

**DISCIPLINE COMMITTEE OF THE  
ONTARIO COLLEGE OF TEACHERS**

BETWEEN:

**ONTARIO COLLEGE OF TEACHERS**

and

**WILLIAM HODGSON MARSHALL**

**NOTICE OF HEARING**

**THE INVESTIGATION COMMITTEE OF THE ONTARIO COLLEGE OF TEACHERS**, pursuant to section 26, subsection (5) of the *Ontario College of Teachers Act, 1996* (the “*Act*”), Statutes of Ontario, 1996, chapter 12, has directed that the matter hereinafter described regarding the conduct or actions of William Hodgson Marshall, Certificate No. 383504, be referred to the Discipline Committee of the Ontario College of Teachers.

**IT IS ALLEGED** that William Hodgson Marshall is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the *Act* in that:

- (a) he failed to strive at all times to achieve and maintain the highest degree of professional competence and to uphold the honour, dignity and ethical standards of the teaching profession, contrary to Section 13 of *Regulation 63/55* made under the *Teaching Profession Act* and as amended thereafter;
- (b) he failed to concern himself with the welfare of his pupils while they were under his care, contrary to Section 14(f) of *Regulation 63/55* made under the *Teaching Profession Act* and as amended thereafter;

- (c) he failed to show consistent justice and consideration in all his relations with pupils, contrary to section 14(d) of *Regulation 63/55* made under the *Teaching Profession Act* and as amended thereafter
- (d) he failed to comply with Section 22(1)(c) of the *Schools Administration Act*, R.S.O. 1960, Ch. 361 and amendments thereto and similar provisions of the *Schools Administration Act* S.O. 1954, c. 86 and R.S.O. 1970, c. 424;
- (e) he failed to comply with Section 229(1)(c) of the *Education Act 1974* and amendments thereto including section 235(1)(c) of R.S.O. 1980, c. 129 and section 264(1)(c) of R.S.O 1990, c. E.2;
- (f) he failed to maintain the standards of the profession, contrary to *Ontario Regulation 437/97*, subsection 1(5);
- (g) he contravened a law, the contravention of which is relevant to the Member's suitability to hold a certificate of qualification and registration, contrary to *Ontario Regulation 437/97*, subsection 1(16);
- (h) he contravened a law, the contravention of which has caused students under the Member's professional supervision to be put at or remain at risk, contrary to *Ontario Regulation 437/97*, subsection 1(17);
- (i) 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);

- (j) he engaged in conduct unbecoming a member contrary, to *Ontario Regulation 437/97*, subsection 1(19);
- (k) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40 (1.1) of the *Act*;
- (l) he contravened Section 264.1(c) of the *Education Act*.

**PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:**

- 2. At all material times, William Hodgson Marshall (the “Member”) was a Member of the Ontario College of Teachers. The Member is now retired member.
- 3. From in and around 1952 to 1954 and again from 1957 to 1958, the Member was a teacher at the [XX] School, an independent Catholic school, in Toronto.
- 4. From in and around 1954 to 1956 the Member was an employee Windsor Essex Catholic District School Board and was a teacher at [XX] School in Windsor, Ontario.
- 5. From in and around 1960 to 1961, 1973 to 1974 and 1980 the Member was an employee of the Sudbury Catholic District School Board and a teacher and Principal at [XX] in Sudbury, Ontario.
- 6. From in and around 1985 to 1989, the Member was an employee Windsor Essex Catholic District School Board and was Principal at the [XX] School in Windsor, Ontario.
- 7. During the material times, the Member:
  - (a) indecently assaulted fifteen (15) Male Persons, Students #1 to #15 and one (1) Female Person;

(b) sexually assaulted one (1) Male Person, Student #16.

