

**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  
Stéphane Léonard Bélanger, a member of the Ontario College of  
Teachers.

PANEL: Bernard J. Adam, Chair  
Ernie Checkeris  
Anne Vinet-Roy

BETWEEN:	)	
	)	
	)	David Leonard, McCarthy
ONTARIO COLLEGE OF TEACHERS	)	Tétrault, for Ontario College of
	)	Teachers, assisted by Trevor Evans,
- and -	)	Senior Law Clerk
	)	
STÉPHANE LÉONARD BÉLANGER	)	Stéphane Léonard Bélanger
(CERTIFICATE #288018)	)	was not present, nor was he
	)	represented
	)	
	)	
	)	Paul LeVay, Stockwoods,
	)	Independent Legal Counsel
	)	
	)	Heard: March 24, 2004

**REASONS FOR DECISION, DECISION AND ORDER(S)**

This matter came before a panel of the Discipline Committee (“the Committee”) for a hearing on March 24, 2004 at the Ontario College of Teachers at Toronto.

A *Notice of Hearing*, dated February 25, 2003 was served on Stéphane Léonard Bélanger, requesting attendance before the Discipline Committee of the Ontario College of Teachers on March 20, 2003 to set a date for a hearing, and specifying the charges. The hearing was subsequently scheduled for March 24, 2004.

Stéphane Léonard Bélanger was not in attendance at the hearing. Proof of service of the *Notice of Hearing* was presented and accepted by the Panel. **(Exhibit 1)**. A fax, addressed to OTC (sic) Disciplinary Committee, was received at the College from Stéphane Bélanger on March 9, 2004 advising that he would not be defending himself. **(Exhibit 3)**.

### **The Allegations**

The allegations against Stéphane Léonard Bélanger in the *Notice of Hearing* are as follows:

**IT IS ALLEGED** that Stéphane Léonard Bélanger is guilty of professional misconduct as defined in section 30(2) and 40(1.1) of the Act and/or is incompetent as defined in section 30(3) of 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, and/or emotionally contrary to Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the Act or 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 (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 contravened a law, the contravention of which has caused a student who was under the Member's professional supervision to be put at or to remain at risk contrary to Ontario Regulation 437/97, subsection 1(17);
- (f) 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);
- (g) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19);
- (h) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the Act; and
- (i) he displayed a lack of knowledge, skill or judgment 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.

At the hearing of the matter, Counsel for the College advised the Committee that Stéphane Léonard Bélanger had been acquitted of the charge outlined in paragraph 40 of the *Notice of Hearing*, that he did, being a person in a position of trust or authority towards a young person, with a part of his body, for a sexual purpose directly touch the body of a young person, contrary to section 153, (1), (a) of the *Criminal Code* (Canada).

College Counsel then withdrew the allegations contained in paragraphs (d) and (e) above.

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

1. Stéphane Léonard Bélanger (the “Member”) is a member of the Ontario College of Teachers.
2. At all material times the Member was employed by the Conseil scolaire de district catholique du Centre-Est de l’Ontario as a teacher at a secondary school (“the School”) in Ottawa.
3. At all material times, a female student (“the Student”), whose date of birth is [REDACTED], was a student of the Member in the Member’s Grade 10 Advanced English class at the School.
4. Between the last week of November 2001 and 30 December 2001, and during the previous year, the Member drove various students, including the Student, to their homes in his vehicle without parental permission.
5. On several occasions in November 2001, December 2001, and January 2002, the Member took the Student for drives in his car to various locations.
6. During the 2001-2002 school year, the Member fostered an inappropriate relationship with his students by encouraging students to remain in his class after school had ended at the completion of the day’s classes, for various reasons, such as searching the Internet and decorating his classroom.
7. Between approximately September 2001 and 28 January 2002, the Member engaged the Student in e-mail correspondence and chat-line conversations after school hours.
8. The Member gave the Student the numbers of both his home telephone and his cellular telephone, so she could call him.
9. On several occasions during the 2001-2002 school year up to approximately 25 January 2002, the Member paid for the Student’s lunch and bought her gifts such as chocolate and a cake.

