

**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 Enoch Wu, a member of the Ontario College of Teachers.

PANEL: Rosemary Fontaine, Chair
 Anne Marie Levesque
 Jacques Tremblay

BETWEEN:)	
	)	Yasmin Nizami,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Jennifer Robinson,
	)	Law Clerk
- and -)	
)	
CHRISTOPHER ENOCH WU	)	Mandy Wojcik,
(CERTIFICATE #470157)	)	Sack Goldblatt Mitchell LLP,
	)	for Christopher Enoch Wu
)	
	)	Johanna Braden,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: April 6, 2009

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on April 6, 2009 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated December 4, 2008, was served on Christopher Enoch Wu, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on January 15, 2009 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for April 6, 2009.

Christopher Enoch Wu was in attendance at the hearing.

THE ALLEGATIONS

The allegations against Christopher Enoch Wu in the *Notice of Hearing*, (*Exhibit 1*) dated December 4, 2008, are as follows:

IT IS ALLEGED that Christopher Enoch Wu is guilty of professional misconduct as defined in section 30(2) 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, subsection 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 1(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);
and

- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

AGREED STATEMENT OF FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced an *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty (ASF – Exhibit 2)*, which provides as follows:

1. Christopher Enoch Wu (the “Member”) is a member of the Ontario College of Teachers. Attached hereto and marked as **Exhibit “A”** is a copy of the Ontario College of Teachers Registered Member Information respecting the Member.
2. At all material times, the Member was employed by the Toronto District School Board (the “Board”) and taught at the Grade 8 level at Elia Middle School (the “School”) in Toronto, Ontario.
3. On or about December 20, 2006, the Member instructed a female student who had allowed her hallway pass to slap the Member in the buttocks, to enter the storage cupboard area at the back of the Member’s classroom and closed the door.
4. It was determined during the ensuing investigation by School administration following the incident described in paragraph 3 above, that the Member had used the storage cupboard area as a disciplinary strategy on two previous occasions.
5. Upon completion of the Board’s investigation of the matter, the Member received a Letter of Discipline dated February 20, 2007, and was instructed to attend a course on classroom management strategies to be completed by June 2007.

6. On or about March 24, 2007, the Member gave his Grade 8 mathematics students a homework assignment entitled *City of Los Angeles High School Math Proficiency Exam*.

7. The sheet contained the following eight questions:

“Name: _____ Gang: _____

- 1) Duane has an AK47 with a 30 round clip. If he misses 6 out of 10 shots and shoots 13 times at each drive by shooting, how much drive by shootings can he attempt before he has to reload?
- 2) If Jose has 2 ounces of cocaine and he sells an 8 ball to Jackson for \$320 and 2 grams to Billy for \$85 per gram, what is the street value of the balance of the cocaine if he doesn't cut it?
- 3) Rufus is pimping for 3 girls. If the price is \$65 for each trick, how many tricks will each girl have to turn so Rufus can pay for his \$800 per day crack habit?
- 4) Jarome wants to cut his ½ pound of Heroin to make 20% more profit. How many ounces of cut will he need?
- 5) Willie gets \$200 for stealing a BMW, \$50 for a Chevy and \$100 for a 4x4. If he has stolen 2 BMW's and 3 4x4's, how many Chevy's will he have to steal to make \$800?
- 6) Raoul is in prison for 6 years for murder. He got \$10,000 for the hit. If his common law wife is spending \$100 per month, how much money will he have left when he gets out of prison and how many years will he get for killing the bitch that spent his money?
- 7) If the average spray paint can covers 22 square feet and the average letter is 3 square feet, how many letters can a tagger spray with 3 cans of paint?
- 8) Hector knocked up 6 girls in his gang. There are 27 girls in the gang. What percentage of the girls in the gang has Hector knocked up?”

8. As a result of distributing the sheet described in paragraphs 6 and 7 to his students, the Member received a twenty (20) day suspension without pay (June 28, 2007 to October 1, 2007) and was required to take equity training through the Board.

9. The Member attended and completed a two (2) day professional boundaries and sensitivity course in April 2008.

10. The Member filed grievances in respect of both the Letter of Discipline and twenty (20) day suspension. The grievances are still outstanding and are currently scheduled to be heard before a board of arbitration beginning February 23, 2010.

11. The Member currently teaches at another school in the Board.

PLEA OF NO CONTEST

12. By this document, the Member admits, for the purposes of this proceeding only, the truth of the facts and exhibit referred to in paragraphs 1 to 11 above (the “Admitted Facts”).

13. The Member acknowledges that the facts referred to in paragraphs 3, 4 and 6 above constitute professional misconduct and hereby pleads no contest to the allegations of professional misconduct and conduct unbecoming against him, being more particularly breaches of Ontario Regulation 437/97 1(5), 1(7) (psychological), 1(14), 1(15), 1(18) (unprofessional) and 1(19).

14. By this document the Member states that:

- (a) he understands fully the nature of the allegations against him;
- (b) he understands that by pleading no contest to the allegations, he is waiving his right to require the College to prove the case against him and the right to have a hearing;
- (c) he voluntarily decided to plead no contest; and

- (d) he understands and acknowledges that he is executing this Agreement voluntarily, unequivocally, and with the advice of legal counsel.

