

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 Raymond Paquette.

The Discipline Committee held a hearing on November 29, 1999,

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**RAYMOND PAQUETTE
CERTIFICATE #113311**

PRESENT:

Members of the Panel

Solette N. Gelberg (Chair)

Larry Capstick

Wayne Cornack

The Honourable Patrick Galligan, Independent Counsel to the Panel

Steven F. Rosenhek, Counsel for the Prosecution and Trevor Evans, Senior Law Clerk

Mr. Paquette did not attend and was not represented

A Notice of Hearing, dated August 9, 1999 was served on Raymond Paquette, requesting attendance before the Discipline Committee of the Ontario College of Teachers on September 27, 1999, to set a date for hearing, and specifying the charges. The date set for hearing was November 29, 1999. It is alleged that Raymond Paquette 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 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 #.2, section 264(1)© 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 Raymond Paquette is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On November 29, 1999 the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Raymond Paquette was guilty of professional misconduct.

Raymond Paquette 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. The Committee also accepted as evidence, Mr. Paquette's letter of April 15, 1999 to the Ontario College of Teachers confirming that he would not be contesting the charges and would not be attending the proceedings.

EVIDENCE:

Counsel for the Ontario College of Teachers referred to the charges alleging that Raymond Paquette 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 as follows:

1. Between January 1, 1970 and December 31, 1983, the Member sexually assaulted, indecently assaulted and/or committed gross indecency upon and with six children under the age of 18, [REDACTED] of Mr. Paquette.
2. In early May, 1997, the Member was charged with nine sexual offences involving the above mentioned children, being two counts of indecent assault contrary to section 149(1) of the *Criminal Code of Canada* applicable to the timeframe; three counts of indecent assault contrary to section 156 of the same Code; three counts

- of gross indecency involving fellatio and masturbation contrary to section 157 of the same Code; and one count of sexual assault contrary to section 264.1 of the same Code.
3. As a term of the Member's bail pending trial on the criminal charges, the Member was prohibited from being in the presence of children under 18 unless accompanied by a responsible adult.
 4. On June 23, 1997, the Member was suspended from his employment as a teacher.
 5. On April 20, 1998, the Member submitted his resignation, effective June 30, 1998. It was accepted by his employers.
 6. On August 12, 1998, the Member pleaded guilty to seven of the nine criminal offences with which he was charged, being two counts of indecent assault contrary to section 149(1) of the *Criminal Code of Canada* applicable at the time; two counts of indecent assault contrary to section 156 of the same Code; two counts of gross indecency, being fellatio and masturbation, contrary to section 157 of the same Code; and, one count of sexual assault contrary to section 264.1 of the same Code.
 7. On September 17, 1998, the Member was sentenced to a term of imprisonment of two years less one day, following which the Member was directed to be the subject of a probation order for two years, the terms of which include taking rehabilitative treatment and not being in the company of children under 16 years without an accompanying adult.
 8. The aforesaid activities and the publicity resulting from media coverage and communication within the general public has resulted in a reputation, image and

lifestyle inconsistent with that expected of a Member and to enable the Member to discharge the duty of a teacher to the public, the students and to his employer.

Counsel presented evidence that Raymond Paquette is a member of the Ontario College of Teachers. At all material times, Raymond Paquette was employed by Conseil Scolaire Catholique Franco-Nord and its predecessors.

Evidence from the court transcript provided by the Prosecution was that Raymond Paquette was charged with nine counts and pleaded guilty to seven criminal offences with which he was charged, being two counts of indecent assault contrary to section 149(1) of the *Criminal Code of Canada* applicable at the time; two counts of indecent assault contrary to section 156 of the same Code; two counts of gross indecency, being fellatio and masturbation, contrary to section 157 of the same Code; and, one count of sexual assault contrary to section 264.1 of the same Code.

Testimony was received from [REDACTED], Superintendent of Education, about the Board's investigation of Mr. Paquette and about Mr. Paquette's eventual resignation from the Board.

The second witness was one of Mr. Paquette's victims. At the time the incident occurred, [REDACTED] of Mr. Paquette and was under the age of 18. Counsel presented a synopsis of the indecent assault of the witness from the Proceedings at Court. The victim agreed that it was an accurate account of the assault.

FINDINGS OF FACT:

- 1) At all material times, Raymond Paquette was a member of the Ontario College of Teachers.
- 2) At all material times, the Member was employed by Conseil Scolaire Catholique Franco-Nord and its predecessors.
- 3) Between January 1, 1970 and December 31, 1983, the Member sexually assaulted, indecently assaulted and/or committed gross indecency upon and with six children under the age of 18, [REDACTED].
- 4) On August 12, 1998, the Member pleaded guilty to seven of the nine criminal offences with which he was charged, being two counts of indecent assault contrary to section 149(1) of the *Criminal Code of Canada* applicable at the time; two counts of indecent assault contrary to section 156 of the same Code; two counts of gross indecency, being fellatio and masturbation, contrary to section 157 of the same Code; and, one count of sexual assault contrary to section 264.1 of the same Code.
- 5) On September 17, 1998, the Member was sentenced to a term of imprisonment of two years less one day, following which the Member was directed to be the subject of a probation order for two years, the terms of which include taking rehabilitative treatment and not being in the company of children under 16 years without an accompanying adult.

Mr. Paquette pleaded guilty to seven criminal offences with which he was charged and was found guilty by the court of those offences. He was sentenced to two years less one day, following which he was directed to be the subject of a probation order for two

years, the terms of which include taking rehabilitative treatment and not being in the company of children under 16 years without an accompanying adult.

REASONS:

The committee agrees with Mr. Justice Bolan that Mr. Paquette “used his position of trust and authority in pursuit of his own sexual gratification. He has caused considerable pain and suffering to his victims...”

Mr. Paquette’s behaviour was reprehensible and a disgrace to both the profession and the entire community.

The degree of publicity in the media is not a factor in this decision.

DECISIONS AND ORDERS:

Accordingly, the Committee finds Raymond Paquette 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 Raymond Paquette’s Certificate 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 about 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 Ontario College of Teachers or in any media, that the names of the victims not be published.

**DATED AT TORONTO, THIS 29th DAY OF NOVEMBER, 1999
BY ORDER OF THE DISCIPLINE COMMITTEE**

Solette N. Gelberg, **Chair**

Larry Capstick

Wayne Cornack