

**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 Richard Joseph Poremba.

The Discipline Committee held a hearing on September 24, 2001,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**RICHARD JOSEPH POREMBA  
CERTIFICATE #163039**

**PRESENT:**

Members of the Panel

Nancy Hutcheson (Chair)

Bernard Adam

Diane Leblovic

The Honourable Lloyd Houlden, Independent Counsel to the Panel

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

Bernard Hanson, Cavalluzzo Hayes Shilton McIntyre and Cornish, Counsel for the  
member

Richard Joseph Poremba

This decision is subject to a publication ban. On September 24, 2001, the Discipline Committee made an order directing that there may be no publication of any information which may disclose the identity of the student involved in this matter.

A Notice of Hearing dated April 5, 2001 was served on Richard Joseph Poremba, requesting attendance before the Discipline Committee of the Ontario College of Teachers on April 19, 2001 to set a date for hearing, and specifying the charges. The hearing date was set for September 24, 2001.

It is alleged that Richard Joseph Poremba is guilty of professional misconduct in that he:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he abused a student 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 *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2 and particularly section 264(1)(c) thereof or the Regulations made thereunder, contrary to Ontario Regulation 437/97, subsection 1(15);
- (d) he performed an act or 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 a student 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 Richard Joseph Poremba is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On September 24, 2001, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Richard Joseph Poremba was guilty of professional misconduct.

**EVIDENCE:**

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that Richard Joseph Poremba 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), (15), (18), (19).

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

1. Richard Joseph Poremba is a member of the Ontario College of Teachers.
2. At all material times, the member was employed by the Brant-Haldimand-Norfolk Catholic District School Board as a teacher.

3. During the 1999-2000 academic school year, while he was Head of Mathematics and a Grade 12 math teacher at St. John's College, Brantford, the member acted inappropriately in respect of [REDACTED], a female [REDACTED] student in his [REDACTED] class at St. John's College. [REDACTED]'s date of birth is [REDACTED].
4. The inappropriate actions of the member towards [REDACTED], were that he engaged in improper conversations and communications with [REDACTED] via an Internet program. These conversations and communications were of a personal nature and included sexual innuendoes and sexual overtones. These communications took place during Internet chats between the member and [REDACTED] on an ICQ program over several nights between Saturday February 19, 2000 and Wednesday, March 22, 2000 and more particularly during on-line conversations on the following dates and times:
  - (a) Thursday, March 2, 2000 - 11:18 p.m. to 11:24 p.m.;
  - (b) Sunday March 5, 2000 between 1:14a.m. and 2:24 a.m.;
  - (c) Monday, March 6, 2000 - 11:30 p.m. to Tuesday, March 7, 2000, 12:15a.m.;
  - (d) Tuesday, March 7, 2000 - 11:20 p.m. to Wednesday, March 8, 2000, 12:17 a.m.;
  - (e) Wednesday, March 8, 2000 - 11:53 p.m. to Thursday, March 9, 2000, 2:00 a.m.;
  - (f) Friday, March 10, 2000 - 12:04 a.m. to 1:23 a.m.;
  - (g) Sunday, March 12, 2000 - 1:03 a.m. to 2:45 a.m.;
  - (h) Thursday, March 16, 2000 - 12:42 a.m. to 1:51 a.m.;
  - (i) Sunday, March 19, 2000 - 1:22 a.m. to 2:17 a.m.; and

(j) Tuesday, March 21, 2000 – 11:51 p.m. to Wednesday, March 22, at 1:02 a.m.

