

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 RC.

The Discipline Committee held a hearing on September 21 and 22, 2000

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**RC
Certificate #277938**

PRESENT:

Members of the Panel

Donna Marie Kennedy (Chair)

Elizabeth Barkley

Karen Mitchell

The Honourable Lloyd Houlden, Independent Counsel to the Panel

Caroline Zayid, McCarthy Tétrault, Counsel for the Prosecution

RC was not present and there was no one present to represent him.

A Notice of Hearing, dated March 10, 2000 was served on RC, requesting attendance before the Discipline Committee of the Ontario College of Teachers on April 3, 2000 to set a date for hearing, and specifying the charges. The date set for hearing was September 21, 2000.

It is alleged that RC 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 physically, sexually, verbally, psychologically, or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to supervise adequately a person or persons who were under his professional supervision, contrary to Ontario Regulation 437/97, subsections 1(11);
- (d) he failed to comply with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2 and particularly section 264(1)(c) thereof or the Regulations made thereunder, contrary to Ontario Regulation 437/97, subsection 1(15);
- (e) he performed an act or acts that, having regard to all of the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (g) 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 RC is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On September 22, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether RC was guilty of professional misconduct.

RC 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 RC 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), (11), (15), (18), (19); and 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.

Particulars of the alleged misconduct are set out in Exhibit #1 and they are to the effect that:

1. RC, (the "Member"), is a member of the Ontario College of Teachers.
2. At all material times, RC was employed by the Dufferin - Peel Catholic District School Board (the "Board") as an occasional teacher.
3. On or between 21 October 1998 and 26 February 1999, while an occasional teacher at a secondary school in Mississauga, RC acted inappropriately in respect to [REDACTED], a [REDACTED] year old female student at that school.
4. RC was advised of the need to maintain a professional relationship with [REDACTED].
5. Between October 21, 1998 and February 26, 1999, RC became overly-familiar with the said student; encouraged her to meet with him privately in a locked classroom; drove her off school premises without parental permission; asked her to take off her shirt and brassiere; told her to lift her skirt and placed his hand on her thigh; invited her to go to a hotel with him; and suggested that they have a personal relationship.
6. At a meeting at the said Board on May 10, 1999, as a result of concerns about his conduct, RC was advised that his name would be removed from the Central Supply List for the school involved.
7. On or about June 1, 1999, following receipt of the allegations in respect to student [REDACTED], the said Board informed RC that his name had been removed from the automated dispatch system for occasional teachers and advised him that he was to refuse any informal offers of occasional work if approached directly by any schools.

8. On or about June 7, 1999 at a meeting of the said Board with RC to discuss the complaints with respect to female student [REDACTED], RC offered his resignation which was tendered, in writing, on June 8, 1999, to take immediate effect.

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

A Guilty Plea was filed as Exhibit #2. That statement had been signed by RC.

[REDACTED] was called as a witness for the College. [REDACTED] was a student at a secondary school where RC supply taught. [REDACTED] testified that RC arranged to meet her alone in open and locked classrooms. He drove her off school premises. He asked her to take off her shirt and bra. She refused to remove her bra. He touched the student on the thigh. He hugged her once. [REDACTED] was invited on two different occasions to spend time in a hotel with RC. She declined the offer. The contact with the student was severed shortly after she refused to go to the hotel with RC.

BW, Vice Principal of the secondary school, in charge of on-calls and occasional teachers, testified that [REDACTED] approached AW, an experienced co-op teacher, and told him of a suspected inappropriate relationship that had occurred with RC. Immediately, the Sexual Assault Squad was brought in by the Board to investigate. BW indicated that the police said that their findings indicated that RC's actions were "just short" of criminal activity. The school board felt that RC's behaviour was beyond the limits of acceptable

professional behaviour. Upon further investigation by the Board and meeting of the Board officials with the teacher, RC resigned effective immediately.

The Employee Relations Manager, JO, testified that there was an internal review put into place after he became aware of the concern in early June of 1999. The Board met with the teacher on June 7, 1999 and RC handed in his resignation on June 8, 1999. The Board then notified the Ontario College of Teachers about the alleged misconduct on July 9, 1999.

FINDINGS OF FACT:

The Committee found that RC did attempt to have an inappropriate relationship with student [REDACTED].

REASONS:

The Committee accepts the testimony of the witnesses that RC did attempt to have an inappropriate relationship with student [REDACTED].

The Committee further accepts the Guilty Plea signed by RC.

DECISIONS AND ORDERS:

Accordingly, the Committee finds RC guilty of professional misconduct under subsections 1(5), (7) (11), (15), (18) and (19) of the Professional Misconduct Regulation,

437/97 as alleged, and directs the Registrar to revoke RC's Certificate of Qualification and Registration immediately.

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, using two initials to identify the teacher and two initials to identify the student, be published in the official publication of the Ontario College of Teachers.

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

Donna Marie Kennedy, **Chair**

Elizabeth Barkley

Karen Mitchell