

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 Gerald Rene Levert.

The Discipline Committee held a hearing on January 24, 2002,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**GERALD RENE LEVERT
CERTIFICATE #236159**

PRESENT:

Members of the Panel

Diane Leblovic (Chair)

Sterling Campbell

Jean Hanson

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

The member did not attend and was not represented by Counsel.

This decision is subject to a publication ban. On January 24, 2002, the Discipline Committee made an order directing that there may be no publication of any information which may disclose the identity of the student(s) (or children) involved in this matter.

A Notice of Hearing dated December 3, 2001 was served on Gerald Rene Levert, requesting attendance before the Discipline Committee of the Ontario College of Teachers on December 14, 2001 to set a date for hearing, and specifying the charges. The hearing date was set for January 24, 2002.

It is alleged that Gerald Rene Levert 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, and/or psychologically, and/or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the Act and the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c) thereof or the Regulations made under those Acts, contrary to Ontario Regulation 437/97, subsection 1(14) and (15);
- (d) he contravened laws and that contravention is 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 Gerald Rene Levert is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

Gerald Rene Levert 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 the Notice of Hearing, alleging that Gerald Rene Levert 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), (16), (18) and (19).

Counsel presented evidence that Gerald Rene Levert is a member of the Ontario College of Teachers (Exhibit #1). At all material times, Gerald Rene Levert was employed by the Ottawa-Carlton Catholic District School Board or its predecessor Board, as a teacher.

Julian Hanlon, Superintendent of Human Resources, Ottawa-Carlton Catholic District School Board, testified that the Board, at its meeting of November 14, 2000, terminated the employment of the member because of the member's criminal conviction (Exhibit #6).

Several documents were admitted as exhibits, including a certified copy of the Indictment (Exhibit #2), the original Jury Verdict (Exhibit #3), the original Sentencing (Exhibit #4) and a copy of the Court of Appeal decision (Exhibit #5).

FINDINGS OF FACT:

The panel finds the following facts:

- (1) Gerald Rene Levert is a member of the Ontario College of Teachers.
- (2) At all material times, the member was employed by the Ottawa-Carleton Catholic District School Board or its predecessor, as a teacher at St. Leonard Catholic School.
- (3) On or about March 11, 1998, the member was charged with the following counts:
 - (a) sexual assault on [REDACTED] contrary to section 271 of the *Criminal Code of Canada*; and

- (b) that he did for a sexual purpose touch [REDACTED], a person under the age of 14 years, directly with a part of his body, to wit his hands and penis, contrary to section 151 of the *Criminal Code of Canada*.
- (4) Gerald Rene Levert was found guilty of committing a sexual assault on [REDACTED] contrary to section 271 of the *Criminal Code of Canada* on October 5, 2000 and of touching [REDACTED] for a sexual purpose with a part of his body, to wit his hands and penis, contrary to section 151 of the *Criminal Code of Canada*.
- (5) Gerald Rene Levert was sentenced to six months in jail and was placed on probation for a period of two years in respect of that conviction. The conditions of probation included an order for the member to attend for assessment and participate in a treatment program offered by the Sexual Behaviour Clinic; that he not associate with [REDACTED] and that he not be alone with children under the age of 16 years unless accompanied by an adult (Exhibit #2, Exhibit #4).
- (6) The member appealed the finding of guilt and the terms of the sentence to the Court of Appeal of Ontario, but the conviction was upheld on October 9, 2001.
- (7) The Committee accepts the evidence that the member was convicted under the *Criminal Code of Canada* of sexual assault and of touching for a sexual purpose a person under the age of 14 years and further, that these convictions were upheld by the Court of Appeal of Ontario (Exhibit #5).
- (8) The Committee finds that the member was in a position of power and authority with the young boy, [REDACTED], and that his actions and behaviours constitute a breach of trust.

DECISIONS AND ORDERS:

Based on the evidence presented to the Committee, the Committee finds that Gerald Rene Levert's conduct was disgraceful, dishonourable and unprofessional. The Committee finds the member's breach of trust as an authority figure particularly reprehensible in light of the seriousness of his conduct.

Accordingly, the Committee finds Gerald Rene Levert guilty of professional misconduct under subsections 1 (5), (7), (14), (15), (16), (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke Gerald Rene Levert's Certificate of Qualification and Registration immediately.

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 28th DAY OF JANUARY, 2002
BY ORDER OF THE DISCIPLINE COMMITTEE**

Diane Leblovic, **Chair**

Sterling Campbell

Jean Hanson