

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

IN THE MATTER OF *the Ontario College of Teachers Act, 1996*, S.O. 1996,
c. 12 and the Regulation (Ontario Regulation 437/97) thereunder;

AND IN THE MATTER OF discipline proceedings against
Paul Gary Bedard, a member of the Ontario College of Teachers.

PANEL: Brent Hamelin (Chair)
 John Tucker
 John Wells

BETWEEN:	)	David Leonard,
	)	McCarthy Tétrault LLP,
ONTARIO COLLEGE OF TEACHERS	)	for Ontario College of Teachers,
	)	assisted by Trevor Evans,
- and -	)	Senior Law Clerk
)	
PAUL GARY BEDARD	)	Paul Gary Bedard
(CERTIFICATE #261280	)	was not present,
	)	nor was he represented by counsel
)	
	)	Johanna Braden,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: July 8, 2008

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on July 8, 2008 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated January 20, 2006, was served on Paul Gary Bedard, requesting his attendance before the Discipline Committee of the Ontario College of Teachers on March 6, 2006 to set a date for a hearing and specifying the charges. The hearing was subsequently set to begin on July 8, 2008.

Paul Gary Bedard was not in attendance at the hearing.

THE ALLEGATIONS

The allegations against Paul Gary Bedard in the *Notice of Hearing*, (*Exhibit 1*) dated January 20, 2006 are as follows:

IT IS ALLEGED that Paul Gary Bedard is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) 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 (15);
- (d) 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);
- (e) he contravened a law, the contravention of which has caused students 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); and
- (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*.

PUBLICATION BAN

The Committee recognizes and extends the publication ban imposed by the Superior Court of Justice of Ontario and the Criminal Court of Appeal of Ontario pursuant to Sections 486.5 and 486.6 of the *Criminal Code*. There shall be no publication of any information that would identify the student or students involved in this matter.

AGREED STATEMENT OF FACTS

On July 8, 2008, 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 3)* which provides as follows:

1. Paul Gary Bedard (the “Member”) was a member in good standing of the Ontario College of Teachers up until October 6, 2004 when he resigned his membership. Attached hereto and marked as **Exhibit “A”** is a copy of the Ontario College of Teachers Registered Member Information respecting the Member.
2. During the 2000-2001 and 2001-2002 academic years, the Member was employed by the Sudbury Catholic District School Board as a teacher at [XXX] (the “School”). At the same time, a female student (“the Student”) was in [XXX] respectively at the School. The Member was the [XXX] teacher [XXX].

3. On or about July 14, 2006, the Member was found guilty by the Honourable Mr. Justice Poupore of the Superior Court of Justice at Sudbury of the following charges, which were contained in an Indictment issued in the Superior Court of Justice on July 15, 2005:

- (a) that he on or between May 1, 2001 and June 30, 2001 at the City of Greater Sudbury did commit a sexual assault on the Student contrary to Section 271 of the *Criminal Code* (Canada);
- (b) that he on or between May 1, 2001 and June 30, 2001 at the City of Greater Sudbury, being in a position of trust or authority towards the Student, a young person, did for a sexual purpose touch directly the body of the student with a part of his body, to wit: hand, contrary to Section 151 of the *Criminal Code* (Canada);
- (c) that he on or between June 1, 2001 and June 30, 2001 at the City of Greater Sudbury did commit a sexual assault on the Student contrary to Section 271 of the *Criminal Code* (Canada);
- (d) that he on or between June 1, 2001 and June 30, 2001 at the City of Greater Sudbury, being in a position of trust or authority towards the Student, a young person, did for a sexual purpose touch directly the body of the student with a part of his body to wit: tongue, contrary to Section 151 of the *Criminal Code* (Canada); and
- (e) that he on or between September 1, 2001 and November 9, 2001 at the City of Greater Sudbury did commit an assault on the Student contrary to Section 266 of the *Criminal Code* (Canada).

4. On or about December 5, 2006, the Member was sentenced by Mr. Justice Poupore to incarceration for a total period of nine months. Orders were also issued by the court:

(a) for the Member to [XXX];

(b) [XXX]; and

(c) prohibiting the Member, pursuant to Section 109 of the *Criminal Code of Canada* from possessing any firearm, cross bow, restricted weapon, ammunition and explosive substance for a period of ten (10) years.

5. The Member appealed the conviction and sentence imposed on him and on December 12, 2007, the Court of Appeal for Ontario dismissed the Member's appeal.

6. Attached and marked as **Exhibit "B"** is a certified copy of the Indictment issued in the Superior Court of Justice on July 15, 2005.

7. Attached and marked as **Exhibit "C"** is a Transcript of Proceedings with respect to the Reasons for Judgment by Mr. Justice Poupore on July 14, 2006.

8. Attached and marked as **Exhibit "D"** are the Written Reasons for Judgment of Mr. Justice Poupore, dated July 14, 2006.

9. Attached and marked as **Exhibit "E"** is the Transcript of Reasons for Sentencing by Mr. Justice Poupore at Sudbury on December 5, 2006.

10. Attached and marked as **Exhibit "F"** is a certified copy of the Order [XXX], dated December 5, 2006.

11. Attached and marked as **Exhibit “G”** is a certified copy of an Order to [XXX], *dated* December 5, 2006.

12. Attached and marked as **Exhibit “H”** is a certified copy of the Prohibition Order Imposed at Sentencing, dated December 5, 2006.

13. Attached and marked as **Exhibit “I”** is a copy of the Endorsement of the Court of Appeal for Ontario which respect to the Appeal of Paul Bedard as well as a Warning re an Order Restricting Publication of any information that could identify the victim or witness in this matter.