5. In the course of the said conversations and communications, the member:
- (a) invited [■] to come and see him after school following which he could drive her home if necessary (March 2, 2000; 11:21 p.m. – 11:24 p.m.);
  - (b) inquired of [■] why she was up so late and if she was waiting for her boyfriend to come online (March 5, 2000; 1:18 a.m.);
  - (c) told her “I think that you are very pretty and will be a fine girlfriend to a nice male” and that she was “cute” (March 5, 2000; 1:22 a.m. – 1:26 a.m.);
  - (d) suggested that he would spank her for being lazy but she was too big and should be punished for being a naughty girl anyway (March 5, 2000; 1:57 a.m. – 1:59 a.m.);
  - (e) told her that he may give her a hug for encouragement (March 5, 2000; 2:10 a.m. – 2:16 a.m.);
  - (f) inquired of [■] whether she was working “tomorrow” and at what time. When he was told that she was working from 2 until 6, he suggested that she visit him in the morning if she wanted to talk about the future unless she was studying or sleeping in as it was his turn to take care of the youngest child instead of going to church in the morning. When he was told that she would be sleeping in, he suggested that he phone her at 9:30 a.m. to study or maybe he would visit (March 5, 2000; 2:16 a.m. – 2:24 a.m.);
  - (g) discussing marking her tests (March 6, 2000; 11:45 p.m. – 11:47 p.m.);

- (h) asked [ ] what she would give him if he did not give her work. When told that she promised to do her homework, stated that maybe that was not what he was bargaining for (March 6, 2000; 11:53 p.m. - 11:55 p.m.)
- (i) told [ ] that she has the voice of a songbird (March 7, 2000; 12:07 a.m.);
- (j) told [ ] that he had to get back to marking, "unless you want to come over to help? Just bring your p.j.'s." After she suggested that he not bother marking hers "it's 100% just squeeze a couple of extra marks in there for me", the member told her good night and said, "you are a sweetie." (March 7, 2000; 12:09 a.m. - 12:11 a.m.);
- (k) asked [ ] if she knew what he liked about other things besides math (March 7, 2000; 12:13 a.m. - 12:15 a.m.);
- (l) asked her what she did for her social time. "I could only imagine. Do you charge for your conversation?" (March 7, 2000; 11:39 p.m. - 11:44 p.m.);
- (m) told her that as she had not offered him anything exciting he would go back to work (March 7, 2000; 11:57 p.m.);
- (n) suggested that she needed a spanking because she was bad in liturgy and skipped another teacher's class after liturgy (March 9, 2000; 12:30 a.m. - 12:31 a.m.);
- (o) after [ ] told him that he could not check her math on the next day because it wouldn't be done he told her "then you owe me BIG TIME." He then asked what she would do for him, not math-wise and suggested that she could please him with better ideas. He went on to ask if she did not see that he was goading her on to give him whatever he wanted (March 9, 2000; 12:50 a.m. - 1:11 a.m.);

- (p) suggested to [REDACTED] that she said that she loved him and told her that “if I am persistent, opposites attract.” Further, he was sure that she had lots of feelings for him. He then suggested as she liked him a lot she could visit him during the break. He later again asked if she loved him (March 9, 2000; 1:24 a.m. – 1:59 a.m.);
- (q) told [REDACTED] that she was a sweetie when it counts, that he liked her and loved her anyway (March 10, 2000; 12:11 a.m. – 12:23 a.m.);
- (r) told [REDACTED] that he could really get to like her a lot but she should try to get help more often from him during and after school and maybe March break, when he was home most of the time. He then suggested that they could meet at the school during the break (March 10, 2000; 12:54 a.m. – 12:57 a.m.);
- (s) asked [REDACTED] if there was anyone she really liked; if she had ever gone out on a date; if she would like to go out with someone, where she would like to go and what she would wear (March 12, 2000; 1:50 a.m. – 2:32 a.m.);
- (t) suggested that unless she wanted to talk dirty to him he would be gone (March 12, 2000; 2:44 a.m.);
- (u) when told by [REDACTED] that she had been playing with her friends during the week asked her if she were playing doctor (March 16, 2000; 1:13 a.m.);
- (v) again suggested that she could come to see him and not be lazy about walking home and the best thing he could give her would be a “[REDACTED]” (March 19, 2000; 1:44 a.m.); and
- (w) told her that he was going to bed unless she wanted to join him in a deep sleep session but they would “talk later, one-on-one, face-to-face, body-to-body etc.”

and she should “dream of the possibilities” (March 19, 2000; 12:12 a.m. – 12:17 a.m.).

6. As a result of these communications, the member was suspended from his teaching duties without pay from April 18, 2000 to April 28, 2000 and resigned his position with the Board as Head of Mathematics of St. John’s College, effective September 1, 2000.
7. By letter dated May 15, 2000, the member wrote to [REDACTED] and her parents apologizing for his actions.