10. During the months of November and December 2001, and January 2002, the Member encouraged the Student to be dishonest to her parents, particularly as to her meetings and communications with him.
11. On or about 23 November 2001, the Member changed a mark on a test which had been submitted by the Student, from approximately 28 out of 50 to 42 out of 50, without any reason, other than his stating to her that her verbal answer to a question demonstrated to him that she “knew what she was talking about.”
12. On [■], which was the Student’s 15<sup>th</sup> birthday, the Member told the Student’s class that they would be watching a movie because it was the Student’s birthday.
13. The Member would often attend the Student’s science classes because he had a free period at the time that those classes were being held.
14. After the Student obtained a temporary job in December 2001, the Member began to have lunch with her on a regular basis.
15. On or about 11 December 2001, after school had ended for the day, the Member offered to drive the Student to her place of employment, but before driving her to work, he first took her to his residence where he ate supper with her.
16. On or about 14 December 2001, after school, the Member drove the Student to a bakery where he purchased food for her, and then took her to two different hardware stores in order to assist her with a science project. The Member then drove the Student to work. The Member returned to the Student’s work place on her break to inform her that he had gone back to one of the hardware stores as he was obliged to change one of the items for the science project.
17. On or about 17 December 2001, the Member, knowing that the Student did not ski, invited her to go to Whistler, British Columbia with himself and students of the School’s ski club, but the Student did not go on the ski trip, and neither did the Member.

18. On or about 21 December 2001, the Member invited the Student to call him "Steph" instead of "Monsieur" and corrected her when she made a mistake.
19. On or about 21 December 2001, the Member bought the Student a cake. The Student ate half of the cake and the remainder was placed in a box, which the Member kept in his car after he drove the Student to work.
20. On or about 22 December 2001, the Member twice visited the Student while she was at work. On the second occasion, he left for her the box, which had contained the uneaten portion of cake. He had replaced the cake with another dessert and had written a note on the box saying that she would not see the cake again unless she telephoned him to say "Merry Xmas."
21. On or about 23 December 2001, the Member thanked the Student for some candy that she had purchased for him by hugging her.
22. On or about 24 December 2001, the Member told the Student that he would miss her and then hugged her.
23. In an e-mail dated 27 December 2001, the Member invited the Student to go with him to Montreal to visit his aunt. The e-mail concluded with the words, "je t'adore!" ("I adore you").
24. On or about 28 December 2001, the Member invited the Student to go shopping with him and then drove her to his apartment where he kissed her on the lips after having told her, "je t'aime chérie" ("I love you dear").
25. On or about 28 December 2001, while the Member was driving the Student home after taking her to his apartment, he did the following:
  - (a) told her that he was sad because she was not ten years older, so he could marry her; and
  - (b) again kissed her on the lips.

26. At the time that the Member was driving the Student home on 28 December 2001, the Member told her that he was jealous of her father for having “a perfect little girl like you.” He also told her that he was going to wait to marry her in five years and they would have little children running around the place. He then said, “It’s not right, I shouldn’t be with you. If a teacher would tell me a story like this, I would say he’s a psycho. I just wouldn’t understand.”
27. On or about 29 December 2001, the Member, accompanied the Student and a male student at the school, to purchase sandwiches. The Member then took the Student and the male student to his residence to eat. While they were eating and the male student was not present in the room, the Member again kissed the Student on her lips.
28. In an Internet “chat” on 29 December 2001, when the Student asked the Member if rumours were true that he had slept with other girls, the Member jokingly replied that he had made love in his classroom during prayers, and then denied the rumours. During the course of the Internet “chat”, the Member and the Student discussed “Lolita”, a movie which he stated he was watching, and which he told the Student was about an English teacher who was in love with a 13 to 14 year old student. The Member then sent the Student a picture of the movie by computer.
29. On or about 31 December 2001, the Student’s father spoke to the Member by telephone advising him that it was unacceptable for a teacher in a position of authority to have the kind of relationship the Member was having with the Student, and that the Member should stay away from her. The Member agreed and stated that he would stay away from the Student.
30. On or about 7 January 2002, the Member was advised by the Principal of the School that he was no longer authorized to be in charge of the School’s ski club; that he was no longer to meet with the Student or any other student alone in his classroom, but should have a colleague present; that he was not to offer rides in

