzo Hayes Shilton McIntyre and Cornish, Counsel for the
member

Andrew George Watson

This decision is subject to a publication ban. On November 21, 2002, the Discipline Committee made an order directing that there may be no publication of any information, which may disclose the identity of the student teachers or teachers involved in this matter. The Committee also placed an interim publication ban on the name of the member until such time as the Committee heard and determined submissions on publication by counsel.

A Notice of Hearing, dated March 19, 2002 was served on Andrew George Watson, requesting attendance before the Discipline Committee of the Ontario College of Teachers on April 11, 2002, to set a date for hearing and specifying the charges. The hearing date was set for November 21, 2002.

It is alleged that Andrew George Watson 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 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 or the *Education Act*, Revised Statutes of Ontario, 1990, c.E2 and particularly, 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 performed acts or omissions 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 displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of 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 and limitations.

The Notice of Hearing states that Andrew George Watson is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On November 21, 2002, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Andrew George Watson was guilty of professional misconduct.

EVIDENCE

Counsel for the College withdrew the charges listed in the Notice of Hearing as defined in section 1, subsection (5), (7), (14), (15) and (18) as well as the charge that the member displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of 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.

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing alleging that Andrew George Watson 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, section 1 (19).

An Agreed Statement of Facts was filed as Exhibit #1. That statement had been dated November 21, 2002 and was signed by the member, his counsel and College counsel.

The Agreed Statement of Facts stated the following:

1. Andrew Watson is a member in good standing of the Ontario College of Teachers.
2. At all material times, the member was employed as a teacher by the Peel District School Board at [XXX] Public School.
3. The member had received excellent evaluations of his teaching practice at the board.
4. During the period between February 21, 2000 and March 10, 2000, the member made unwelcome and unprofessional comments to [XXX], who was an adult of twenty-one years of age who was enrolled in a [XXX] at the school. [XXX] was not assigned to the member's class but he helped her to learn [XXX] as he was a [XXX] teacher at the school. The comments were as follows:
 - (a) suggesting, in the presence of another [XXX] student, [XXX] that [XXX] guard the door while he and [XXX] had sex and that all three of them could have a "threesome";

- (b) telling her it was “okay” to make “sexy” remarks to her because of her age;
 - (c) suggesting that they have a sexual relationship and stating to her, “I won’t tell if you won’t tell”;
 - (d) on one occasion when she was ill, he suggested that he could take her home and put her in bed and “make her feel better”;
 - (e) making suggestive remarks about playing [XXX] saying, “put it in your mouth and blow” to [XXX] in front of another adult student teacher, [XXX]
5. At the time the member believed he was engaging in consensual flirtatious conversation with [XXX], but in hindsight recognizes that the comments were unwelcome and unprofessional.
6. On various occasions during the 1998-1999 academic school years, the member made unprofessional and inappropriate comments to female teachers and female student teachers at the school. These comments included the following:
- (a) using sexual innuendo in the context of a staff room discussion when female teacher [XXX] commented that she did not know what to put on a student’s report card and stated she would have to “fake” her report card comments. The member commented to [XXX], “I bet you’re good at faking other things.”
 - (b) Insulting [XXX], a female teacher in the gym when he saw her wearing a shiny top and skirt and said to her, “where do you work out of”, and “what number do I call, 1-800-[XXX],” implying that she was “for hire”. [XXX] told him that she was angry about the comments even though she

believed that he was joking. After stating to the member that she found the comments upsetting, the member did not make them again.;

- (c) Using sexual innuendo with [XXX], a female teacher at the school who asked the member if there was anything she could do to help on a project, and the member responded by commenting suggestively that, “there were many things she could do.” The member also invited [XXX] for a drink, and later asked if she was in a relationship with anyone.
 - (d) Making sexual comments to a female teacher, [XXX], about her relationship with her partner and how often she had sex with her partner. The member also asked [XXX] if it was true that “blondes have more fun” and suggested that they “do it in a classroom and hang a do not disturb sign.” [XXX] engaged in mutual flirtation and consensual sexual banter with the member.
 - (e) Commenting to [XXX], a female student teacher who was on assignment as a trainee teacher at the school, in the presence of other teachers at a staff meeting, “Don’t stick out your tongue if you are not going to use it”.
 - (f) Commenting to [XXX], a female student teacher who was on assignment as a trainee teacher at the school, “nice outfit, it would look better on the floor.”
7. The member was fired from his employment at the Peel District School Board and chose not to pursue a grievance in order to spare his colleagues and his family the ordeal of a hearing.
 8. The member has not been employed in education since his termination in June of 2000.

9. The member has pursued “sensitivity training” and has successfully completed the course at his own expense.
10. The member has also attended psychological counselling at his own expense.

The member pleaded guilty to the charges.

Counsel then presented a Joint Submission As To Penalty (Exhibit #2), dated November 21, 2002 and signed by the member, the member’s counsel and counsel on behalf of the Ontario College of Teachers. The Joint Submission As To Penalty stated the following:

1. The Ontario College of Teachers, by its solicitors, McCarthy Tétrault LLP and the member, Andrew George Watson, by his solicitors, Cavalluzzo Hayes Shilton McIntyre and Cornish, submit that the panel of the Discipline Committee of the Ontario College of Teachers make a finding of professional misconduct based on the allegations set out in the Agreed Statement of Facts.
2. It is further submitted that the appropriate penalty to be imposed by the Discipline Committee be as follows:
 - (a) that the member submit to a reprimand to be administered by the Committee and that the fact of the reprimand be recorded on the Register of the Ontario College of Teachers.

FINDINGS OF FACT:

Based on the Agreed Statement of Facts and the Joint Submission on Penalty, the Committee finds the following facts:

- (1) The member made unwelcome, unprofessional and inappropriate comments to student teachers and teachers during the relevant time period.
- (2) The member was fired from his employment at the Peel District School Board.
- (3) The member has not been employed in education since his termination in June of 2000.
- (4) The member has pursued “sensitivity training” and has successfully completed the course at his own expense.
- (5) The member has also attended psychological counselling at his own expense.

DECISION AND ORDER:

Based on submissions by Counsel, the Agreed Statement of Facts and the Joint Submission on Penalty, the Committee finds Andrew George Watson, Certificate #257241, guilty of professional misconduct, contrary to Ontario Regulation 437/97, subsection 1 (19) of the Professional Misconduct Regulation as alleged, and orders that the member submit to a reprimand to be administered this day by this Committee and that the fact of the reprimand be recorded on the Register of the College. That reprimand was administered this day by the Committee.

The Committee also heard submissions on publication of the member’s name but did not find any compelling evidence to sustain such. Therefore, pursuant to section 30, subsection 5, part 3 of the Ontario College of Teachers Act, the interim publication ban was lifted and the Committee ordered that the findings of the hearing, as well as the name of the member be published in the official publication of the Ontario College of

Teachers, *Professionally Speaking/Pour parler profession* . The Committee also orders that in any publication, the names of the student teachers or teachers involved shall not be identified, other than by the use of two initials.

**DATED AT TORONTO, THIS 13TH DAY OF DECEMBER, 2002
BY ORDER OF THE DISCIPLINE COMMITTEE**

Bernard J. Adam, **Chair**

Dick Malowney

Diane Leblovic