

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 Henry Guirand,

The Discipline Committee held a hearing on July 16, 1998,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

HENRY GUIRAND
Registration #105626

PRESENT:

Members of the Panel

Kathleen McFadyen (Chair)

Donna Marie Kennedy

George Merrett

Robert Reid, Independent Counsel for the Panel

L. Thomas Forbes, Counsel for the Ontario College of Teachers

Henry Guirand was not present nor was he represented by counsel.

A Notice of Hearing, dated April 1, 1998 was served on Henry Guirand, requesting attendance before the Discipline Committee of the Ontario College of Teachers and specifying the charges. It is alleged that Henry Guirand is guilty of professional misconduct in that he engaged in inappropriate sexual touching of a young person. The Notice of Hearing states that Henry Guirand is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit 1).

The Discipline Committee of the Ontario College of Teachers met on July 16, 1998 to consider whether Henry Guirand was guilty of professional misconduct.

Henry Guirand 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 Henry Guirand 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 Ontario Regulation 437/97 on December 4, 1997, in particular, sections 1(5), (7), (15), (16), (17), (18) and (19). Particulars of the alleged misconduct are set out in Exhibit 1.

Henry Guirand was found guilty of touching for a sexual purpose and for sexual assault under the Criminal Code of Canada, sections 153 and 271.

REASONS

The Discipline Committee was presented with evidence and accepted the evidence that supported the conviction of Henry Guirand.

DECISIONS

Because Henry Guirand was not a teacher of the victim, the Discipline Committee dismissed the allegations that:

- a) He abused a student physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7).

- b) He contravened a law and thereby caused a student under his supervision to be put at risk, contrary to Ontario Regulation 437/97, subsection 1(17).

Based on the evidence given by the witnesses and having examined the Exhibits filed, the Committee finds Henry Guirand guilty of professional misconduct under sections 1(5), (15), (16), (18) and (19) of the Professional Misconduct Regulation, as alleged, and orders the Registrar to revoke Henry Guirand's Certificate of Qualification and Registration immediately.

The Committee orders that the name of the victim and her mother not be published, nor any information that would identify them be published.

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 DAY OF , 1998
BY ORDER OF THE DISCIPLINE COMMITTEE

Kathleen McFadyen (Chair)

Donna Marie Kennedy

George Merrett