- his car to students, nor was he to socialize with students of the School outside of classroom hours. The member advised the Principal that he accepted those restrictions.
31. On or about 17 January 2002, which was the last day of English class in that semester, the Member showed the Student a message he had written saying, "I miss you."
  32. On or about 19 January 2002, the Member told the Student that in further electronic messages between them he would use a code word for "I miss you."
  33. On or about 22 January 2002, the Member resigned his position at the School.
  34. On or about 23 January 2002, the Member told the Student that he would be leaving the School.
  35. On or about 25 January 2002, when the Student went to the Member's class, the Member told the Student he missed her and gave her an extended hug. He also kissed her on the forehead and gave her a sweatshirt.
  36. On or about 26 January 2002, the Member and the Student sent each other electronic cards, and engaged in an Internet "chat."
  37. On or about 28 January 2002, the Member picked up the Student at a municipal library after school and asked her to lower herself in the car so that she would not be seen. The Member then took the Student to his apartment where he had sexual intercourse with her.
  38. On or about 6 March 2002, the Member was charged by the Ottawa Police Service that on or about 29 January, 2002, at the City of Ottawa, he did, being a person in a position of trust or authority towards a young person, with a part of his body, for a sexual purpose directly touched the body of that young person,

namely, the Student, contrary to section 153, (1), (a) of the *Criminal Code* (Canada).

*The Notice of Hearing* contained allegations with respect to the Member engaging in inappropriate communication with another female student but no evidence was led to support these allegations.

### **Publication Ban**

On March 24, 2004, the Committee made an order that there be no publication of any information that may disclose the identity of the student(s) involved in this matter.

### **Order Excluding Witnesses**

On March 24, 2004, the Committee made an order excluding witnesses from the hearing, until called to give evidence.

### **Member's Plea**

The Committee proceeded on the basis that the Member denied the allegations set out in the *Notice of Hearing*. The Chair, on behalf of the Member, entered a plea of not guilty to the allegations. A fax addressed to OTC (sic) Disciplinary Committee from Stéphane Bélanger was received at the College on March 9, 2004 stating that he would not defend himself before the Committee.

## **Overview**

Stéphane Léonard Bélanger is a member of the Ontario College of Teachers. At all material times, he was employed by the Conseil scolaire de district catholique du Centre-Est de l'Ontario as a teacher at a secondary school ("the School") in Ottawa. During the 2001-2002 school year, the Member taught Grade 10 Academic English at the School. The case concerned the Member's interaction with a 15-year old, female grade 10 student who was in the Member's Academic English class at the time. The issues concern alleged inappropriate interaction between the Member and the Student.

The specific issues for the Committee to consider were whether or not the Member engaged in an inappropriate relationship and inappropriate communication with the Student, both orally, electronically and by telephone, and whether, on one occasion, the Member had sexually assaulted the Student.

## **The Evidence**

The College called three witnesses, a female Student ("the Student"), André Paradis ("Paradis"), Principal of the School, and Kim Kay-Levesque ("Kay-Levesque"), a social worker with the Children's Aid Society of Ottawa-Carleton.

### **Evidence of the Student**

The Student was in the Member's Grade 10 English class during the 2001-2002 school year. At the beginning of the school year, the Student noticed that she was receiving special treatment (attention) from the Member. For example, she stated that the Member would choose her to read in the classroom, much more often than he would choose

other students. He arranged for a film to be shown on her 15<sup>th</sup> birthday and told the class they were watching the film in honour of her birthday. She testified that she had received a test with results that weren't very good. She stated that after school the Member approached her, asking if there was something he could do to improve her grades. He then asked her questions and the last one she answered wrong and then right and he changed her mark to a better mark. She testified that she enjoyed this special attention because it made her feel more special than the other students. The Student also testified that the Member offered to pay for a ski trip.

The Student worked at [REDACTED], starting at the end of November 2001. She testified that the Member would visit her at [REDACTED] on numerous occasions during her breaks and lunch hours. The Member would take the Student out for lunch, sometimes to the Food Court and sometimes to restaurants close by. On some occasions the Member would pay for lunch and at other times, the Student would pay for lunch. During the lunch breaks they would talk about many things. She said that the Member told her he loved her and that she was special. She said that made her feel good.

The Student testified that the Member often talked about plans for the future. The Member said he wanted to marry the Student, that he wanted to have children, and other comments to the effect that he wanted to be with her. He told her she was too young and he would have liked her to be older.

