

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISIONS AND ORDERS

IN THE MATTER OF THE ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:

AND IN THE MATTER OF discipline proceedings against Laurence Richard Waugh.

The Discipline Committee held a hearing on September 24, 2002,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**LAURENCE RICHARD WAUGH
CERTIFICATE #233709**

PRESENT:

Members of the Panel

Nancy Hutcheson (Chair)

George Merrett

Solette N. Gelberg

The Honourable Lloyd Houlden, Independent Counsel to the Panel

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

Joseph A. Reichenbach, Barrister and Solicitor, Counsel for the member, did not attend.

Laurence Richard Waugh

A Notice of Hearing, dated April 19, 2002, was served on Laurence Richard Waugh ("Laurence Waugh"), requesting attendance before the Discipline Committee of the Ontario College of Teachers on May 8, 2002 to set a date for hearing, and specifying the charges. The hearing date was eventually set for September 24, 2002.

It is alleged that Laurence Waugh 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, contrary to Ontario Regulation 437/97, subsection 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 or limitations.

The Notice of Hearing states that Laurence Waugh is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On September 24, 2002, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether the member was guilty of professional misconduct.

Although Laurence Waugh was present and did have counsel, his counsel was not in attendance at the hearing. Proof of service of the Notice of Hearing was presented and accepted by the panel.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing, alleging that Laurence Waugh 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, subsections 1 (5), (7), (14), (15), (18) and (19). It was also alleged that 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 or limitations.

Counsel presented evidence that Laurence Waugh is a member of the Ontario College of Teachers (Exhibit #1). At all material times, the member was employed by the Bluewater District School Board, as a teacher.

An Agreed Statement of Facts and Guilty Plea was filed as Exhibit #2 (as attached). That statement was dated August 19, 2002 and had been signed by Laurence Waugh and by Awanish Sinha, McCarthy Tétrault LLP, on behalf of the Ontario College of Teachers. A Joint Submission on Penalty was filed as Exhibit #3 (as attached). That document was dated September 24, 2002 and was signed by the member and by Awanish Sinha, McCarthy Tétrault LLP, on behalf of the Ontario College of Teachers.

FINDINGS OF FACT:

An Agreed Statement of Facts and Guilty Plea was filed as Exhibit #2. Based on the Agreed Statement of Facts and Guilty Plea, the panel finds the following facts:

1. Laurence Waugh is a member of the Ontario College of Teachers.
2. At all material times, the member was employed as a teacher with the Bluewater District School Board, at Walkerton District Secondary School.
3. At all material times, the member had attained specialist status in Technical Studies at the University of Toronto, and had completed Workplace Hazardous Material Information System (WHMIS) training with the Bruce County Board of Education.
4. Between late 1997 and December 9, 1999, the member smelted lead in the school's machine shop after normal school classes were over for the day on five

or six occasions. Lead is a “Designated Substance” under the *Occupational Health and Safety Act*, and its use must be heavily controlled and regulated in any school buildings of the board because of the extreme precautions that must be followed with the use or handling of such a substance.

5. The finished products from this smelting activity by the member, namely fishing weights and bullets, were put to the member’s own use and were not in any way whatsoever related to school activity or purpose.
6. On or about November 1, 1999, the member requested that a preliminary inspection of the auto shop be conducted as part of a planned Joint Health and Safety Committee inspection of the school, scheduled to take place on December 9, 1999. During the course of such preliminary inspection, a certified member of that Committee observed a 5-gallon pail of lead wheel weights in the member’s auto shop and questioned him about the contents of same. When the member advised that the pail contained lead wheel weights, the inspector demanded its immediate removal from the premises. The member undertook the removal of the pail and its contents and a later check by the inspector confirmed that it was no longer in the auto shop.
7. On or about December 9, 1999, an inspection of the school was carried out by two officers of the Joint Health and Safety Committee, who were accompanied by the head custodian of the school. During the course of their inspection, a 5-gallon pail containing lead wheel weights, which was near one of the three forges in the machine shop, was pointed out by the custodian. The contents of the pail belonged to and/or had been placed there by the member.

8. On or about December 9, 1999, the member was operating the forge and smelting the lead wheel weights in the school's machine shop after normal school classes were over for the day. The said forge was owned by the school and fully connected with the exhaust fan.
9. On December 10, 1999, all students were removed from the machine shop where the lead smelting had taken place. On or about December 13, 1999, a safety inspection of the school was undertaken. The inspection was to investigate potential lead particulate contamination from the lead smelting operation in the machine shop carried out by the member.
10. The results of the investigation of airborne and swab samples were detailed in a Safety Inspection/Visit Report dated December 13, 1999:

“The analytical results confirm the migration of lead particulate through the duct work and the air handling system services Rooms 201, 202, 205 and the Technical Library.”
11. Subsequent to the safety inspection, the member was made aware that the filter for the smelter was plugged.
12. Clean-up, undertaken by the board, involved disruption to the day to day running of the school, as students had to be relocated to other classrooms for classes following December 10, 1999, and prior to the end of that winter term.

The Committee accepts the facts as set out in the Agreed Statement of Facts and Guilty Plea. Having attained the level of specialist in Technical Studies and having completed Workplace Hazardous Materials Information System (WHMIS) training, the member ought to have been aware that lead is a “Designated Substance” and that extreme

precautions must be taken when handling such a substance, especially where the well-being of students is concerned.

DECISIONS AND ORDERS:

Based on the reasons outlined above, the Committee finds Laurence Waugh guilty of professional misconduct under subsection 1 (18) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to suspend the member's Certificate of Qualification and Registration for a period of one year, such suspension already having been served from January 2001 to December 2001. This suspension will be noted on the member's permanent record. A statement of understanding has been signed by the member detailing the actions of the member, acknowledging his understanding of the inappropriateness of these actions and confirming his knowledge of the hazardous nature of the materials in question. This statement will also be kept on record at the College. The Committee also ordered that the member be reprimanded immediately following the hearing. The reprimand did take place immediately following the hearing and the fact of the reprimand will be noted on the Public Register.

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, *Professionally Speaking/Pour parler profession.*

**DATED AT TORONTO, THIS 18th DAY OF OCTOBER, 2002
BY ORDER OF THE DISCIPLINE COMMITTEE**

Nancy Hutcheson, **Chair**

George Merrett

Solette N. Gelberg