In her affidavit, Exhibit #5, [REDACTED] states that she felt uncomfortable seeing [REDACTED] at school and that consequences of these feelings were that:

- (a) Although [REDACTED] was the grade [REDACTED] at the time of these communications, she went less frequently to the [REDACTED] which was located beside the Richard Joseph Poremba’s office and did not attend any meetings of [REDACTED], which were held in the member’s office.
- (b) [REDACTED] could not continue to attend [REDACTED]’s classes.
- (c) [REDACTED] was obliged to attend summer school to complete her math course, which resulted in financial hardship due to her being unable to take her summer job.

An Agreed Statement of Facts was filed as Exhibit #2. That statement had been signed by counsel for the member and by counsel for the College.

Robin Baswick, President of the O.E.C.T.A. local of the Brant-Haldimand-Norfolk Catholic District School Board testified for Defense counsel of his concern regarding the risk of identification of the student should the member's name be published.

### **FINDINGS OF FACT:**

Based on the Agreed Statement of Facts (Exhibit #2) attached to this document, the panel finds the following facts:

- (1) Richard Joseph Poremba did communicate in an inappropriate and unprofessional manner with a seventeen-year-old student in his [ ] class via an ICQ program;
- (2) There were sexual overtones to these communications;
- (3) The communications occurred during the early hours of the morning in February and March, 2000;
- (4) There were numerous communications, some of which lasted in excess of one hour;
- (5) Richard Joseph Poremba used his position of trust and authority to engage [ ] in an inappropriate manner;
- (6) As a direct result of his actions, [ ]'s trust in teachers was eroded and she endured several hardships;
- (7) Richard Joseph Poremba fulfilled all of the requirements in his agreement with the Board.
- (8) In Exhibit 3, Dr. Choy MD FRCP(C), Psychiatry, reported that a phallometric

examination was completed on August 13, 2001 in which Richard Joseph Poremba did attempt to dissimulate, rendering the test invalid. The member retook the test on a later date. The repeat examination showed “a profile that was not indicative of pedophilia. In the context of this clinical assessment, this could be interpreted that the profile could not confirm the presence of pedophilia but neither does it rule out the possibility of the diagnosis.”

- (9) Dr. Choy concluded that Richard Joseph Poremba is not necessarily at a high risk to engage in further inappropriate or problematic behaviours. However, there remains a small, but not insignificant risk that he may be involved in further interpersonal difficulties in the future should he not continue to engage in psychological counselling;
- (10) Dr. Choy stated in his report that counselling would serve as a reminder to Richard Joseph Poremba of his boundary violations and as a deterrent from further inappropriate behaviours.

#### **DECISIONS AND ORDERS:**

Based on the Agreed Statement of Facts and having examined the exhibits filed, the Committee finds Richard Joseph Poremba guilty of professional misconduct under subsections 1(5), (15), (18), and (19) of the Professional Misconduct Regulation, as alleged. The Committee directs the Registrar to suspend Richard Joseph Poremba's Certificate of Qualification and Registration, commencing September 26, 2001 until and including January 6, 2002, such suspension shall be 112 days, inclusive of the 10 days already served.

The Committee directs the member to attend at psychological counselling sessions for a minimum of one year, between one and three times per month at the discretion of the counsellor, such counsellor to be acceptable to the Ontario College of Teachers and such counselling to be at the expense of the member. The Committee further directs that quarterly reports be made to the Registrar by the counsellor until such time as the counsellor is satisfied that the member no longer requires counselling.

### **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.

The Committee determined that publication of the member's name would not adversely affect the student. Therefore, 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.

Due to the nature of the information included in Dr. A. Choy's report (Exhibit #3) which contains personal details of people other than the member, the Committee orders that this report be sealed, not to be opened other than by an order of the Discipline or Fitness to Practise Committees.

**DATED AT TORONTO, THIS 25th DAY OF OCTOBER, 2001  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Nancy Hutcheson, **Chair**

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Bernard Adam

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Diane Leblovic