

**DECISION OF THE INVESTIGATION COMMITTEE  
OF THE ONTARIO COLLEGE OF TEACHERS  
IN THE MATTER OF**

**A COMPLAINT SUBMITTED BY THE REGISTRAR  
REGARDING GERARD DEVINE**

**PANEL:** Susan Robertson  
Carlo Cappello, OCT  
Nick Forte, OCT

**IMPORTANT NOTICE**

The Investigation Committee has disposed of this matter with the ratification of an agreement between the College and Gerard Devine.

On March 2, 2007 and April 3, 2007, the Toronto Catholic District School Board (the "Board") notified the Ontario College of Teachers (the "College") pursuant to section 43.3(1)(c) of the *Ontario College of Teachers Act, 1996*, regarding the conduct of Gerard Devine, a teacher at [REDACTED] (the "School").

Gerard Devine (the "Member") was a member of the College in good standing at the time of the Board notification but, effective March 6, 2009, the Member's status was changed to retired.

According to media reports, [REDACTED] is an adult education school for adult learners, new immigrants, at risk youth and the physically and mentally challenged.

The Board alleged that on February 18, 2007, the Member called a female colleague and proceeded to discuss his past sexual relationships with her.

According to the Board, on February 25, 2007, the Member also allegedly called a [REDACTED]-year old female student on three occasions: at approximately 8:00 p.m., 8:40 p.m. and midnight.

The Board conducted an investigation into the Member's conduct, suspended the Member with pay and notified the College.

According to certified court documents, the Member was charged with one count of sexual exploitation and one count of criminal harassment regarding his conduct from and including March 7, 2007 until March 20, 2007, towards a young female, [REDACTED].

In a subsequent certified court document, the Member was charged with one count of sexual exploitation regarding his conduct from and including March 7, 2007 until March 20, 2007, toward a young female, [REDACTED]

According to recent information obtained from the court clerk, the charges against the Member were withdrawn on June 3, 2008.

The Member resigned from the Board on May 1, 2008.

On September 21, 2009, the complaint against the member was assessed as suitable for the College's Dispute Resolution Program. On November 3, 2009, the parties indicated that they were amenable to participating in dispute resolution.

In April 2010, the parties signed a Memorandum of Agreement (the "MOA") which, in their opinion, resolved the issues raised by the complaint.

## Allegations

As the Complainant, the Registrar alleges that Gerard Devine, a teacher with the Toronto Catholic District School Board at Monsignor Fraser College, acted in an inappropriate and unprofessional manner and failed to maintain the standards of the profession when he:

1. from and including March 7, 2007 until March 20, 2007, sexually exploited [REDACTED];
2. from and including March 7, 2007 until March 20, 2007, criminally harassed [REDACTED];
3. from and including March 7, 2007 until March 20, 2007, sexually exploited [REDACTED] and
4. in so doing, contravened a law or laws relevant to the Member's suitability to hold a Certificate of Qualification and Registration, and which have caused or may cause a student under his supervision to be put at, or remain at, risk.

## Documents Provided to the Committee

- Request for Ratification
- Letter from Board to the College, dated March 2, 2007
- Newspaper articles, dated March 22, 2007
- Acknowledgement letter from the College to the Board, dated March 28, 2007
- Request for Additional Documents
- Letter from the Member to the Board, dated May 1, 2008 re. Member's resignation
- Letter from Board to the Member's former spouse, dated October 15, 2007
- Note from the Director of Education, undated
- E-mail from Human Resources to Employee Relations, undated
- Letter from Member's former spouse to the Board, dated September 25, 2007
- Letter from Member's Doctor to Superintendent of Education, dated May 7, 2007