The Student testified that the Member lived near where she worked. On several occasions the Member gave her car rides to work from school. He also drove her home a couple of times. One time, when they were supposed to go to IKEA, he drove her to his apartment instead.

On one occasion when it was raining, the Member noted that the Student was wearing new blue boots (*bottes bleues*) and offered to drive her home. On another occasion when they went shopping together for a science project, the Member asked her to call if she had a problem and wrote his home and cell phone numbers on the [REDACTED].

The Student and the Member exchanged e-mails on many occasions. The Member created two e-mail accounts, one was for use by his students and the other was created exclusively for the Student so that her parents would not know that they were exchanging e-mails. The e-mail address created for the Student was *bottes bleues*. The Student's parents discovered his first e-mail address so he changed it as well to avoid recognition by her parents. In one e-mail, the Member insisted that the Student call him to wish him a Merry Christmas.

The Student testified that the Member had taken her to his apartment on several occasions, where they would sit on the couch together and watch TV and eat food that the Member would prepare. During one visit, the Member suggested that the Student put her head on his knees, he stroked her hair and they kissed.

The Student's parents eventually found out about the relationship with the Member because of exchanges of e-mails. The Student initially denied that there was a relationship but subsequently recanted and admitted that there was a relationship with the Member. The parents then insisted with a meeting with the Principal.

On January 28, 2002, the Member and the Student arranged to meet at the Library after school. The Member told the Student to duck down in the seat so they would not be seen together. They subsequently went to the Member's apartment, watched TV, kissed and proceeded to the bedroom where they had intercourse. Later that evening, the Member drove her home and dropped her off a ½ block from her house, as he usually did, because he knew he wasn't allowed to be with the Student and did not want her parents to know. The Student testified that both she and the Member knew they were not allowed to be together.

When the Student arrived home on January 28, 2002, the Student's mother was aware that she had been with the Member because the mother had called her daughter's friends to find out if they had seen her and was told by one of her friends that she had gotten into the Member's car at the Library. The Student testified that she told her mother everything. The Student's mother then took her to the hospital for tests.

Evidence of André Paradis

Since January 2000, Paradis was principal of the School with the Conseil scolaire de district catholique du Centre-Est de l'Ontario, where the Member was at all material times employed teaching English.

Paradis had received information from different people in the community at large and at the school to the effect that the Member was having inappropriate relationships with some of his students outside of the school. Paradis testified that in his official capacity as principal, he met with the Member on two occasions. At the first meeting, in the spring of 2001, the Member confirmed that he was going out to bars after school hours, drinking alcohol with students who he knew were underage. On some of these occasions, the Member would make arrangements to meet the students at the bars and on other occasions they would go to the bars together. Paradis provided the Member with a copy of the *Code de déontologie de la profession enseignante* (the French version of the *Ethical Standards for the Teaching Profession*) and told him he had to respect these standards. He specifically reviewed with the Member all of the points that appeared in the standards that he felt the Member was in breach of, specifically points 1, 2, 3, 5, 6, 8, 9, and 11 from Exhibit No. 9. These points in the Ethical Standards for the Teaching Profession (Exhibit 10) are as follows:

Members of the Ontario College of Teachers in their positions of trust and influence:

- maintain professional relationships with students;

- recognize and respect the privileged nature of the relationship that teachers maintain with students;
- demonstrate impartial and consistent respect for all students as individuals with distinctive and ongoing learning needs and capacities;
- model respect for human dignity, spiritual values, cultural values, freedom, social justice, democracy and the environment;
- work with members of the College and others to create a professional environment that supports the social, physical, intellectual, spiritual, cultural, moral and emotional development of students;
- co-operate with professionals from other agencies in the interest of students and as required by law;
- act with integrity, honesty, fairness and dignity; and
- comply with the acts and regulations.

Paradis explained to the Member how important it is for a teacher to be a role model for students at all times. He also stated that because teachers were working with students in their developmental stages, it is incumbent that teachers behave professionally. The Member responded that he understood the concerns but expressed that he couldn't help it if students thought he was cool. At the end of the first meeting, he promised Paradis that he would try to respect his advice in the future. Paradis thought he had succeeded in gaining the Member's understanding of the importance of respecting the *Code de déontologie de la profession enseignante*.

