

**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 Dennis Charles Doherty.

The Discipline Committee held a hearing on January, 10, 2000,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**DENNIS CHARLES DOHERTY**  
**Certificate #220517**

**PRESENT:**

Members of the Panel  
George Merrett (Chair)  
Larry Capstick  
Diane Leblovic

The Honourable Patrick Galligan, Independent Counsel to the Panel

Caroline Zayid, McCarthy Tétrault, Counsel for the Prosecution

Mr. Doherty was not present and there was no one present to represent him.

A Notice of Hearing, dated January 6, 1999 was served on Dennis Charles Doherty, requesting attendance before the Discipline Committee of the Ontario College of Teachers on February 15, 1999, to set a date for hearing and specifying the charges. The date eventually set for hearing was January 10, 2000. It is alleged that Dennis Charles Doherty is guilty of professional misconduct in that:

- a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- b) he abused students physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- c) he failed to comply with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2 and the Regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- d) 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); and
- E) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

The Notice of Hearing states that Dennis Charles Doherty is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit 1).

On January 10, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Dennis Charles Doherty was guilty of professional misconduct.

Dennis Charles Doherty was not in attendance at the hearing, nor was he 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 Dennis Charles Doherty is guilty of professional misconduct in that his 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, sections 1 (5), (7), (15), (18) and (19). Particulars of the alleged misconduct are set out in Exhibit 1 and they are to the effect that:

1. Dennis Charles Doherty is a member of the Ontario College of Teachers.
2. At all material times Dennis Charles Doherty was employed by the Frontenac County Board of Education as a teacher and librarian.
3. On or between September 1, 1970 and December 31, 1970, Dennis Charles Doherty committed sexual assaults on [XXX], a female student at a school in the said board, by kissing her, touching her breasts and vagina, masturbating her, inviting her to masturbate and to fellate him and having sexual intercourse with her. At that time, she was enrolled as a student at a school in the said board.

4. On or between May 1, 1975 and August 31, 1975 and on or between May 1, 1976 and September 30, 1976, Dennis Charles Doherty committed sexual assaults on [XXX], a female student at a school in the said board by kissing her, touching her breasts and vagina, masturbating her, inviting her to masturbate and fellate him and by having sexual intercourse with her. At that time, she was enrolled as a student in the said board.
5. On or between October 1, 1975 and January 31, 1976, March 1, 1976 and July 31, 1976 and October 31, 1975 and July 31, 1976, Dennis Charles Doherty sexually assaulted [XXX], a female student at a school in the said board, by touching her breasts and vagina, masturbating her, inviting her to masturbate and fellate him, performing cunnilingus on her and having sexual intercourse with her. At that time, she was enrolled as a student in the said board.
6. On or between March 1, 1976 and July 31, 1976, Dennis Charles Doherty sexually assaulted [XXX], a female student at a school in the said board, by touching her breasts and vagina and inviting her to masturbate and fellate him. At that time, she was enrolled as a student in the said board.
7. On or about August 31, 1976, Dennis Charles Doherty sexually assaulted [XXX], a female student at a school in the said board, by kissing her and touching her breasts. At that time, she was enrolled as a student in the said board.
8. On or between July 1, 1977 and August 31, 1977, Dennis Charles Doherty sexually assaulted [XXX], a female student at a school in the said board, by touching her breasts. At that time, she was enrolled as a student in the said board.

9. On or between January 1, 1978 and March 31, 1978, Dennis Charles Doherty sexually assaulted [XXX], a female student at a school in the said board, by kissing her on the mouth. At that time, she was enrolled as a student in the said board.
10. On or between January 1, 1978 and March 31, 1978, Dennis Charles Doherty sexually assaulted [XXX], a female student at a school in the said board, by touching her breasts. At that time, she was enrolled as a student in the said board.
11. On or between September 1, 1978 and June 30, 1979, Dennis Charles Doherty sexually assaulted [XXX], a female student at a school in the said board, by kissing her, masturbating her, inviting her to fellate him and having sexual intercourse with her. At that time, she was enrolled as a student in the said board.
12. On or between the aforesaid dates, Dennis Charles Doherty provided to and permitted students under the age of 19 years to consume alcoholic beverages.
13. On or about April 21, 1997, Dennis Charles Doherty was charged with various criminal offences related to the above mentioned sexual assaults including rape, attempted rape and indecent assault.
14. Subsequent to the laying of criminal charges against Dennis Charles Doherty, he was suspended from his employment with the Frontenac County Board of Education effective September 1, 1997.
15. The aforesaid activities of Dennis Charles Doherty are public knowledge through media coverage of the charges involving the said member.

16. The aforesaid activities and the publicity resulting from media coverage and communication within the general public has resulted in a reputation, image and lifestyle inconsistent with that expected of a member and, thereby rendering the member unable or unfit to discharge the duty of the member to the public, the students and his employer.

An Agreed Statement of Facts was filed as Exhibit #3.