JOINT SUBMISSION ON PENALTY

15. In light of the admitted facts and circumstances and the Member's plea of no contest to the allegation of professional misconduct against him, 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:

- (a) directs the Member to appear before the Committee immediately following the hearing of this matter to receive a reprimand, and the fact of the reprimand to be recorded on the Public Register of the Ontario College of Teachers. Submissions will be made to the Committee by counsel respecting the length of time for the recording of the reprimand on the Public Register;
- (b) directs the Registrar to impose the following terms, conditions or limitations on the Member's Certificate of Qualification and Registration, the fact of such terms and conditions and limitations to be recorded on the Register of the College until such time as they are fulfilled:
 - (i) within sixty (60) days of the date of this Order, the Member shall enrol in, attend at and successfully complete, at his own expense a course in professional ethics, pre-approved by the Registrar; and
 - (ii) within thirty (30) days of his completion of the course at (b) (i) above, he shall provide evidence to the Registrar in writing, of his successful completion of same;

- (c) directs that there be publication of the findings and order of the Committee, in summary form, without the name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

16. 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 Member's plea of no contest and the *Agreed Statement of Facts, Plea of No Contest and Joint Submission on Penalty*, and the submissions made by counsel for the College and counsel for the Member, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Christopher Enoch Wu committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7) (psychological), 1(14), 1(15), 1(18) (unprofessional) and 1(19) of the *Act* as set out in the *Notice of Hearing*.

REASONS FOR DECISION

The Member admits the truth of the facts and exhibit referred to in paragraphs 1 to 11 above ("the Admitted Facts") and acknowledged that the facts described in paragraphs 3, 4 and 6 of the *Agreed Statement of Facts, Plea of No Contest, and Joint Submission on Penalty* (ASF - Exhibit 2) constitute professional misconduct and pleaded no contest to these allegations of professional misconduct. The Committee accepted the Member's

plea of no contest and the facts contained in the *Agreed Statement of Facts, Plea of No Contest, and Joint Submission on Penalty*.

In an effort to discipline students, the Member confined some of them to an enclosed area and isolated them. This discipline strategy is inappropriate as it could have had a negative psychological impact on the students contrary to Ontario Regulation 437/97 subsection 1(7) (psychological).

The Member gave his Grade 8 mathematics students a homework assignment entitled *City of Los Angeles High School Math Proficiency Exam*. The questions on the test made reference to criminal activities such as, drive by shootings, drug trafficking, prostitution, theft and murder. The test also contained offensive sexually based questions using such words as “pimping”, “tricks”, and “knocked up”.

The Committee determined that the Member’s conduct did not comply with the standards of the profession or the Education Act contrary to Ontario Regulation 437/97 subsection 1(5), 1(14) and 1(15).

The Committee found the Member’s inappropriate discipline methods and extremely poor judgment in his choice of testing material was unprofessional and unbecoming a Member of the profession contrary to Ontario Regulation 437/97 subsections 1(18) and 1(19).

PENALTY DECISION

The Committee makes the following order as to penalty:

- (a) The Member is required to appear before the Committee following the completion of the hearing of this matter to be reprimanded and the fact of the reprimand is to be recorded on the Register of the Ontario College of Teachers.

- (b) The Registrar is directed to impose the following terms, conditions or limitations on the Member's Certificate of Qualification and Registration, the fact of such terms, conditions or limitations to be recorded on the Register of the College until such time as they are fulfilled:
 - (i) that within sixty (60) days of the date of this Order, the Member shall enrol in, attend at and successfully complete, at his own expense, a course in professional ethics, pre-approved by the Registrar, and
 - (ii) within (30) days of his completion of the course outlined in (i) above, he shall provide evidence to the Registrar in writing, of his successful completion of same.

- (c) The findings and order of the Committee shall be published in summary, without the name of the Member, in the official publication of the College, *Professionally Speaking/Pour parler profession.*

REASONS FOR PENALTY DECISION

The reprimand of the Member by his peers in respect of his inappropriate conduct serves to remind the Member of the importance to maintain the high level of professionalism

that is required of a member of this College and a member of the teaching profession. The fact that the reprimand will be recorded on the Register also serves as a specific deterrent to the Member.

Counsel for the Member requested the fact that the Member was reprimanded remain on the Register for a period of one year instead of the usual three-year period. The Committee reviewed the facts relating to the Member's misconduct and could find no compelling reason to accede to this request.

The Member has completed a number of courses relating to classroom management, equity training, professional boundaries and sensitivity. The Committee determined that completion of a course in professional ethics will be rehabilitative to the Member. This course will provide additional support to the Member and address issues which may not have been dealt with previously.

The Committee considered the Joint Submission on Penalty with respect to publication without the Member's name. The Committee agrees with the joint submission that publication of the findings and order of the Committee, in summary, without the name of the Member will act as a general deterrent. The Committee finds that the public interest will be served by notation on the public register of a finding of professional misconduct and reprimand of the Member.

The requirement that the Member take an ethics course and reprimand of the Member will assure the public that the issues which gave rise to the misconduct are being addressed. The penalty emphasizes that the College of Teachers does not take this type of misconduct lightly and deals appropriately with matters brought to its attention.

The Committee is satisfied that the penalty is appropriate in the circumstances and serves and protects the public interest.

Date: April 30, 2009

Rosemary Fontaine
Chair, Discipline Panel

Anne Marie Levesque
Member, Discipline Panel



Jacques Tremblay
Member, Discipline Panel