- Letter from Member's Counsel to OECTA President, dated April 10, 2007
- Letter from the Board to the College, dated April 3, 2007
- Letter from OECTA President to Director of Education, dated March 26, 2007
- E-mail from Employee Relations to Communications, dated March 22, 2007
- Letter from OECTA President to the Director of Education, dated March 8, 2007
- E-mail from Human Relations to Employee Relations, dated March 8, 2007
- Letter from the Superintendent to Member, dated March 7, 2007
- News Release, undated
- Recognizance of Bail, dated March 23, 2007
- Letter from Superintendent to the Member, dated March 1, 2007
- E-mail from Superintendent – Student Services to Human Resources, dated February 26, 2007
- Letter from Child Protection Worker to the Member, dated January 18, 2006
- Letter from the Member to Superintendent, dated Jan 30, 2003
- Letter from Superintendent to Member, dated June 5, 2002
- Letter from Member to Human Resources, dated March 21, 2002
- Letter from Member to Human Resources, dated February 12, 2002
- Letter from Human Resources to Member, dated January 18, 2002
- Letter from Member to Superintendent, dated August 9, 2001
- Letter from Personnel Services to Member, dated April 20, 2001
- Letter from Personnel Services to Member, dated April 3, 2001
- Letter from Superintendent to Member, dated March 9, 2001
- Letter from Member to Superintendent, undated
- Leave of Absence Form for Member, undated
- Letter from Superintendent to Complainant in Sexual Harassment Complaint, dated June 8, 2000
- Letter from Member to Complainant in Sexual Harassment Complaint, dated June 7, 2000
- Letter from Kathleen Tribe to Superintendent, dated May 30, 2000
- Toronto Catholic District School Board Summary Report, dated May 29, 2000
- Letter from Member's Doctor to Superintendent, dated June 1, 1999
- Letter from Member's Doctor to Superintendent, dated April 29, 1999
- Letter from Member's Doctor to Superintendent, dated November 26, 1998
- Memorandum from Superintendent to Personnel Department, dated October 29, 1998
- Letter from Member's Doctor to Board, dated October 20, 1998
- Letter from Superintendent to Member, dated May 17, 2000
- Letter from Superintendent to the Member, dated May 17, 2000
- Letter from Superintendent to Sexual Harassment Complainant, dated May 17, 2000
- Letter from Superintendent to Sexual Harassment Complainant, dated May 17, 2000
- Letter from Sexual Harassment Complainant to Superintendent, dated May 16, 2000
- Letter from Sexual Harassment Complainant to Superintendent, dated May 16, 2000
- Letter from unknown person to the Member, undated

- Letter from Member's Doctor to Personnel, dated September 25, 1998
- Registrar's memo initiating a complaint against the Member, dated October 26, 2009
- Request to Initiate Investigation form, dated October 26, 2009
- Notification letter to the Member from the Registrar, dated October 27, 2009
- Memo from the Investigator to File re. notification of Member
- Request for court documents, dated May 23, 2007
- Court informations and appearance dates
- Recognizance of Bail, dated March 23, 2007
- Memo from the Investigator to File re. Court status, dated September 8, 2009
- News Release from Toronto Police Service, dated March 22, 2007
- Request for police documents, dated September 18, 2009
- Memorandum of Agreement signed by the parties

## Decision of the Committee

The Ontario College of Teachers (the "College") is the regulatory body for the teaching profession in Ontario. Its mandate is to regulate the teaching profession in the public interest. The College registers individuals who are qualified to teach in Ontario, supports teachers in their profession, and resolves complaints about members of the teaching profession.


On May 21, 2010, a panel of the Investigation Committee carefully reviewed the submissions of the parties and all relevant information available to the College. The panel also determined that no panel members were in a position of conflict regarding this complaint.

The Investigation Committee is satisfied that the allegations set out in the complaint relate to professional misconduct, as that term is defined in the *Ontario College of Teachers Act, 1996* and its Regulations.

In accordance with the provisions of 26(5)(d) of the *Ontario College of Teachers Act, 1996*, the Investigation Committee ratified the attached Memorandum of Agreement.

The Member's inappropriate behaviour towards female students and colleagues raises serious concerns for the Committee. For this reason the Committee is admonishing the Member.

  
Susan Robertson, Chair

  
Carlo Cappello, OCT

  
Nick Forte, OCT