

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 Henri Lamerise - Certificate No. 106462.

The Discipline Committee held a hearing on May 24, 2000,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**JOSEPH HENRI LAMERISE
CERTIFICATE #106462**

PRESENT:

Members of the Panel

Marilyn Laframboise (Chair)

Elizabeth Barkley

Karen Mitchell

The Honourable Patrick Galligan, Independent Counsel to the Panel

Steven Rosenhek, Q.C., McCarthy Tétrault, Counsel for the Prosecution, assisted by Trevor Evans, Senior Law Clerk

Henri Lamerise was not present nor was he represented.

A Notice of Hearing, dated August 6, 1999 was served on Henri Lamerise, requesting attendance before the Discipline Committee of the Ontario College of Teachers to set a date for hearing and specifying the charges. The date set for hearing was May 23, 2000.

It is alleged that Henri Lamerise 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 sexually, 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 section 264(1)(c) or the Regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- d) he contravened laws and those contraventions are relevant to his suitability to hold a certificate of qualification and registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- e) 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); and
- f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

The Notice of Hearing states that Henri Lamerise is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On May 24, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Henri Lamerise was guilty of professional misconduct.

Henri Lamerise 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 Committee.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that Henri Lamerise 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), (16), (18) and (19).

Particulars of the alleged misconduct are set out in Exhibit #1 and they are to the effect that:

1. Henri Lamerise is a member of the Ontario College of Teachers
2. At all material times, Henri Lamerise was employed by Conseil scolaire de district des écoles catholiques des Grandes Rivières as a teacher.

3. Between January 1, 1994 and August, 1996, Henri Lamerise committed an indecent act with intent to offend [█], a student or former student of his, by stripping naked in [█]'s presence and masturbating, contrary to section 173(1)(b) of *Criminal Code of Canada*.
4. Between July 1, 1995 and September 1, 1996, Henri Lamerise sexually exploited [█], a student or former student of his, by touching his body with his hand.
5. For a two week period in 1996, after [█]'s parents had separated, [█] went to live at the residence of Henri Lamerise and while there the member and [█] masturbated together, Henri Lamerise supplied and showed to [█] pornographic movies and the member touched [█]'s genitalia.
6. Also during that two week period, the member incited [█] to give him massages, measured their penises and attempted to incite [█] to perform fellatio upon him.
7. On June 10, 1997, Henri Lamerise was arrested and charged with sexual exploitation and committing an indecent act with [█] and, as a condition of being bailed at large pending the trial of those criminal charges, the member was directed to have no contact with [█], nor with [█] (another student or former student of the member), nor with [█] (another student or former student of the member), nor to be in the company of any child under 18 years, unless in the presence of a responsible adult.
8. Regardless and in breach of those conditions, on March 31, 1998, the member incited [█] and [█] (both 14 years old at the time) to meet with him at his home without the presence of a responsible adult.
9. In consequence and upon discovery of this breach of bail conditions, Henri Lamerise was re-arrested, charged and brought back before the criminal court for

- breaching bail terms, pleaded guilty to the breaches and was further bailed at large to appear on the date set for trial of the original criminal charges referred to above.
10. On April 29, 1998, Henri Lamerise, once again, incited and was found in the presence of [■], [■] and [■], in breach of his conditions of bail.
 11. Henri Lamerise was charged again with breaching bail conditions to which offence he pleaded guilty and was sentenced to a period of 90 days imprisonment.
 12. On August 5, 1998, the trial of the original sexual offences involving the member took place, Henri Lamerise pleaded guilty to the charge of committing an indecent act with [■], to wit, masturbating himself in the presence of [■], in respect to which the member was sentenced to a period of 18 months probation.
 13. On September 25, 1998, the Conseil scolaire de district des écoles catholiques des Grandes Rivières dismissed Henri Lamerise from its employment on the basis of the member's conviction for the criminal charges of performing an indecent act and breaching bail conditions.
 14. The aforesaid activities of the member are public knowledge through media coverage of the criminal prosecution of the member.

At all material times, Henri Lamerise was employed by Conseil scolaire de district des écoles catholiques des Grandes Rivières as a teacher.

An Agreed Statement of Facts, dated May 18, 2000, was filed as Exhibit #2 and is attached to this document. This statement has been signed by Henri Lamerise and McCarthy Tétrault.

FINDINGS OF FACT:

The Agreed Statement of Facts is attached.

On August 5, 1998, Henri Lamerise pleaded guilty to an indecent act contrary to section 173(1)(b) of the *Criminal Code of Canada* (Exhibit #6) and sentenced to probation for 18 months with terms and conditions. On May 5, 1998, Henri Lamerise was found guilty of two counts of breaching his recognizance contrary to section 145(3) of the *Criminal Code of Canada* (Exhibit #8) and was sentenced to two terms of 30 days to be served concurrently. On May 5, 1999, Henri Lamerise was found guilty again of three counts of breaching his recognizance, contrary to section 145(3) of the *Criminal Code of Canada* and was sentenced to 3 terms of 60 days to be served concurrently (Exhibit #12).

On September 25, 1998, the Conseil dismissed Henri Lamerise from its employment.

REASONS:

The Committee accepts that Henri Lamerise did commit indecent acts towards a former male student. The Committee finds that Henri Lamerise breached his recognizance on more than one occasion, and continued to have communication with children under the age of eighteen who had been specified in the recognizance.

DECISIONS AND ORDERS:

Accordingly, the Committee finds Henri Lamerise guilty of professional misconduct under sections 1 (5), (7), (15), (16), (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke Henri Lamerise's Certificate of Qualification and Registration immediately.

The Committee considered Henri Lamerise's letter of May 18, 2000, requesting that his name not be published in Professionally Speaking. However, the Committee decided that the public interest would be best served by publishing the name of the member.

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 and in any other manner or medium that the Committee considers appropriate in the particular case. The Committee also orders that in any publication whether that of the College or in any media that the

names of the students not be published, that they only be identified by their initials and that no information that could serve to identify the students not be published.

The Committee further orders that in any publication the name of the school board not be identified, but that reference may be made to a District School Board in Northern Ontario.

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

Marilyn Laframboise, **Chair**

Elizabeth Barkley

Karen Mitchell