

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISIONS AND ORDERS

IN THE MATTER OF THE ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:

AND IN THE MATTER OF discipline proceedings against Peter Joseph Kaiser.

The Discipline Committee held a hearing on July 4, 2002,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**PETER JOSEPH KAISER
CERTIFICATE #153725**

PRESENT:

Members of the Panel

Marilyn Laframboise (Chair)

Dick Malowney

Diane Leblovic

The Honourable Patrick Galligan, retired judge, Independent Counsel to the Panel

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

Gary Hopkinson, Green & Chercover, Counsel for the member

Peter Joseph Kaiser did not attend.

This decision is subject to a publication ban. On July 4, 2002, the Discipline Committee made an order directing that there may be no publication of any information which may disclose the identity of the students involved in this matter.

A Notice of Hearing dated February 11, 2000 was served on Peter Joseph Kaiser, requesting attendance before the Discipline Committee of the Ontario College of Teachers on March 6, 2000 to set a date for a hearing, and specifying the charges. The hearing date was eventually set for July 4, 2002.

It is alleged that Peter Joseph Kaiser 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 Act, and with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and particularly section 264(1)(c) thereof and the Regulations made under that Act, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) he 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);
- (e) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- (f) he displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of his students of a nature or extent that demonstrates that the member is either unfit to carry out his professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

The Notice of Hearing states that Peter Joseph Kaiser is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On July 4, 2002, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Peter Joseph Kaiser was guilty of professional misconduct.

Peter Joseph Kaiser was not in attendance at the hearing, however he was represented by counsel.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing, alleging that Peter Joseph Kaiser 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, subsections 1(5), (7), (14), (15), (18) and (19). It was also alleged that he displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of his students of a nature or extent that demonstrates that the member is either unfit to carry out his professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

Counsel presented evidence that Peter Joseph Kaiser is a member of the Ontario College of Teachers. At all material times, the member was employed by the former Durham Board of Education, now the Durham District School Board, as a teacher.

A document entitled "Particulars of the Allegations To Which Mr. Kaiser Will Plead No Contest" was admitted as Exhibit #1.

FINDINGS OF FACT:

The member pleaded no contest to the following facts as outlined in Exhibit #1:

- (1) Peter Joseph Kaiser is a member of the Ontario College of Teachers.
- (2) At all material times, the member, whose date of birth is March 5, 1952, was employed as a teacher at Brock High School, Cannington, Ontario by the former Durham Board of Education, now the Durham District School Board. The member was also the coach of the school's football and senior boys' basketball teams.
- (3) Between approximately January 1980 and June 1986, the member engaged in inappropriate conduct, at different times, toward [REDACTED] and [REDACTED], who were female students who attended the school.
- (4) The member, in his position of guidance counsellor, frequently came into contact with [REDACTED], whose date of birth is [REDACTED], while she [REDACTED] of the school during the approximate time of the 1981-1982 school year.
- (5) On or about [REDACTED]'s 16th birthday on [REDACTED], the member asked [REDACTED] for a birthday kiss. The member, also between January 1982 and the fall of 1984, engaged in conduct towards [REDACTED], which was inappropriate. That conduct, which occurred at various locations at the school, included kissing, "French" kissing, sexual touching, and making frequent sexual innuendoes. The member also engaged in unwanted physical contact, including pushing his body against [REDACTED] to show that he had an erection.
- (6) The member was [REDACTED]'s Grade 9 Science teacher and guidance counsellor during the 1983-1984 school year. Following the [REDACTED], in or around September 1983, when she was about to commence her Grade 10 year, at the age of 15 years, the member had considerable contact with [REDACTED] in his position as guidance counsellor.

