

**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 Joseph Charles C. Gerard Poulin.

The Discipline Committee held a hearing on December 14, 2000,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**JOSEPH CHARLES C. GERARD POULIN  
CERTIFICATE #219738**

**PRESENT:**

Members of the Panel

Marilyn Laframboise (Chair)

Mark Lefebvre

Solette N. Gelberg

The Honourable Lloyd Houlden, Independent Counsel to the Panel

Caroline Zayid, McCarthy Tétrault, Counsel for the Prosecution assisted by Trevor Evans

Joseph Charles C. Gerard Poulin was not present and there was no one present to represent him.

A Notice of Hearing, dated October 5, 2000 was served on Joseph Charles C. Gerard Poulin, requesting attendance before the Discipline Committee of the Ontario College of Teachers on October 16, 2000 to set a date for hearing, and specifying the charges. The date set for hearing was December 14, 2000.

It is alleged that Joseph Charles C. Gerard Poulin 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 physically, sexually, verbally, psychologically, or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- c) he failed to comply with the Act and with the *Education Act*, Revised Statutes of Ontario, 1990, chapter 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 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);

- f) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19); and
- g) he displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of students 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 Joseph Charles C. Gerard Poulin is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On December 14, 2000, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Joseph Charles C. Gerard Poulin was guilty of professional misconduct.

Joseph Charles C. Gerard Poulin 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 (Exhibit #1).

**EVIDENCE:**

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that Joseph Charles C. Gerard Poulin 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), (19); and he displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of students 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.

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

1. Joseph Charles C. Gerard Poulin is a member of the Ontario College of Teachers.
2. At all material times, the member was employed by the Avon Maitland School Board as a teacher.
3. On or about July 8, 1997, the member received a conditional discharge on a charge of indecent assault on a female and was put on probation, requiring him to keep the peace and be of good behaviour, for a period of one year.
4. In or about November 1997, the member offered [REDACTED], a 16 year old female former student of the member's, a job helping him after school hours at the [REDACTED] Public School. At Christmas 1997, the member gave [REDACTED] a silver necklace and told her not to say that he had done so.
5. In or about May 1998, when [REDACTED] told the member that she had to buy a dress to go to her "formal", the member gave her \$100 and told the said student that she could "work it off." He then told the said student "You know how some people have problems with drugs and alcohol? My problem is sex." And then offered to pay [REDACTED] \$100 three or four times a month if she would have sexual intercourse with him, which [REDACTED] refused.

6. In or about the 1997/98 school year, the member was corresponding by exchange of notes with another 13 year old female student, [REDACTED], to whom the member would provide chocolate bars. The notes were of a personal, non-educational nature and were often signed "XOXO Mr. P."
7. When correspondence with [REDACTED] ceased in or about the 1997/98 school year, the member started to correspond with another 13 year old female student, [REDACTED], to whom he also gave chocolate bars.
8. Shortly before Christmas 1998, the member asked [REDACTED] what she wanted for Christmas and [REDACTED] responded indicating jeans and candles.
9. On or about December 7 or 8, 1998, the said student, [REDACTED], was in the member's office and the member asked her "Have you ever told your French teacher you loved him?" to which the said student replied "Never" and the member responded "When do you think you will?"
10. Between June and December 1998, the member asked another 13 year old female student in his class, [REDACTED], why she never wore skirts to school anymore and why she never gave him hugs and kisses.
11. On or about December 8, 1998, [REDACTED] attended a Student Council meeting in the gym at [REDACTED] Public School, which the member was supervising. When [REDACTED] asked the member why some girls got chocolate bars, the member replied "A kiss for a chocolate bar and tongue for a turtle". As the said student was leaving the meeting, the member called her into his room, took her head in his hands, kissed her and put his tongue in her mouth. When a noise from the gym distracted the member, he let go of student [REDACTED] and said "You're salty today", referring to the salted peanuts that he had provided for students attending the meeting.

