

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 Heidi Franziska Coleman aka Hedwig Franziska Coleman.

The Discipline Committee held a hearing on February 12, 2001,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**HEIDI FRANZISKA COLEMAN
aka
HEDWIG FRANZISKA COLEMAN
CERTIFICATE #315047**

PRESENT:

Members of the Panel
Dick Malowney (Chair)
Guill Archambault
Karen Mitchell

The Honourable Lloyd Houlden , Independent Counsel to the Panel

David Leonard, McCarthy Tétrault, assisted by Trevor Evans, Senior Law Clerk,
Counsel for the Ontario College of Teachers

Heidi Franziska Coleman was not present nor was she represented by counsel.

A Notice of Hearing, dated March 9, 2000 was served on Heidi Franziska Coleman aka Hedwig Franziska Coleman, herein referred to as "Heidi Coleman", 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 in September, 2000 at which time, Heidi Coleman requested an adjournment to which the Committee agreed. The hearing was rescheduled for February 12, 2001.

It is alleged that Heidi Coleman is guilty of professional misconduct in that:

- (a) she failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) she abused a student physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) she failed to comply with the Act and the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2 and particularly section 264(1)(c) thereof or the Regulations made under the Act, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) she contravened a law and that contravention is relevant to her suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (e) she 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);
- (f) she engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and

- (g) she displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of a student of a nature or extent that demonstrates that the member is either unfit to carry out her professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

The Notice of Hearing states that Heidi Coleman is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On February 12, 2001, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Heidi Coleman was guilty of professional misconduct.

Heidi Coleman was not in attendance at the hearing, nor was she 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 Heidi Coleman is guilty of professional misconduct in that her 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), (14), (15), (16), (18) and (19). It is also alleged that she displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of a student of a nature or extent that demonstrates that the member is either unfit to carry out her

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. Heidi Franziska Coleman aka Hedwig Franziska Coleman, is a member of the Ontario College of Teachers.
2. At all material times, the member was employed by the Halton Board of Education, now Halton District School Board, as a supply teacher.
3. On a date or dates, on or between January 1, 1976 and December 31, 1978, the member committed sexual assaults on a male student, [REDACTED], of approximately 13 years of age at Brookville Public School, Campbellville, where [REDACTED] was a student in the member's class.
4. The sexual assaults involved the member touching [REDACTED]'s genitals and masturbating him, requesting [REDACTED] to touch her genitals and to masturbate her, and requesting [REDACTED] to fondle her breasts.
5. On or between the same dates, the member drove [REDACTED] in her vehicle, without parental consent, to an isolated location where she invited [REDACTED] to have sexual intercourse with her, which he did.
6. On or about October 7, 1998, the member pleaded guilty to the charge of gross indecency with her former student, contrary to section 157 of the *Criminal Code of Canada*.
7. On or about December 16, 1998, the member was sentenced to an 18 month conditional sentence to be served in the community, to be followed by 18 months

probation, and was ordered to undertake 100 hours of community service within a 12 month period and was directed to abstain from contact with [REDACTED] except in the presence of her counsel.

8. In a letter to the Ontario College of Teachers written on or about November 24, 1999, the member admits to having sexual intercourse with [REDACTED] in 1978 when he was her student.

At all material times, Heidi Coleman was employed by Halton District School Board, formerly known as the Halton Board of Education, as a supply teacher.

[REDACTED], now a 36-year-old male, testified to being a victim of sexual abuse by Heidi Coleman when she was a supply teacher at Brookville Public School during the 1976/1978 school years, at which time she was a supply teacher in his classroom or in another classroom, commencing when he was 12 years of age. Such abuse consisted of her fondling his groin area and penis on a number of occasions in the classroom, culminating two years later with actual sexual intercourse occurring in her vehicle after school. All incidents occurred on school property but for the one that took place in the spring of 1977 which was the sexual intercourse in her car. [REDACTED] was a special needs student and this was his first experience of sexual intercourse. During the summer of 1977, she visited him at his home when he was sitting on the porch with his parents. At that time, she invited him to attend a church group which he declined because he was nervous and uncomfortable with her. The following school year, 1977/1978, when Heidi Coleman was supply teaching again and the fondling incidents continued, [REDACTED] left and attended [REDACTED].