#### **FINDINGS OF FACT:**

The Panel accepts the Agreed Statement of Facts in that:

1. At all material times, Dennis Doherty was employed as a teacher and a librarian by the Frontenac County Board of Education.
2. At all material times, [XXX] was a female student at a school in the said board while Dennis Doherty was a teacher there. During the 1970-71 school year Doherty was her [XXX] [XXX] teacher. [XXX] also occasionally [XXX].
3. In the fall of 1970, [XXX] confided to Doherty about her relationship with her boyfriend.
4. In the fall of 1970, Doherty hugged and kissed [XXX]. Within a short period of time, the relationship progressed to genital touching.
5. Thereafter, Doherty and [XXX] engaged in sexual intercourse on several occasions during the fall of 1970.
6. At all material times, [XXX] was a student at a school in the said board. Doherty was a teacher at the school at the same time. In January 1975, [XXX] was [XXX]

- years old. From time to time between January 1975 and June 1976, [XXX] assisted Doherty [XXX].
7. In or about the spring of 1975, Doherty began an inappropriate relationship with [XXX]. This began with kissing and hugging at school and progressed to mutual masturbation.
  8. Beginning in February or March of 1976, Doherty engaged in sexual intercourse with [XXX]. Sexual intercourse occurred on several occasions.
  9. Between October 1975 and July 1976, [XXX] was a [XXX] . During the same period, she was also a student in the said board where Doherty was a teacher.
  10. During the time that [XXX] was a [XXX] , Doherty engaged in sexual touching of [XXX].
  11. On November 12, 1999, Doherty was found guilty of attempting to have sexual intercourse with [XXX], a female person who was not his wife, [XXX].
  12. On November 12, 1999, Doherty was found guilty of the offence of having illicit sexual intercourse with [XXX], [XXX].
  13. At all material times [XXX] was a student at a school in the said board while Doherty was a teacher there. [XXX] also [XXX] .
  14. During the spring of 1976, Doherty hugged and kissed [XXX] on several occasions.
  15. During the summer of 1976, Doherty supervised [XXX] for students of the said school. [XXX] participated in the [XXX] .
  16. During the course of the [XXX] , Doherty kissed and sexually fondled [XXX].
  17. Following the [XXX] , Doherty continued to engage in kissing, hugging and genital touching of [XXX].

18. While at Doherty's home, Doherty attempted to engage in sexual activity with [XXX]. [XXX] cried and indicated that she did not wish Doherty to continue. As soon as she so indicated, Doherty ceased any sexual contact or attempt at sexual contact with [XXX].
19. At all material times, [XXX] was a student at a school in the said board while Doherty was a teacher there. She was enrolled in his [XXX] class. She was [XXX] years old.
20. In or about August 1976, Doherty hugged and kissed [XXX] while she was in his car. [XXX] stated that "we should not be doing this". As soon as [XXX] so indicated, Doherty immediately ceased any sexual activity or attempts at sexual activity with [XXX].
21. At all material times, [XXX] was a student at a school in the said board while Doherty was a teacher there. [XXX] also [XXX].
22. On November 12, 1999, Doherty was found guilty of the offence of indecent assault on [XXX], contrary to section 149 of the *Criminal Code of Canada*. The facts underlying the conviction were [XXX]'s evidence that Doherty hugged her and that his hand brushed her breast.
23. During the 1978-79 school year, [XXX] was a student at a school in the said board while Doherty was a teacher there. She was involved with a [XXX] which Doherty supervised. [XXX] also [XXX].
24. During 1978-79 school year, Doherty hugged and kissed [XXX] at school on several occasions.

25. During the said school year, Doherty engaged in sexual intercourse with [XXX] on a weekly basis. The intercourse occurred at Doherty's home on Friday evenings while his wife was out of the house.
26. The relationship, including weekly sexual intercourse, continued for a further two years while [XXX] was a student at university.
27. At all material times, [XXX] was a student at a school in the said board while Doherty was a teacher there. [XXX] was also the [XXX] of a [XXX] that Doherty supervised.
28. Between January 1, 1978 and March 31, 1978, Doherty hugged [XXX] in his car. [XXX] stated that she wished Doherty to stop. Doherty stopped upon her request and made no further attempt at sexual activity.
29. Mr. Doherty was a teacher for 27 years prior to retiring from the teaching profession in 1998.
30. Mr. Doherty accepts that his conduct towards the students described above was inappropriate.
31. In and about March 1999, Mr. Doherty undertook to the College that he would not engage in any teaching during the period proceeding the conclusion of the College of Teachers proceeding. Also, in and about this time Mr. Doherty deposited his teaching certificate with his solicitors, Green & Chercover.
32. As a child Mr. Doherty had a very difficult home life. Both of his natural parents were alcoholics. His mother died when he was 7 years old. His stepmother was a heroin addict. He did not have proper adult supervision while he was growing up.

33. Mr. Doherty's family situation was such that he never completed a single full year at the same elementary school, because the family was moving from place to place.
34. During the period throughout the 1970's, Mr. Doherty was under great stress and had a poor sense of self worth. Throughout this period, he was prescribed various tranquilizers by his physician.
35. In 1980, Mr. Doherty on his own initiative, sought psychiatric assistance at this time and throughout the period thereafter.
36. There have been no complaints of inappropriate conduct by Mr. Doherty regarding any conduct after 1980.
37. Mr. Doherty is retired from teaching and does not plan to resume teaching in the future.

**REASONS:**

The Committee accepts the plea of no contest as outlined in the January 7, 2000 letter to Caroline Zayid (Exhibit #2). While in a position of trust in his role as a teacher, Dennis Charles Doherty's activities were disgraceful, dishonourable and unprofessional and resulted in a reputation, image and lifestyle inconsistent with that expected of a member of the teaching profession and rendered him unfit to discharge his duties to the public, the students and his employer.

**DECISIONS AND ORDERS:**

Accordingly, the Committee finds Dennis Charles Doherty guilty of professional misconduct under sections 1 (5), (7), (15), (18), and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke Dennis Charles Doherty's Certificate of Qualification and Registration immediately.

**Notice**

It is important to the College's role in the governance of the profession to provide evidence to members that the College is active in self-regulation and is vigilant to breaches of its bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College's disciplinary Committees, and is, in the opinion of the panel, a practice that has significant general deterrent value.

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.

**DATED AT TORONTO, THIS 10th DAY OF January, 2000.  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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George Merrett, **Chair**

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Larry Capstick

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Diane Leblovic