

**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 Mark Anthony P. Gauthier.

The Discipline Committee held a hearing on Tuesday, January 19, 1999,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**MARK ANTHONY P. GAUTHIER**  
**Certificate #283484**

**PRESENT:**

Members of the Panel

Donna Marie Kennedy (Chair)

Larry Capstick

Diane Leblovic

The Honourable Patrick Galligan, Independent Counsel to the Panel

Mr. L. Thomas Forbes, Q.C. and Mr. Chris Sach-Anderson, Counsel for the Prosecution

Mark Anthony P. Gauthier was not present nor was he represented.

A Notice of Hearing, dated August 17, 1998 was served on Mark Anthony P. Gauthier, requesting attendance before the Discipline Committee of the Ontario College of Teachers on September 14, 1998 to set a date for hearing, and specifying the charges. The date for hearing was set at January 18, 1999. It is alleged that Mark Anthony P. Gauthier is guilty of professional misconduct, as per the Notice of Hearing, in that:

- (a) Mark Anthony Gauthier failed to maintain the standards of the profession, contrary to Section 1(5) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997.
- (b) Mark Anthony Gauthier abused his students physically, sexually, verbally, psychologically or emotionally, contrary to Section 1(7) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997.
- (c) Mark Anthony Gauthier failed to comply with the *Ontario College of Teachers Act* and/or the *Education Act*, and/or the Regulations passed thereunder, contrary to Section 1(14) and (15) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997.
- (d) Mark Anthony Gauthier contravened a law relevant to the member's suitability to hold a certificate of qualification and registration, contrary to Section 1(16) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997.

- (e) Mark Anthony Gauthier contravened a law which may cause a student under the member's professional supervision to be at or remain at risk, contrary to Section 1(17) of the Professional Misconduct Regulation made under *the Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997.
- (f) Mark Anthony Gauthier performed acts or omissions that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Section 1(19) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997.
- (g) Mark Anthony Gauthier engaged in conduct unbecoming a member, contrary to Section 1(19) of the Professional Misconduct Regulation made under the *Ontario College of Teachers Act* and filed as Ontario Regulation 437/97 on December 4, 1997.

The Agreed Statement of Facts states that Mark Anthony P. Gauthier is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit 8).

On January 19, 1999, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Mark Anthony P. Gauthier was guilty of professional misconduct.

Mark Anthony P. Gauthier 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 Mark Anthony P. Gauthier 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), 1(7), 1(14), 1(15), 1(16), 1(17), 1(18), 1(19). Particulars of the alleged misconduct are set out in Exhibit 1.

Counsel presented evidence that Mark Anthony P. Gauthier is a member of the Ontario College of Teachers (Exhibit 8). At all material times, Mark Anthony P. Gauthier was employed by the former Windsor Roman Catholic School Board as a teacher.

An Agreed Statement of Facts was filed as Exhibit 8. That statement had been signed by Mark Anthony P. Gauthier, Joanne Fulford (witness), and L. Thomas Forbes, Q.C.

## **FINDINGS OF FACT:**

Based on the Agreed Statement of Facts, the panel finds the following facts:

- (1) Mark Anthony P. Gauthier (the “Member”) is a Member of the Ontario College of Teachers.

- (2) The Member was employed by the former Windsor Roman Catholic Separate School Board, now the Windsor-Essex Catholic District School Board, for over 25 years until his dismissal in March, 1995. Between 1977 and 1982, the Member taught Grades 5 to 7 at St. Bernard School in Windsor and thereafter taught at several other schools in the Windsor area.
- (3) On March 5, 1993 the Member was arrested and charged with nine counts of indecent assault, sexual assault and sexual exploitation involving students and former students.
- (4) On March 14, 1995 the Member was convicted of two counts of indecent assault on [ ] and [ ] and two counts of sexual assault on [ ] and was sentenced to a total term of imprisonment of 24 months less a day.
- (5) At all material times and particularly at the times of the offences of which the Member was convicted, [ ], [ ] and [ ] were students at either St. Bernard or St. Jules Schools, both within the former Windsor Roman Catholic Separate School Board area where the Member taught.
- (6) On March 28, 1995, following his conviction, the Member was dismissed by the said School Board effective immediately.
- (7) The Ontario College of Teachers submits that the above-mentioned facts and circumstances constitute professional misconduct and ask that the Discipline Committee revoke the Certificate of Qualification and Registration of Mark Anthony P. Gauthier.
- (8) Mark Anthony P. Gauthier submits and requests that he be permitted to resign as a Member of the Ontario College of Teachers.

The Panel accepts that Mark Anthony P. Gauthier was found guilty of two counts of indecent assault and two counts of sexual assault under the Criminal Code of Canada (Exhibit 8) and sentenced to a total term of imprisonment of 24 months less a day (Exhibit 8).

The Panel accepts the Agreed Statement of Facts as outlined in Exhibit 8.

## **REASONS**

The Committee accepts that Mr. Gauthier indecently assaulted two students, and sexually assaulted another student on more than one occasion.

## **DECISIONS AND ORDERS:**

The Committee finds no reason to grant Mr. Gauthier's request that he be permitted to resign as a member of the Ontario College of Teachers.

Accordingly, the Committee finds Mark Anthony P. Gauthier guilty of professional misconduct under sections 1(5), 1(7), 1(14), 1(15) 1(16), 1(17), 1(18), 1(19), of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke Mark Anthony P. Gauthier'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 19th DAY OF JANUARY, 1999  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Donna Marie Kennedy, **Chair**

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Larry Capstick

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Diane Leblovic