A subsequent meeting was held in the fall of 2001 with Paradis and the Member to address the same concerns as the prior meeting. Paradis once again provided the

Member with the *Code de déontologie de la profession enseignante* and said he expected the Member to follow these standards 100 per cent. The Member said he was young and entitled to have a life, that he had great difficulty accepting that teaching was keeping him from living freely, that he did go to clubs with students, and that he wasn't their father. Paradis told the Member that his behaviour was unacceptable and that if he carried on in the same way, this behaviour would cause him and the school difficulties and that this behaviour would risk tarnishing the reputation of the school. Paradis told the Member that it was the Member's choice to become a teacher, that he had a lot of potential and that he was putting all of this at risk. At the conclusion of this meeting, the Member thanked Paradis for his advice.

On January 7, 2002, the Student's parents, the Student, and a male friend of the Student met with Paradis and the Vice-Principal. The parents expressed their concerns that their daughter was involved in an unacceptable relationship with the Member. They detailed the various events that had occurred between the Student and the Member, for example, communications by phone, e-mail, car rides, lunches, visits to her work place and to the Member's apartment from November of 2001 and through the Christmas break.

When the Student and the male student returned to class, Paradis continued the meeting with the Student's parents. In the parents' presence, Paradis phoned the school superintendent and discussed options and possibilities. It was decided that the Student

would remain in the Member's class so the Student could maintain life as normal as possible in the School.

Paradis subsequently met with the Member on January 7, 2002, where he outlined to the Member the allegations and concerns of the Student's parents. The Member confirmed all the information presented by the parents was true, that he had given gifts to the Student, that he was communicating with the Student by e-mail and by telephone and that he had gone out to eat with the Student a number of times. He also admitted that the Student had been to his apartment. The Member also confirmed that the Student's father had phoned him asking that he cease all communication with his daughter outside of school hours. The Member told the father that he would respect his wishes.

Paradis then advised the Member that he was no longer authorized to be in charge of the School's ski club; that he was no longer to meet with the Student or any other student alone in his classroom, but should have a colleague present; that he was not to offer rides in his car to students, nor was he to socialize with students of the School outside of classroom hours. The Member advised the Principal that he accepted those restrictions. After Paradis imposed these restrictions, the Member offered his resignation. Paradis indicated that the Member should meet with his teachers' union representative and seek assistance through the school board's Employee Assistance Group. Paradis also told the Member that if the Member was going to resign, that he should not think of offering his services to the public school board.

Paradis testified that the Member finished the semester to the end of January. The Member submitted his resignation from the School and the School Board on January 22, 2002, which resignation was effective January 25, 2002, being the last day of the first semester. Upon receipt of the resignation, Paradis again reminded the Member that it wasn't a good idea to seek employment at the public school board because his reputation was impeached. The Member indicated he didn't know what he was going to do with respect to employment. The following week, Paradis learned that the Member had been hired to teach at a secondary school with the public school board.

*Evidence of Kim Kay-Levesque*

Kay-Levesque is a Social Worker with the Intake Unit at the Children's Aid Society of Ottawa-Carleton. She would receive referrals by phone with respect to neglect and/or abuse of students. She was assigned to the Student's case on January 10, 2002. She interviewed the Student in her home. She then met with Paradis and the Member the following day.

The Member told Kay-Levesque that the Student had asked him for a ride to the Rideau Centre and said that he had picked her up at his house. The Student invited the Member to lunch. The Member agreed that the Student and a male student had been to his apartment, that they had watched TV. The Member said that when the Student was leaving to go to work, he had leaned over and kissed her on the lips - a peck, as she put

on her coat. The Member told Kay-Levesque he had no sexual feelings towards the Student.

Kay-Levesque testified that on January 28<sup>th</sup> or 29<sup>th</sup>, 2002, a call from the children's worker at the Children's Hospital of Eastern Ontario was received advising that the Member had had sexual relations with the Student.

### **Decision**

#### **(i) Onus and Standard of Proof**

The College bears the onus of proving the allegations in accordance with the standard of proof with which the Committee is familiar set out in *Re Bernstein and College of Physicians and Surgeons of Ontario* (1977) 15 O.R. (2d) 477. The standard of proof applied by the Committee, in accordance with the *Bernstein* decision, was a balance of probabilities with the qualification that the proof must be clear and convincing and based upon cogent evidence accepted by the Committee. The Committee also recognized that the more serious the allegation to be proved, the more cogent must be the evidence. The Committee viewed the allegations in this case to be very serious.