- (7) From that time until some time during her Grade 12 year in 1986, the member became involved in a sexual relationship with [REDACTED] which started with kissing, progressed to petting, oral sex and finally sexual intercourse. Those activities took place at various locations in the school, in his vehicle and on school trips. The member asked [REDACTED] not to wear a brassiere so he could look at her nipples, and called her out of class so as to arrange liaisons with her. He told [REDACTED] that he was falling in love with her, and gave her gifts and greeting cards.
- (8) Further, the member told [REDACTED] that the song, "Hungry Like A Wolf", was their song as it described how he felt towards her. In addition, the member urged [REDACTED] to become one of the [REDACTED] of the senior boys' [REDACTED] team, so they could meet more often.
- (9) The member also encouraged [REDACTED] to miss the school bus, so that he could drive her home, and during those drives would engage in sexual activities with her.
- (10) [REDACTED] terminated the relationship with the member while she was in Grade 12. The member then became frequently verbally abusive towards [REDACTED] thus reducing her to tears.
- (11) The member pleaded no contest to the allegations.

Both parties were given the opportunity to speak to the joint submission on the issue of penalty.

DECISION AND ORDERS:

The conduct to which the member, Peter Joseph Kaiser, is pleading no contest is disgraceful, dishonourable and unprofessional. The member has broken the most sacred trust that must be preserved between a student and a teacher. The conduct included in the particulars of the allegations contained in Exhibit #1, as they relate to [REDACTED], are especially reprehensible in that the member abused his position of trust and authority and his helping relationship as a guidance counsellor by beginning

the grooming process with an especially vulnerable young girl. There are never any circumstances that would justify a teacher engaging in any type of sexual conduct with a student.

The Committee, in fulfilling its duty to serve and protect the public interest, may exercise all of the powers afforded it under the Act. Although the member in this circumstance has pleaded no contest, this in no way diminishes the responsibility of the Committee to carry out its duties, as well as to serve as a significant deterrent value to members of the profession.

Due to the very serious nature of the allegations to which the member pleaded no contest, the Committee accepted the joint submission as to revocation and publication, but did not accept the joint submission as to the other components of the penalty. The Committee imposes the following, which it believes to be appropriate in the circumstances.

The Committee finds Peter Joseph Kaiser guilty of professional misconduct under subsections 1 (5), (7) in that he abused students sexually and emotionally, (14), (15), (18) and (19) and that he displayed a lack of knowledge, skill or judgement and a disregard for the welfare of his students of a nature or extent that demonstrates that the member is unfit to carry out his professional responsibilities. The Committee directs the Registrar to revoke Peter Joseph Kaiser's Certificate of Qualification and Registration immediately.

Pursuant to section 30, subsection 5, (i), of the Ontario College of Teachers Act, the Committee orders that the member appear before the Committee on July 17, 2002 to receive a reprimand, and the fact of that reprimand be recorded on the Register for an unlimited period of time. It is noted that Peter Joseph Kaiser did not appear for the reprimand.

Pursuant to Section 30, subsection 5, (ii), the Committee imposes a fine in the amount of \$5000 to be paid by the member to the Minister of Finance for payment into the Consolidated Revenue Fund.

Section 33, subsection 4 of the *Ontario College of Teachers Act* specifies that an application for reinstatement following revocation shall not be made earlier than one year from the date of the Order. This is of concern to the Committee in this matter. Therefore, pursuant to Section 30, subsection 7, of the *Ontario College of Teachers Act*, the Committee orders that the member may not apply for reinstatement for a period of at least 10 years following the date of this Order.

Pursuant to Section 30, subsection 5, (iii) of the Ontario College of Teachers Act, the Committee orders the findings of the hearing, as well as the name of the member, be published in the official publication of the Ontario College of Teachers, *Professionally Speaking/Pour parler profession*. It is to be noted that the Committee has also ordered that the names of the students or any information that could identify them not be published.

**DATED AT TORONTO, THIS 20th DAY OF SEPTEMBER, 2002
BY ORDER OF THE DISCIPLINE COMMITTEE**

Marilyn Laframboise, **Chair**

Dick Malowney

Diane Leblovic