



7 February 2012

Hon. Patrick J. LeSage CM, OOnt, QC  
1 First Canadian Place  
100 King Street West, Suite 1600  
Toronto ON M5X 1G5

Re: Ontario College of Teachers review of investigation and disciplinary procedures and outcomes and dispute resolution program

Dear Mr. LeSage:

I am writing you to provide input into your review of the Ontario College of Teachers procedures and programs. Canadians for Accountability is an organization created by a group of grassroots whistleblowers and accountability activists. Our mission is to advance integrity and accountability and to help and advocate for whistleblowers in all parts of our society.

We are interested in your inquiry as we have been approached by a number of Ontario teachers with concerns about the OCT's handling of complaints regarding unethical behaviour at schools and at the College itself. Some of them fit our definition of whistleblowers and have faced reprisals – in one notable case, by the College.

One case in particular caught our attention: that of James Black, an award winning teacher who spoke out and was punished for doing so. Mr. Black was contacted by the Ontario Ministry of Education in 2004 and asked to provide a critique of the Ontario College of Teachers. As his experience there was troubling, he produced a four-page report that was very critical of the College - notably in its allowing sexual offenders back into the classroom - and recommended some significant changes. Following this, he reports a series of escalating reprisals. He retired in 2006 and made his report more public. This resulted in media attention, which in turn led to disciplinary action by the College.

Mr. Black went through a Kafka-esque pseudo-legal nightmare, charged with vague offences and threatened with fines and suspension - despite the fact that he had retired. Principles of natural justice were ignored and in July 2009, Mr. Black was fined \$1000 and suspended from teaching for 24 months – despite the lack of clear evidence. His name and case was published in the College magazine *Professionally Speaking*, which is circulated to some 220,000 teachers. Nowhere in the description of his case does it mention that the complaint was laid by an individual convicted of sexual offences against students, and the standard of proof described is a travesty.

The case against Mr. Black has the hallmarks of a personal vendetta and the quality of the investigation and disciplinary process appalling. We attempted to intervene on his behalf, but were ignored. And, as far as we can determine, no action has been taken to address the problems that Mr. Black reported. Even when the more recent

investigations were done validating Mr. Black's concerns, his case was not re-examined.

You can find a summary of Mr. Black's case on our website at <http://www.canadians4accountability.org/cases/cases-e.html#jb>. I have attached a letter which we sent to the College: it summarizes our concerns about his case.

We are also familiar with another case, a teacher in southern Ontario who has blown the whistle on four teachers. One was ultimately convicted of theft in a very public prosecution, yet had been fervently defended. The whistleblower, meanwhile, faced reprisals for speaking out. Interestingly, the teacher who was prosecuted – Wes McConnell – was never disciplined by the College.

See

[http://www.lfpress.com/sports/columnists/morris\\_dalla\\_costa/2011/03/16/17645961.html](http://www.lfpress.com/sports/columnists/morris_dalla_costa/2011/03/16/17645961.html) for the London Free Press story.

Based on these cases and others we have observed, it is our opinion that the OCT is deficient in performing its functions in respect to investigative and disciplinary processes and decisions.

Part of the problem, we feel, is that the College is a self-regulating body with no oversight. Canadians for Accountability is opposed to such bodies on principle as we feel all bodies should have oversight – especially those where professionals may be judging their colleagues and inappropriate influence is possible. We would like to see the Ontario Ombudsman have the authority to investigate and make findings against the College as a precaution against such potential abuses.

As you are no doubt aware, the Province of Quebec maintains an oversight function via the Office des professions, and publishes annual reports on the findings of its reviews in the *Montreal Gazette* and other public media. Such an office could serve as an alternative to the Ombudsman.

In addition, we are concerned that professional training and standards for investigators and disciplinary panel members may not be deficient. The outcome of the cases above certainly suggests so. There are professional accreditations in investigation available – perhaps these should be requirement, particularly given the fact that children are the ones vulnerable to any misconduct that may occur.

I hope that this information is helpful to you. Should you have any questions, please don't hesitate to contact us directly.

Yours truly,

Ian Bron  
Managing Director

cc: Ontario College of Teachers