#### **(ii) Decision**

Having considered the evidence and onus and standard of proof, the Committee finds the Member committed acts of professional misconduct as alleged in paragraphs (a), (b), (c), (f), (g), (h) and (i) of the *Notice of Hearing*. In particular, the Committee finds that the Member:

- (1) failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (2) abused a student or students physically, sexually, verbally, psychologically, and/or emotionally contrary to Regulation 437/97, subsection 1(7);
- (3) failed to comply with the Act or 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 (15);
- (4) 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);
- (5) engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19);
- (6) engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the Act; and
- (7) displayed a lack of knowledge, skill or judgment 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.

### **Reasons for Decision**

The Committee accepts the evidence as presented by the Student, the Principal and the Social Worker as a true depiction of the described events.

It is uncontradicted that the Member commenced and pursued an inappropriate relationship with the Student during the 2001-2002 first semester, culminating in sexual intercourse. The relationship progressed from nothing to the Member identifying the Student as someone he was attracted to and then pursuing her. He made her feel special in class by choosing her more often than others; he arranged for a movie on her birthday

and so advised the class; he changed a mark. The Member and the Student communicated by e-mail, with an e-mail account set up by the Member and using pseudonyms so as to try and mislead the Student's parents. The Member gave the Student his telephone numbers and they communicated after school hours by telephone. This progressed to off school property where the Member gave the Student rides in his car; he began to show up at the Student's place of employment; he bought her meals; he spoke to the Student about having children and wishing that she was older. He subsequently brought her to his apartment a few times. These visits progressed from kissing to touching the Student's hair and ultimately culminating in sexual intercourse.

Section 32.02 of the By-laws of the Ontario College of Teachers confirms that members of the College in their profession of trust and influence must "maintain professional relationships with "students", "recognize and respect the privileged nature of the relationship that teachers maintain with students", and "act with integrity, honesty, fairness and dignity". The Committee finds that the Member breached these standards of the profession by pursuing and encouraging an inappropriate relationship with a 15-year old female student whom he was teaching and finds that he did not respect the privileged nature of the relationship that teachers must maintain with students.

The Committee finds that the Member abused the Student sexually, psychologically and emotionally, contrary to Ontario Regulation 437/97, subsection 1(7) by fostering an inappropriate emotional and psychological relationship with the Student which ended up with kissing, touching and sexual intercourse between the Member and the Student.

The Committee considered the credibility of the Student. The Student gave her evidence in a calm, convincing and straightforward manner. She was not hesitant in her responses to questions. She recalled specific details and was consistent in her responses. The Committee therefore finds that the Student was telling the truth and accepts all of her testimony as being truthful. The evidence of the Student was uncontradicted.

Accordingly, the Committee finds that the Member engaged in inappropriate communication of a sexual nature, orally, electronically and by telephone with the Student and had sexual intercourse with her on one occasion. As such, the Member failed to maintain the standards of practice of the profession, breached s. 264(1) (c) of the *Education Act*, engaged in conduct that would reasonably be regarded by members as disgraceful, dishonourable and unprofessional, and engaged in conduct unbecoming a member.

The Committee also finds that the Member engaged in sexual abuse of the Student of a nature as defined in sections 1 and 40(1.1) of the Act by engaging in sexual intercourse with the Student.

The Committee also finds that the Member displayed a lack of knowledge, skill or judgment and a disregard for the welfare of students of a nature or extent that demonstrates that the Member is unfit to carry out his professional responsibilities. The Member used poor judgment in going out to bars after school hours and consuming alcohol with his students, some of whom he knew to be under the drinking age. As well, by engaging the Student in an inappropriate relationship, culminating in sexual intercourse, the Member displayed a disregard for the Student.

The testimony of Paradis is also uncontradicted. The Committee had no reason not to believe the evidence of this Principal who, in a forthright manner, outlined his interactions with the Member. The Committee finds that on two occasions, prior to January 7, 2002, Paradis warned the Member that his behaviour with respect to his interactions with students, for example drinking in bars with his underage students after work, was unacceptable behaviour for a member of the profession and detailed how the behaviour of the Member was unacceptable as it related to the *Code de déontologie de la profession enseignante (Ethical Standards of the Teaching Profession)*.