8. On June 8, 2011, the Member entered a guilty plea and was convicted of one (1) count of sexual assault and sixteen (16) counts of indecent assault before the Honourable Mr. Justice L. Dean. On June 9, 2011 the Member was sentenced by Honourable Mr. Justice L. Dean to two (2) years imprisonment, to be served concurrently, and three (3) years probation for each count.

9. With respect to the allegations referred to in paragraph 7, the Member was convicted as follows:

(a) that between the 1<sup>st</sup> day of September in the year 1952 and the 31<sup>st</sup> day of December in the year 1952, at the Municipality of Metropolitan Toronto, did indecently assault Student #1, a Male Person, contrary to Section 148 of the *Criminal Code of Canada*;

(b) that between the 1<sup>st</sup> day of October in the year 1974 and the 30<sup>th</sup> day of November in the year 1974, at the Municipality of Metropolitan Toronto, did indecently assault Student #2, a Male Person, contrary to Section 156 of the *Criminal Code of Canada*;

(c) that between the 1<sup>st</sup> day of September in the year 1953 and the 31<sup>st</sup> day of December in the year 1953, at the Municipality of Metropolitan Toronto, did indecently assault Student #3, a Male Person, contrary to Section 148 of the *Criminal Code of Canada*;

(d) that between the 1<sup>st</sup> day of January in the year 1953 and the 31<sup>st</sup> day of December in the year 1953, at the Municipality of Metropolitan Toronto, did indecently assault Student #4, a Male Person, contrary to Section 148 of the *Criminal Code of Canada*;

- (e) that between the 1<sup>st</sup> day of January in the year 1960 and the 31<sup>st</sup> day of December in the year 1961, at the City of Sudbury, did indecently assault Student #5, a Male Person, contrary to Section 148 of the *Criminal Code of Canada*;
- (f) that between the 1<sup>st</sup> day of January in the year 1969 and the 31<sup>st</sup> day of December in the year 1969 at the City of Sudbury, did indecently assault Student #6, a Male Person, contrary to Section 148 of the *Criminal Code of Canada*;
- (g) that between the 1<sup>st</sup> day of January in the year 1963 and the 31<sup>st</sup> day of December in the year 1964 at the City of Sudbury, did indecently assault Student #7, a Male Person, contrary to Section 148 of the *Criminal Code of Canada*;
- (h) that between the 1<sup>st</sup> day of January in the year 1969 and the 31<sup>st</sup> day of December in the year 1970 at the City of Sudbury, did indecently assault Student #8, a Male Person, contrary to Section 148 of the *Criminal Code of Canada*;
- (i) that between the 1<sup>st</sup> day of January in the year 1969 and the 31<sup>st</sup> day of December in the year 1970 at the City of Sudbury, did indecently assault Student #9, a Male Person, contrary to Section 148 of the *Criminal Code of Canada*;
- (j) that between the 1<sup>st</sup> day of January in the year 1973 and the 31<sup>st</sup> day of December in the year 1973 at the City of Sudbury, did indecently assault Student #10, a Male Person, contrary to Section 156 of the *Criminal Code of Canada*;
- (k) that between the 1<sup>st</sup> day of January in the year 1954 and the 31<sup>st</sup> day of December in the year 1955 at the City of Windsor in the Southwest Region, indecently assault Student #11, a Male Person, contrary to Section 148 of the *Criminal Code of Canada*;

- (l) that between the 1st day of January in the year 1954 and the 31st day of December in the year 1956 at the city of Windsor in the Southwest Region , did indecently assault Student #12, a Male Person, contrary to Section 148 of the *Criminal Code of Canada*;
- (m) that between the 1st day of January in the year 1954 and the 31st day of December in the year 1956 at the city of Windsor in the Southwest Region, did indecently assault Student #13, a Male Person, contrary to Section 148 of the *Criminal Code of Canada*;
- (n) that between the 1st day of January in the year 1955 and the 31st day of December in the year 1956 at the city of Windsor in the Southwest Region, did indecently assault Student #14, a Male Person, contrary to Section 148 of the *Criminal Code of Canada*;
- (o) that between the 1st day of January in the year 1981 and the 31st day of December in the year 1985 at the city of Windsor in the Southwest Region, did indecently assault Student #15, a Male Person, contrary to Section 156 of the *Criminal Code of Canada*;
- (p) that between the 1st day of September in the year 1985 and the 1st day of July in the year 1986 at the city of Windsor in the Southwest Region, did sexually assault Student #16, a Male Person, contrary to Section 246.1(1) of the *Criminal Code of Canada*;

