

**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 Richard Panko Williams, a member of the Ontario College of Teachers.

PANEL: Nancy Hutcheson, Chair
Gabrielle Blais
Ted Coulson

BETWEEN:)	
)	
	)	Caroline Zayid,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
)	
RICHARD PANKO WILLIAMS	)	Ben Fedunchak,
(CERTIFICATE #220730	)	Fedunchak & Associates,
	)	for Richard Panko Williams
)	
)	
	)	Scott Hutchison,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: December 14, 2005

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on December 14, 2005 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing* dated August 30, 2004 was served on Richard Panko Williams, also known as Richard Panko (“the Member”), requesting attendance before the Discipline Committee of the Ontario College of Teachers (“the College”) on September 15, 2004 to set a date for a hearing, and specifying the charges. The *Notice of Hearing* was amended on November 30, 2005 and the hearing was set for December 14, 2005.

The Member was not in attendance at the hearing.

The Allegations

The allegations against the Member in the *Amended Notice of Hearing* dated November 30, 2005, (*Exhibit 1*) are as follows:

IT IS ALLEGED that Richard Panko Williams is guilty of professional misconduct and unethical conduct in that he breached sections 13, 14(a) and 14(d) of the *Regulation Made Under the Teaching Profession Act*, made pursuant to section 12 of the *Teaching Profession Act* R.S.O. 1990, c. T. 2 in that:

- (a) he failed to strive at all material times to achieve and maintain the highest degree of profession competence and to uphold the honour, dignity and ethical standards of the teaching profession contrary to section 13 of the *Regulation Made Under the Teaching Profession Act*;
- (b) he failed to regard as his first duty the effective education of his pupils and the maintenance of a high degree of professional competence in his teaching contrary to section 14(a) of the *Regulation Made Under the Teaching Profession Act*; and
- (c) he failed to show consistent justice and consideration in all his relations with pupils contrary to section 14(d) of the *Regulation Made Under the Teaching Profession Act*.

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. Richard Panko Williams, (the “Member”) is a member of the Ontario College of Teachers. Attached hereto is a copy of the Ontario College of Teachers Registry Status Information re the Member. *(ASF – Exhibit 2, Tab A)*
2. At all material times the Member was employed as a teacher by the Toronto District Board (the “Board”), at [REDACTED] School (the “School”) in Toronto.
3. During a portion of the 1970-1971 academic year, [REDACTED] was a [REDACTED] year-old female Grade [REDACTED] student [REDACTED] at the School.
4. On or about 15 February 1994, a charge was laid against the Member that he sometime between 1 June 1971 and 30 June 1971, at the Township of Vaughan did indecently assault [REDACTED], a female person, contrary to section 141(1) of the *Criminal Code* (Canada). Attached is a certified copy of the Information laid against the Member. *(ASF – Exhibit 2, Tab B)*
5. On or about 8 May 1995, an Indictment was issued against the Member, in respect of the charge referred to in paragraph 4 above. Attached is a certified copy of the said Indictment, to which the Member pleaded not guilty. *(ASF – Exhibit 2, Tab C)*

6. On 15 March 1996, following a trial which took place on 11, 12, 13, 14 and 15 March 1996, the Member was found guilty of committing an indecent assault on [REDACTED]. Attached is a copy of the transcript of the Reasons of Mr. Justice Taliano given on that date. (*ASF – Exhibit 2, Tab D*)
7. On or about 28 October 1996, the Member was granted an absolute discharge by the court. Attached is a copy of the transcript of the Reasons of Mr. Justice Taliano given on that date. (*ASF – Exhibit 2, Tab E*)
8. The Member initiated an appeal of the decision of Mr. Justice Taliano. However, this appeal was abandoned when the Member was demoted from Vice-Principal to Department Head of Mathematics and classroom teacher. As a result, the Member did not appeal the finding of guilt as set out in paragraph 6 above.
9. The Member retired from the Board on or about 30 June 1999. Attached are copies of the letter of retirement dated 27 November 1998, submitted by Mr. Williams to the Board and the acceptance by the Board dated 19 February 1999. (*ASF – Exhibit 2, Tab F*)