12. On or about December 11, 1998, the member asked student [REDACTED], with whom he was or had been corresponding, if she would help him with juice orders at the school the following day, Saturday, December 12, 1998. The member gave to [REDACTED] a blue bead necklace which he said he had custom made for her.
13. On or about November 12, 1998, student [REDACTED] arrived at the said school to assist with the juice orders, expecting to find others at the school but finding that she was alone with the member. The member gave the said student a card, in which was \$75.00 cash and also handed to her a gift, which she opened and found to be a candle. The member then told [REDACTED] to give him a hug and a kiss on the cheek and when she did, the member grabbed [REDACTED]'s chin and started to kiss her on the lips and opened his mouth. [REDACTED] yelled "No", the member backed off and said "You do not want that?" to which [REDACTED] said "no". The member then sat the said student on his knee and said "Sorry I scared you".
14. In or about November 1998, [REDACTED] was another 13 year old female student in the member's class who had taken off her sweater during gym, under which she was wearing a t-shirt. The member said "I can see all of you" and "You should wear it more often". On another occasion, within the 1997/98 school year, the member said to student [REDACTED] "You're looking beautiful today".
15. On or about November 19, 1999, the member pleaded guilty to and was convicted of sexual assaults on students [REDACTED] and [REDACTED], contrary to section 271 of the *Criminal Code of Canada*, attempting to obtain sexual services from a minor, student [REDACTED], contrary to section 212(4) of the same Code and breach of his probation order dated July 8, 1997, in respect to the charge involving [REDACTED], contrary to section 733.1(1) of the same Code. On the same date, the member

was sentenced to six months imprisonment concurrent in respect of the four charges, to be served in the community, was put on probation for three years and fined a victim surcharge of \$35.00 on each count. Conditions of the said probation order included the member attending and actively participating in such counselling as his probation officer may direct, not associating with students [■], [■], [■] or their parents or siblings, not to be in the presence of a female under 18 years unless in the company of someone over 18 years and not to attend any public park or public swimming area where persons under 14 years of age are present or any daycare centre, school ground, playground or community centre for the duration of the probation order.

16. On or about June 30, 1999, the member entered into an agreement with his employers whereby he retired from both the Board and the teaching profession effective June 30, 1999 and ceased any teaching activity whatsoever, agreeing not to seek to resume such activity.
17. The aforesaid activities and the publicity resulting from media coverage and communication within the general public, particularly in respect to the criminal proceedings, has resulted in a reputation, image and lifestyle inconsistent with that expected of a member and that which would enable the member to discharge the duty of a teacher to the public, the students, and to his employer.

Counsel presented evidence that Joseph Charles C. Gerard Poulin is a member of the Ontario College of Teachers (Exhibit #1). At all material times, Joseph Charles C. Gerard Poulin was employed by the Avon Maitland School Board as a teacher.

An Agreed Statement of Facts and Guilty Plea was filed as Exhibit #2. That statement was dated November 27, 2000 and had been signed by Joseph Charles C. Gerard Poulin, Caroline Zayid, McCarthy Tétrault and Howard Goldblatt, Sach Goldblatt Mitchell.

**FINDINGS OF FACT:**

Joseph Charles C. Gerard Poulin pleaded guilty to Section 271 of the *Criminal Code of Canada* – two counts of sexual assault, Section 212(4) of the *Criminal Code of Canada* – attempt for consideration to obtain the sexual services of a person under the age of eighteen years, and Section 733.1(1) of the *Criminal Code of Canada* - breaching a probation order. He was sentenced to six months imprisonment concurrent on each count to be served in the community, received a Probation Order for three years and was fined (Exhibit #4).

The Panel accepts the Agreed Statement of Facts and Guilty Plea and finds the member guilty of professional misconduct.

**REASONS:**

The Committee accepts the Agreed Statement of Facts in that the member was found guilty and convicted of two counts of sexual assault on students, attempting to obtain the paid sexual services of a juvenile who was a former student, and breach of probation.

## **DECISION AND ORDERS:**

Accordingly, the Committee finds Joseph Charles C. Gerard Poulin guilty of professional misconduct under sections 1(5), (7), (14), (15), (16), (18) and (19) of the Professional Misconduct Regulation, as alleged, and directs the Registrar to revoke Joseph Charles C. Gerard Poulin'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 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.

**DATED AT TORONTO, THIS 8th DAY OF JANUARY, 2001  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Marilyn Laframboise, **Chair**

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Mark Lefebvre

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Solette N. Gelberg