

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 Marcel Leo Lalonde.

The Discipline Committee held a hearing on February 5, 2002,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**MARCEL LEO LALONDE
CERTIFICATE #146497**

PRESENT:

Members of the Panel

Solette N. Gelberg (Chair)

Sterling Campbell

Guill Archmbault

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

Gregory MacKenzie, McCarthy Tétrault LLP, Counsel for the Ontario College of Teachers, assisted by Jennifer Robinson, Law Clerk

The member did not attend, nor was he represented.

This decision is subject to a publication ban. On February 5, 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 or complainants involved in this matter.

A Notice of Hearing dated December 20, 2001 was served on Marcel Leo Lalonde, requesting attendance before the Discipline Committee of the Ontario College of Teachers on January 14, 2002 to set a date for hearing, and specifying the charges. The hearing date was set for February 5, 2002.

It is alleged that Marcel Leo Lalonde 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 a student or students physically, sexually, verbally, psychologically or emotionally contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the Act or the Education Act, Revised Statutes of Ontario, 1990, c. E 2 and particularly, section 264(1)(c) thereof or the regulations made under those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) he performed acts or omissions 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 Marcel Leo Lalonde is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On February 5, 2002, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Marcel Leo Lalonde was guilty of professional misconduct.

The member was not in attendance at the hearing, and no counsel appeared on his behalf.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in the Notice of Hearing, alleging that Marcel Leo Lalonde 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).

Counsel presented evidence that Marcel Leo Lalonde is a member of the Ontario College of Teachers (Exhibit #1). At all material times, the member was employed as an elementary teacher in Cornwall, Ontario, by the Catholic District School Board of Eastern Ontario or its predecessor boards.

Exhibit #2 was a letter, dated January 25, 2002 and signed by the member, agreeing that the Committee revoke his Certificates of Qualification and Registration. In this letter, the member also requested that his name not be published in the official publication of the College.

An Agreed Statement of Facts, dated January 30, 2002, was filed as Exhibit #3. That statement had been signed by the member, a witness to the member's signature and McCarthy Tétrault on behalf of the Ontario College of Teachers.

FINDINGS OF FACT:

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

- (1) At all material times, [■] were students or former students of the member at the school, or were students at the school. The dates of birth of the students and/or their grades, if known, are as follows: [■], 1955; [■], 1964, [■], 1965; [■], 1961, [■], 1967.
- (2) At all material times, [■] was a 19-year old male person who had been, while in elementary school, a student of the member.
- (3) On November 17, 2000, the member was found guilty in the Superior Court of Justice, of the following charges: that he,
 - (a) On or between July 15, 1971 and July 31, 1978, at the City of Cornwall, Ontario committed an act of gross indecency, to wit fellatio, with [■], contrary to section 157 of the *Criminal Code of Canada*;

- (b) On or between January 1, 1977 and December 31, 1979, at the City of Cornwall, and in the township of Charlottenburgh, Ontario, indecently assaulted [REDACTED], contrary to section 156 of the *Criminal Code of Canada*;
 - (c) On or between January 1, 1977 and December 31, 1979, at the City of Cornwall, and in the Township of Charlottenburgh, Ontario, committed an act of gross indecency with [REDACTED], to wit fellatio and masturbation, contrary to section 157 of the *Criminal Code of Canada*;
 - (d) On or between January 1, 1978 and June 30, 1978 at the city of Cornwall, Ontario, indecently assaulted [REDACTED], contrary to section 156 of the *Criminal Code of Canada*; and
 - (e) On or between April 1, 1978 and June 30, 1979, at the City of Cornwall, Ontario, committed an act of gross indecency with [REDACTED], to wit masturbation, contrary to section 157 of the *Criminal Code of Canada*.
- (4) On May 3, 2001, the member was sentenced to terms ranging from one month to fifteen months in jail in respect of those convictions. The member also received a six month conditional sentence.
- (5) On November 1, 2001, the member was found guilty in the Ontario Court of Justice of the following charge, which was laid on April 6, 2001, and for which he received a conditional sentence of three months and eighteen months' probation;
- (a) Between November 12, 1976 and October 19, 1977, at the City of Cornwall, he indecently assaulted [REDACTED], a male person, contrary to section 156 of the *Criminal Code of Canada*.

The panel is persuaded from submissions by counsel and the information from the courts that Marcel Leo Lalonde is guilty of professional misconduct under Ontario Regulation 437/97, subsections 1 (5), (7), (14), (15), (18) and(19).

DECISIONS AND ORDERS:

The Committee agrees with the Honourable Madam Justice Metivier that...“the most serious aggravating factor is breach of trust by a teacher who used his position to get close to these boys and in two cases, befriended their parents...” The Committee finds that the member is guilty of the charges as listed above.

Accordingly, the Committee finds Marcel Leo Lalonde guilty of professional misconduct under subsections 1 (5), (7), (14), (15), (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke the member’s Certificates 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. The Committee could find no compelling evidence that would prevent publication of the member's name.

**DATED AT TORONTO, THIS 13th DAY OF MARCH, 2002
BY ORDER OF THE DISCIPLINE COMMITTEE**

Solette N. Gelberg, **Chair**

Sterling Campbell

Guill Archambault