

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISIONS AND ORDERS

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 Richard Grant Wolff.

The Discipline Committee held a hearing on February 10, 2000,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**RICHARD GRANT WOLFF
CERTIFICATE #252136**

PRESENT:

Members of the Panel

George Merrett (Chair)

Sterling Campbell

Kathleen McFadyen

The Honourable Patrick Galligan, Independent Counsel to the Panel

L. Thomas Forbes, Q.C., McCarthy Tétrault, Counsel for the Prosecution assisted by
Chris Sach-Anderson

Richard Grant Wolff was not present. Defense Counsel was not present to represent the member.

A Notice of Hearing, dated September 25, 1998 was served on Richard Grant Wolff, requesting attendance before the Discipline Committee of the Ontario College of Teachers on October 19, 1998 to set a date, and specifying the charges. The date eventually set for hearing was February 10, 2000.

It is alleged that Richard Grant Wolff 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 students and other young persons physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- c) he failed to comply with the *Education Act* and the regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- d) he contravened laws and that contravention is relevant to his suitability to hold a certificate of qualification and registration contrary to Ontario Regulation 437/97, subsection 1(16)
- e) 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); and
- f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

The Notice of Hearing states that Richard Grant Wolff is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit 1).

On February 10, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Richard Grant Wolff was guilty of professional misconduct.

Richard Grant Wolff was not in attendance at the hearing, nor was he represented by counsel. 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 Exhibit 1, alleging that Richard Grant Wolff 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, sections 1(5), (7), (15), (16), (18) and (19). Particulars of the alleged misconduct are set out in Exhibit 1 and they are to the effect that:

1. Richard Grant Wolff is a member of the Ontario College of Teachers.
2. At all material times Richard Grant Wolff was employed as a teacher by the Frontenac County Board of Education.

3. At all material times, [REDACTED] was a student of the Frontenac County Board of Education and attended Prince Charles Public School in Kingston.
4. On or between February 1987 and July 2, 1992 Richard Grant Wolff committed sexual assaults, performed fellatio on and counselled or incited [REDACTED] to touch his penis. Over that period [REDACTED] was 12 to 16 years old.
5. At all material times, [REDACTED] was a student of the Frontenac County Board of Education and attended Prince Charles Public School in Kingston.
6. On or between September 1, 1993 and July 1, 1994, Richard Grant Wolff engaged in sexual touching of [REDACTED], a student. At that time, [REDACTED] was 10 years old.
7. At all material times, [REDACTED] was a student of the Frontenac County Board of Education and attended Prince Charles Public School in Kingston.
8. On or between March 1994 and October 1994, Richard Grant Wolff engaged in sexual touching of [REDACTED], a student. At that time, [REDACTED] was 13 years old.
9. At all material times, [REDACTED] was a student of the Frontenac County Board of Education and attended First Avenue Public School in Kingston.
10. On or between September 1, 1995 and July 1, 1996, Richard Grant Wolff engaged in sexual touching of [REDACTED], a student. At that time, [REDACTED] was 12 years old.
11. At all material times, [REDACTED] was a student of the Frontenac County Board of Education and attended First Avenue Public School in Kingston.
12. On or between January 1, 1996 and July 1, 1996, Richard Grant Wolff deliberately splashed water onto the t-shirted chest of [REDACTED] and asked her “do you think we should have a wet t-shirt contest?” At that time, [REDACTED] was 11 years old.
13. At all material times, [REDACTED] was a student of the Frontenac County Board of Education and attended First Avenue Public School in Kingston.

14. On or between September 1, 1996 and February 28, 1997, Richard Grant Wolff engaged in sexual touching and sexually assaulted [REDACTED], a student. At that time, [REDACTED] was 11 years old.
15. At all material times, [REDACTED] was a student of the Frontenac County Board of Education and attended First Avenue Public School in Kingston.
16. On or between September 1, 1996 and February 28, 1997, Richard Grant Wolff engaged in sexual touching and sexually assaulted [REDACTED], a student. At that time, [REDACTED] was 11 years old.
17. In or about February 1998 whilst on yard duty at Rideau Public School in Kingston, Richard Grant Wolff played “king of the hill” with two young female students who later complained of being inappropriately touched by Richard Grant Wolff while rolling down the hill.
18. On or between September 1, 1988 and June 30, 1995 at Public Charles Public School, Richard Grant Wolff invited students to sit on his lap and slapped and pinched their backsides.
19. On or between September 1, 1988 and June 30, 1995 at Prince Charles Public School, Richard Grant Wolff commented to his class that he did not wear underwear and asked male students if they ever masturbated.
20. On or between September 1, 1988 and June 30, 1995 at Prince Charles Public School, Richard Grant Wolff encouraged female students to change into their gym clothes whilst in his classroom.
21. On or between September 1, 1998 and June 30, 1995 at Prince Charles Public School, Richard Grant Wolff exhibited violent tendencies towards his students