Plea of No Contest

1. By this document, the Member, Richard Panko Williams, admits, for the purposes of this proceeding only, the truth of the facts and exhibits referred to in paragraphs 1 to 9 above (the “Admitted Facts”). The Member hereby acknowledges that the Admitted Facts, and in particular the Admitted Facts referred to in paragraphs 4 to 6 above, constitute conduct which is unprofessional and unethical, and pleads no contest to the allegations of professional misconduct and unethical conduct against him, being more

particularly breaches of sections 13, 14(a) and 14(d) of the *Regulation Made Under the Teaching Profession Act*, made pursuant to section 12 of the *Teaching Profession Act*, R.S.O. 1990, c.T.2, as amended, as described in the *Amended Notice of Hearing*.

2. The Member states that:

- (a) he understands fully the nature of the allegations that have been made against him;
- (b) he understands that by signing this document he is consenting to the evidence as set out in ASF-Exhibit 2, Tabs A to F being presented to the Discipline Committee;
- (c) he understands that by pleading no contest to the allegations referred to in paragraphs 1-9 above, he is waiving the right to require the College to prove the case against him and the right to have a hearing; and
- (d) he states that this plea of no contest was made voluntarily, unequivocally and with the benefit of independent legal counsel.

3. The Member provides these pleas 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 *College of Teachers Act 1996*, chapter 12, and for no other purpose. The Member's pleas of no contest do not constitute an admission by the Member as to the facts or findings in any other civil, criminal or administrative proceeding.

Joint Submission on Penalty

1. 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 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 is to surrender immediately to the Registrar of the Ontario College of Teachers.
2. The Member submits and the Ontario College of Teachers does not oppose, that there be publication of the findings and order of the Committee in summary form, without the name of the Member or any other information that might tend to identify the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession*.
3. By this document, the Member acknowledges that the Public Register of the College will reflect that the Member's Certificate of Qualification and Registration has been revoked following a finding by the Discipline Committee that the Member was guilty of professional misconduct and unethical behaviour.
4. 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 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 and unethical conduct. In particular, the Committee finds that the Member committed acts of professional misconduct and unethical conduct, being more particularly breaches of sections 13, 14(a) and 14(d) of the *Regulation Made Under the Teaching Profession Act*, made pursuant to section 12 of the *Teaching Profession Act* R.S.O. 1990, c. T. 2, as described in the *Amended Notice of Hearing*.

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 immediately the Member's certificate of qualification and registration, which certificate the Member is to surrender immediately to the Registrar of the Ontario College of Teachers.
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, without the name of the Member, or any other information that might tend to identify the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

Reasons for Decision

The Committee accepted the admitted facts in the Agreed Statement of Facts as proof of professional misconduct and unethical conduct as defined in sections 13, 14(a) and 14(d)

of the *Regulation Made Under the Teaching Profession Act*, made pursuant to section 12 of the *Teaching Profession Act* R.S.O. 1990, c. T. 2.

The Committee accepts that these facts constitute professional misconduct in that the Member indecently assaulted a student.

Reasons for Penalty Decision

The Committee accepted the joint submission on penalty that revocation of the Member's certificate and publication of the findings, in summary form, without the name of the Member or any other information that might tend to identify the Member, was the appropriate penalty.

The Committee, in reaching its decision not to publish the Member's name, considered two factors: first, the Member had a long career in which there were no other allegations of professional misconduct; and second, although the Member was found guilty of indecent assault, he was given an absolute discharge and no conviction was entered against him.

Revocation is an appropriate penalty to demonstrate that the Member's conduct is unacceptable in the eyes of the profession, the public and the complainant. This penalty also serves to protect the reputation of the profession in the minds of the public.

Publication of the Committee's order is necessary as a general deterrent to guide members of the profession as to what is acceptable conduct between teachers and students. While the name of the Member will not appear in *Professionally Speaking/Pour parler profession*, the Public Register will show that the Member's Certificate of Qualification and Registration has been revoked.

Date: December 14, 2005

Nancy Hutcheson
Chair, Discipline Panel

Gabrielle Blais
Member, Discipline Panel

Ted Coulson
Member, Discipline Panel