[REDACTED] testified that he has difficulty in maintaining relationships with women and dealing with people in authority. He stated that he came forward to complain to police in 1997/1998 because he recognized that his own son at that age, was the same age as he was when he was a victim of this abuse. In [REDACTED]'s Victim Impact Statement (Exhibit #2) given to the police during the criminal trial, [REDACTED] commented on the long-term negative effects that his encounter with Heidi Coleman caused, including his fear and apprehension about individuals who are figures of authority.

Shirley Hepburn, Personnel Manager of the Halton District School Board, testified that Heidi Coleman was indeed employed by the board as a supply teacher during the period of time that the alleged abuse occurred. She also presented evidence from the Ontario School's Record card (Exhibit #5) demonstrating that indeed, [REDACTED] was in attendance at Brookville Public School over the period in which the alleged abuse took place.

Robert Percy, Staff Sergeant for the Halton Regional Police Services, testified that he was the investigating officer who received this case on the complaint in 1997 from [REDACTED] and subsequent to his investigation, Heidi Coleman was arrested and charged on one count of gross indecency, contrary to section 157 of the *Criminal Code of Canada* (Exhibit#7). She pleaded guilty and accepted full responsibility for her actions (Exhibit #9). She voluntarily left the teaching profession shortly after the events which gave rise to this offense occurring.

Fred DuVal, investigator at the Ontario College of Teachers, testified that the complaint came to his attention by way of a letter from Paul Anthony, Superintendent of Education/Human Resources of Halton District School Board, informing the College that Heidi Coleman had apparently pleaded guilty to charges of sexually assaulting a young boy in her class between September 1976 and June 1978 (Exhibit #6). The letter stated that it appeared that the assaults occurred on a number of occasions in different forms and in different locations. Heidi Coleman made a request to meet with Fred DuVal, regarding information she thought should be known about the case. However, she cancelled this appointment. In a subsequent letter dated November 24, 1999, she outlined a number of inconsistencies regarding information in her court proceedings and also indicated "I relented and we had sexual intercourse." (Exhibit #11) The member sent a letter to the Ontario Teacher's Federation dated January 15, 2001 stating that the discipline hearing being held against her by the Ontario College of Teachers was unnecessary and that she had no intention of wasting any more time by participating in "your kangaroo court." She further threatened that if her name was published anywhere she would sue for slander and/or defamation of character.

FINDINGS OF FACT:

The panel finds the following facts:

- (1) The Committee finds that Heidi Coleman sexually abused [] on a number of occasions and in different locations over a period of two school years, 1976-1979.
- (2) Heidi Coleman was charged under Section 157 of the *Criminal Code of Canada*, and was sentenced to an 18 month conditional sentence, followed by 18 months

- probation, 100 hours of community service and was ordered to abstain from contacting, communicating or associating directly or indirectly with [■].
- (3) The Committee finds that Heidi Coleman used her position of trust and authority to exploit her vulnerable young male student.
 - (4) After pleading guilty in criminal court, Heidi Coleman continued to deny her role in the relationship with [■].
 - (5) This series of events has seriously affected this male student, including his inability to maintain long-term relationships and in dealing with persons of authority.

DECISIONS AND ORDERS:

Accordingly, the Committee finds Heidi Coleman guilty of professional misconduct under subsections 1(5), (7), (14), (15), (16), (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke the member's Certificate of Qualification and Registration immediately.

The Committee accepts that teachers have a special responsibility for their students. Students in a special program should require an even higher level of trust and responsibility from their teachers. Clearly, in serious offenses involving children and breaches of trust, the principles of general deterrence and denunciation are the two most serious considerations for the College. The College must strictly deal with individuals who engage in this type of child abuse to dissuade like-minded individuals from committing similar offenses. The gender of the child victim does not affect the severity of how these offenders will be dealt with.

The Committee also imposes a fine in the amount of \$2000.00 (two thousand dollars) to be made payable to the Minister of Finance for the Consolidated Revenue Fund.

Pursuant to Section 30(5)(iii) of the Ontario College of Teachers Act, the Committee orders that the findings of this hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers. The Committee also orders that, in any publication, whether that of the College or in any media, the name of the student not be published and the student may only be identified by two initials.

**DATED AT TORONTO, THIS 28th DAY OF FEBRUARY, 2001
BY ORDER OF THE DISCIPLINE COMMITTEE**

Dick Malowney, Chair

Guill Archambault

Karen Mitchell