PLEA OF NO CONTEST

14. By this document, the Member does not contest the truth of the facts and exhibits referred to in paragraphs 1 to 13 above (the “admitted facts”). The Member hereby acknowledges that the admitted facts referred to in paragraphs 3 and 4 above constitute conduct which is unprofessional and pleads no contest to the allegations of professional misconduct against him being more particularly 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) or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);

- (d) 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);
- (e) he contravened a law, the contravention of which has caused students 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 of 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); and
- (h) he engaged in sexual abuse of the student or students of a nature defined in Sections 1 and 40 (1.1) of the Act.

15. 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 particulars set out herein, he is waiving his right to require the College to prove the case against him and the right to have a hearing into those allegations;
- (c) he voluntarily decided to plead no contest; and
- (d) he states that this plea of no contest was made voluntarily, unequivocally and without the advice of legal counsel.

16. The Member provides this plea of no contest pursuant to Rule 3.02 of the Rules of Procedure of the Discipline Committee under protection of the *Evidence Act*, R.S.O. 1990, c. E. 23, for the purpose of this proceeding under the *College of Teachers Act, 1996*, chapter 12, and for no other purpose. The Member's plea of no contest does not constitute an admission by the Member as to the facts or findings in any other civil, criminal, or administrative proceeding.

17. In light of his plea of no contest to the allegations of professional misconduct against him, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

JOINT SUBMISSION ON PENALTY

18. 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 Discipline Committee:

- (a) direct the Registrar of the Ontario College of Teachers to immediately revoke the Certificate of Qualification and Registration of the Member, which Certificate the Member agrees to immediately surrender to the Registrar of the Ontario College of Teachers; and
- (b) direct that there be publication of the findings and order of the Committee, in summary form, including the full name of the Member, in the official publication of the College.

19. 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 AS TO FINDING

Having examined the Exhibits filed, and based on the plea of no contest, the *Agreed Statement of Facts, Plea of No Contest and Submissions on Penalty*, and the submissions made by counsel for the College, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Paul Gary Bedard committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97 subsections 1(5), 1(7), 1(14), 1(15), 1(16), 1(17), 1(18) and 1(19). Further, the Committee finds that the Member engaged in sexual abuse of a student or students of a nature defined in Sections 1 and 40(1.1) of the *Ontario College of Teachers Act, 1996*, Chapter 12, and amendments thereto.

REASONS FOR FINDING

On or about July 14, 2006, the Member was convicted in the Ontario Court of Justice of two counts of sexual assault, two counts of sexual exploitation and one count of common assault between the dates of May and November 2001. (Exhibit 3, Tab C, page 3). The victim in these assaults was a student [XXX] at the time of the offences. The Member appealed the conviction and sentence which was imposed on him and the appeal was dismissed on December 12, 2007. (Exhibit 3, Tab I)

The Committee finds that the Member is guilty of professional misconduct by reason of these criminal convictions. The Member does not contest the truth of the facts and exhibits referred to in paragraphs 1 to 13 of the *Agreed Statement of Facts*. (Exhibit 3) Further, the Member

acknowledges that the admitted facts referred to in paragraphs 3 and 4 of the Agreed Statement of Facts constitute conduct which is unprofessional and pleaded no contest to the allegations of professional misconduct and no contest to the allegations that he engaged in sexual abuse of a student or students.

PENALTY DECISION

The Committee accepts the Joint Submission on Penalty and makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke immediately the Certificate of Qualification and Registration of the Member, which Certificate the Member is to surrender immediately to the Registrar;
2. Pursuant to Section 30 (5) (3) of the *Ontario College of Teachers Act*, the findings and order of the Committee shall be published in summary, with the Member's full name, in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

On or about December 5, 2006, Mr. Justice Poupore sentenced the Member to incarceration for a total period of nine months. Orders were also issued by the court:

- (a) for the Member to [XXX];
- (b) [XXX]; and
- (c) prohibiting the Member, pursuant to Section 109 of the *Criminal Code of Canada* from possessing any firearm, cross bow, restricted weapon, ammunition and explosive substance for a period of ten (10) years.

The Member has brought the profession into disrepute by his sexual abuse of a student and has lost the trust of the public. Mr. Justice Poupore found that the Member had a history of befriending young female students of his and developing with them more than teacher student relationships. (Exhibit 3, Tab D, page 2). The Member committed a serious breach of trust when he sexually assaulted one of his students. This conduct must be denounced and others must be deterred by the penalty he receives.

The Member, by grooming young women under his supervision who were vulnerable and susceptible to him, abused the power and trust vested in him as a teacher. The manner in which the Member groomed this vulnerable student over a period of time and then violated her trust adds to the aggravation. He caused emotional, psychological, and sexual harm to a student for his own gratification. Given the facts, the appropriate penalty is to revoke the Member's certificate of qualification and registration.

The Committee orders publication of the finding and order with the name of the Member for the following reasons:

1. The Member has been convicted of sexual assault, sexual exploitation and common assault against a student. These are some of the most egregious crimes in our society. The public must be informed that a member of the teaching profession who engages in this type of activity will suffer the most serious of consequences.
2. The Member is [XXX]. It is essential that the public be made aware of these conditions placed upon him.
3. Publication acts as a specific deterrent to the Member and as a general deterrent to members of the profession.

4. Publication advises the public and the profession, and supports transparency of the disciplinary process.

For all of the above reasons, the Committee determined that revocation of the Member's certificate of qualification and registration, and publication of the findings and order of the Committee, with the name of the Member, in *Professionally Speaking/Pour parler profession* is appropriate.

Date: July 8, 2008

Brent Hamelin
Chair, Discipline Panel

John Tucker
Member, Discipline Panel

John Wells
Member, Discipline Panel