- including an explosive temper, throwing of chairs, tipping over of desks, drawing on student's faces and calling students "stupid".
22. On or between September 1, 1995 and June 30, 1996 at First Avenue Public School, Richard Grant Wolff encouraged students to sit on his lap where he would hug and kiss some of them.
 23. On or between September 1, 1995 and June 30, 1996 at First Avenue Public School, Richard Grant Wolff slapped and grabbed the backsides of some students; discussed with some students penis size and masturbation asking male students if they ever masturbated.
 24. On or between September 1, 1995 and June 30, 1996 at First Avenue Public School, Richard Grant Wolff exhibited violent tendencies by throwing chalk and erasers in class; breaking and throwing toys in class, tipping over desks; throwing chairs including, on one occasion, throwing a chair out of class and into the hallway.
 25. On and between March 1997 and September 1997, Richard Grant Wolff was charged with seventeen sexually related offences under the *Criminal Code of Canada* including sexual assault under section 245.1(1), sexual assault under section 271(1), touching for a sexual purpose under section 151, invitation to touch under section 153(1)(a), invitation to touch under section 152, all of the *Criminal Code of Canada*.
 26. On March 4, 1997, Richard Grant Wolff was removed from his classroom at First Avenue Public School and on August 28, 1997 was suspended by the Frontenac County Board of Education.

Counsel presented evidence that Richard Grant Wolff is a member of the Ontario College of Teachers (Exhibit #1). At all material times, Richard Grant Wolff was employed by Frontenac County Board of Education as a teacher.

Witness A presented evidence that he had been a student of Richard Grant Wolff and when the student was in Grade 7, Richard Grant Wolff began a relationship with him, which included inappropriate sexual behaviour. Witness A also indicated that Richard Grant Wolff gave him gifts such as trinkets, books, money and drugs over the five or six years of the relationship.

Witness B testified that he had Richard Grant Wolff as a supply teacher in Grade 2 or 3 and his band instructor for a number of years. After five or six years, Richard Grant Wolff began to pay individual attention to Witness B which started with private music lessons at the residence of Richard Grant Wolff that led to inappropriate sexual behaviour. Witness B also testified that the relationship lasted for a number of years. Even when requested to stop, Richard Grant Wolff attempted to continue in this inappropriate relationship.

Detective Carl Wagar of the Kingston Police, Youth Services Bureau testified that he was involved in the investigation leading to the charges of sexual assault against Richard Grant Wolff. He also testified that Richard Grant Wolff was convicted in June of 1999 (Exhibit #2) and identified the Certificate of Conviction.

Susan Everett, Superintendent of Human Resources for Limestone District School Board testified that Richard Grant Wolff was an employee of the Frontenac County Board of Education from 1986 to 1997 (Exhibit #4). Ms Everett supplied the Summary of Employment.

Evidence was not presented on allegation numbers 5 through 24 in the Notice of Hearing. (Exhibit #1)

FINDINGS OF FACT:

The panel finds the following facts:

- (1) Richard Grant Wolff is a member of the Ontario College of Teachers
- (2) At all material times, Richard Grant Wolff was employed by the Frontenac County Board of Education as a teacher.
- (3) Richard Grant Wolff did enter into sexual relationships with two students
- (4) During the relationship with Witness A, Richard Grant Wolff supplied Witness A with gifts, including money and drugs.
- (5) Richard Grant Wolff was found guilty of counts 2 through 7 under the *Criminal Code of Canada* (Exhibit #2) and sentenced to 18 months incarceration, plus three years probation.

REASONS:

The Committee accepts the evidence provided by Counsel for the Ontario College of Teachers, in that Richard Grant Wolff did commit sexual assault on Witness A and Witness B.

DECISIONS AND ORDERS:

Accordingly, the Committee finds Richard Grant Wolff guilty of professional misconduct under sections 1(5), (7), (15), (16), (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke Richard Grant Wolff's Certificate of Qualification and Registration immediately. The Committee does not award costs as requested by Counsel for the College.

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. The Committee also orders

that, in any publication, whether that of the College or in any media, the names of the victims not be published as well as any information that could identify them.

The Committee considered the request of Counsel for the Ontario College of Teachers to assess costs in the amount of \$5000 to the defendant. Richard Grant Wolff had previously surrendered his teaching certificate and was offering his immediate resignation to the College. It was the position of the College that the allegations warranted a revocation rather than a resignation so as to be noted on the Register of the Ontario College of Teachers. For that reason, the College decided to pursue a discipline hearing. However, it is the decision of the Committee that the right to due process does not justify the award of costs.

**DATED AT TORONTO, THIS 10th DAY OF FEBRUARY, 2000
BY ORDER OF THE DISCIPLINE COMMITTEE**

George Merrett, **Chair**

Sterling Campbell

Kathleen McFadyen