- (q) that between the 1<sup>st</sup> day of January in the year 1969 and the 1<sup>st</sup> day of January in the year 1970, in the City of Gault, did indecently assault, a Female Person, contrary to Section 149(1) of the *Criminal Code of Canada*;

**THE DISCIPLINE COMMITTEE WILL HOLD A HEARING** pursuant to sections 30 and 32 of the *Ontario College of Teachers Act, 1996*, to decide whether the allegations are true and whether William Hodgson Marshall is guilty of professional misconduct. A copy of the *Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee* will be provided upon request.

**THE DISCIPLINE COMMITTEE WILL MEET** on Thursday, April 19, 2012 at 9:00 a.m. to set a date for the hearing of this matter. The Committee will meet on the 12th floor of the offices of the Ontario College of Teachers at 101 Bloor Street West, Toronto, Ontario, M5S 0A1.

**YOU ARE ENTITLED TO BE PRESENT ON THE ABOVE MENTIONED DATE AND AT THE HEARING AND TO BE REPRESENTED BY LEGAL COUNSEL.**

If you wish, you or your legal counsel may contact College Counsel to discuss the scheduling of a hearing date and to determine whether a date for the hearing can be agreed upon. If a date for the hearing can be agreed to, in accordance with Rule 4.02(2) of the Rules of Procedure of the Discipline Committee, the hearing will proceed on the agreed date.

**IF A DATE FOR THE HEARING OF THIS MATTER IS NOT AGREED UPON AND YOU DO NOT ATTEND ON APRIL 19, 2012 TO SET A DATE FOR THE HEARING OF THIS MATTER, THE DISCIPLINE COMMITTEE MAY PROCEED IN YOUR ABSENCE TO SET A DATE FOR THE HEARING. NOTICE OF THE HEARING DATE WILL BE**

**PROVIDED TO YOU IN WRITING AT YOUR LAST KNOWN ADDRESS AS SHOWN IN THE RECORDS OF THE COLLEGE.**

**IF YOU DO NOT ATTEND ON THE SCHEDULED HEARING DATE, THE DISCIPLINE COMMITTEE MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE PROVIDED WITH ANY FURTHER NOTICE OF THE PROCEEDINGS.**

**IF THE DISCIPLINE COMMITTEE FINDS YOU GUILTY** of professional misconduct, you are liable to the penalties set out in section 30 of the *Ontario College of Teachers Act, 1996*.

**A MEMBER** whose conduct is being investigated in proceedings before the Discipline Committee may examine before the hearing any written or documentary evidence that will be produced or any report, the contents of which will be given as evidence at the hearing. You or your representative may contact the office of Caroline Zayid of McCarthy Tétrault LLP, solicitors for the College in this matter, at Suite 5300, Toronto Dominion Bank Tower, Toronto, ON M5K 1E6, telephone 416 601-7768.

Date: 28 March 2012

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**Michael Salvatori, OCT**  
Registrar and Chief Executive Officer  
Ontario College of Teachers  
12<sup>th</sup> Floor, 101 Bloor Street West  
Toronto, ON M5S 0A1

TO: William Hodgson Marshall  
[XX][XX]

AND TO Andrew J. Bradie  
Professional Corporation  
Barrister at Law  
691 Ouellette Avenue  
Windsor, ON N9A 4J4  
Solicitor for the Member



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