Paradis also met with the Member on January 7, 2002, after meeting with the Student's parents, and advised the Member not to communicate with the Student or any other

student alone in his classroom, not to offer rides to students or to socialize with students outside of classroom hours. However, the Member continued to communicate with the Student after this date and engaged in sexual intercourse with the Student on January 28, 2002.

### **Penalty**

Counsel for the College submitted that the appropriate penalty be as follows:

1. revocation of the Member's certificate of qualification and registration;
2. imposition of a lengthy period of time limit within which the Member may apply for reinstatement; and
3. publication of the decision and reasons of the Committee, with the Member's name, in *Professionally Speaking/Pour parler profession*.

### **Penalty Decision**

The Committee makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke immediately the Member's certificate of qualification and registration, which the Member is to immediately surrender to the Registrar.
2. Pursuant to Section 30 (5) (iii) of the Ontario College of Teachers Act, the decision and reasons of the Committee be published in summary, with the Member's name, in *Professionally Speaking/Pour parler profession*.
3. Pursuant to section 30(7) of the Ontario College of Teachers Act, the Member may not apply for reinstatement for a period of at least ten years following the date of this order.

### **Reasons for Penalty Decision**

The Committee finds that the Member displayed a total disregard for the feelings and welfare of the Student. Parents place a trust in teachers not to initiate or establish inappropriate relationships with students. The Member broke that trust. The father of the Student asked the Member to discontinue any relationship outside of the classroom with his daughter, and although the Member agreed that he would do so, he continued to see the Student.

The Committee finds that the inappropriate relationship that the Member pursued with the Student was not an isolated incident with respect to boundary violations. At the same time that the Member's principal was discussing boundary violations with him, the Member was actively pursuing an inappropriate relationship with the Student. The Member clearly does not understand the inappropriateness of a secondary school teacher engaging a 15-year-old student of his in a relationship which ultimately leads to sexual intercourse.

The Committee finds that the Member's behaviour towards the student was "grooming behaviour" as defined by Justice Robbins. The behaviour was not an isolated incident. The Member identified the Student as being receptive to his advances and he then pursued her to the point where he engaged in sexual intercourse with the Student.

The Committee finds that the conduct of the Member was an egregious breach of trust, a trust placed in him by the profession and by the Student's parents. Teachers are charged with educating students. Parents have a right to expect that their students will be safe with teachers. In this case, the Committee finds that being in a position of authority, the Member used the profession for his own gratification.

The nature of the Member's conduct is at the far end of the spectrum in terms of breach of trust. The Committee agrees with counsel for the College that it is important to send a strong message, not only to the profession, but to the Member, that this type of conduct will not be tolerated. It is paramount that the public and in particular, students, be protected.

Paradis warned the Member in the spring of 2001 about his inappropriate interaction with students after school hours. In the first semester of the 2001-2002 school year, the same complaints that Paradis had discussed with the Member were still coming forward. The Member continued with the same type of inappropriate actions, up to and including intercourse with the Student.

It is apparent that the Member still does not understand the significance of appropriate boundaries or how to ensure that they are kept. The public must be protected from members who engage in this type of flagrant misconduct. The Committee felt that the only decision was to revoke the Member's certificate of qualification as he has

demonstrated that he is not deserving of membership in the profession and the trust that comes with that membership.

Section 33 (4) of the Ontario College of Teachers Act specifies that an application for reinstatement following revocation shall not be made earlier than one year from the date of the order. This is of grave concern to the Committee in this matter, due to the Member's reprehensible behaviour and the fact that he disregarded the wishes of parents and the warnings of the Principal. The Member also displayed a lack of knowledge, judgment and total disregard for the welfare of the Student.

For these reasons, the Committee concluded that Stéphane Léonard Bélanger may not apply for reinstatement for a period of 10 years.

Date: May 26, 2004

---

Bernard J. Adam  
Chair, Discipline Panel

---

Ernie Checkeris  
Member, Discipline Panel

---

Anne Vinet-Roy  
Member, Discipline Panel