

**DISCIPLINE COMMITTEE  
OF THE ONTARIO COLLEGE OF TEACHERS**

**IN THE MATTER OF** the *Ontario College of Teachers Act, 1996*, and  
the Regulation (Ontario Regulation 437/97) thereunder;

**AND IN THE MATTER OF** a discipline proceeding against Louis  
Rémillard, a member of the Ontario College of Teachers.

PANEL: Jacques Tremblay, Chair  
Dean Favero  
Rollande Lavictoire

BETWEEN: )  
)  
) Colin Baxter,  
) McCarthy Tétrault LLP,  
ONTARIO COLLEGE OF TEACHERS ) for Ontario College of Teachers  
) assisted by Trevor Evans,  
) Senior Law Clerk  
)  
)  
- and - )  
) Julie Skinner,  
LOUIS RÉMILLARD ) Nelligan O’Brien Payne LLP,  
(CERTIFICATE #251202) ) for Louis Rémillard  
)  
)  
) Paul Le Vay,  
) Stockwoods LLP,  
) Independent Legal Counsel  
)  
) Heard: September 18, 2007

**REASONS FOR DECISION, DECISION AND ORDERS**

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on September 18, 2007 at the Ontario College of Teachers (the “College”) at Toronto.

A *Notice of Hearing*, dated April 13, 2006, was served on Louis Rémillard requesting his attendance before the Discipline Committee of the College on May 11, 2006 to set a date for a hearing. The hearing was subsequently set for September 18, 2007.

Following the hearing on September 18, 2007, the Committee rendered an oral decision, with the reasons to be provided in writing at a later date. This document includes both the decision and the grounds therefor.

Louis Rémillard was in attendance at the hearing.

## **ALLEGATIONS**

The allegations against Louis Rémillard in the *Notice of Hearing* (Exhibit 1) dated April 13, 2006 are as follows:

**IT IS ALLEGED** that Louis Rémillard is guilty of professional misconduct as defined in subsections 30(2) and 40(1.1) of the *Ontario College of Teachers Act, 1996* (the “Act”), in that he:

- a) failed to maintain the standards of the profession, contrary to subsection 1(5) of Ontario Regulation 437/97;
- b) abused a student physically, sexually, verbally, psychologically or emotionally, contrary to subsection 1(7) of Ontario Regulation 437/97;
- c) failed to comply with the Act or the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, or the regulations made under those Acts, contrary to subsections 1(14) and (15) of Ontario Regulation 437/97;
- d) committed an act that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to subsection 1(18) of Ontario Regulation 437/97;
- e) engaged in conduct unbecoming a member, contrary to subsection 1(19) of Ontario Regulation 437/97; and

- f) engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the Act.

At the hearing of this matter, Counsel for the College withdrew several of the allegations of professional misconduct, namely allegations of breaches of subsections 1(7), 1(14), 1(15) and 1(18) of Ontario Regulation 437/97, and of subsection 40(1.1) of the Act, as outlined in a), c), d) and f) above.

### **AGREED STATEMENT OF FACTS**

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced an Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty (Exhibit 2). The Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty provides as follows:

1. Louis Rémillard (the “Member”) is a member of the Ontario College of Teachers. Attached hereto is a copy of the Registered Member Information held by the College on the Member (**Tab A**).
2. From November 2004 to June 2005, the Member was employed as a secondary teacher by the Conseil scolaire catholique du Grand Nord de l’Ontario in Sudbury. He was assigned to [■] (the “school”), where he taught Grades 9 to 12.
3. In the same time period, “A” was a [■] year old Grade [■] female student at the same school.
4. The Member admits that during the 2004-2005 school year he engaged in inappropriate behaviour towards “A” and admits in particular that:
  - a) he had telephone conversations with “A” on several occasions;

- b) during these telephone conversations with “A” he discussed matters of a personal nature with her, such as popular music, cars, trips he had taken, and his daughter, who was entering her third year of university;
  - c) met “A” one afternoon after school hours, talked about the weather, school or nothing in particular and agreed to meet at a street corner;
  - d) gave “A” a ride in his car to a Harvey’s drive-thru some 20 minutes away where they had a soft drink;
  - e) after their time at Harvey’s, drove “A” back to the same place where he had met her;
  - f) while at Harvey’s they talked about the Co-operative Education Program.
5. The board twice questioned the Member about his relationship with “A” and the Member admits that:
- a) he originally denied having had any relationship with “A” other than that of teacher-student and denied meeting her at a specific place but failed to indicate that they had met at another place;
  - b) his original answers to the board concerning his relationship with “A” were incomplete;
  - c) six working days after the first meeting with the board, he was questioned a second time and provided significant clarification on his original responses at this second meeting.
6. Within that period, the Member acknowledges that, although he intended a teacher-student relationship, “A” may have interpreted their communication as a sign of a personal friendship or relationship.
7. With regard to the telephone conversations, the Member stated that he had given his telephone number to all of his students. “A” was not one of the Member’s students. She claims that the Member initiated their telephone conversations; the Member claims that “A” is the one who initiated the conversations. In either case, the Member admits that his acts

were inappropriate. He stated that the conversations were never embarrassing or sexual in nature.

## **GUILTY PLEA**

8. By this document, the Member admits the truth of the facts and of the appendix referred to in paragraphs 1 to 7 above (the “Admitted Facts”). He hereby acknowledges that his actions, as described in the Admitted Facts, constitute professional misconduct and he pleads guilty to the allegations of professional misconduct against him, specifically to breaches of subsections 1(5) and 1(19) of Ontario Regulation 437/97.
  
9. The Member states that:
  - a) he fully understands the nature of the allegations of professional misconduct against him as detailed above;
  - b) he understands that, by pleading guilty to the allegations, he is waiving the right to require the College to prove the case against him and the right to have a hearing;
  - c) he has voluntarily decided to plead guilty to the allegations detailed in the above Agreed Statement of Facts; and
  - d) he understands and acknowledges that he is executing this agreement voluntarily and unequivocally and with the benefit of legal counsel.
  
10. In light of the Admitted Facts and circumstances, the College and the Member jointly submit that the Discipline Committee should find the Member guilty of professional misconduct.

## **JOINT SUBMISSION ON PENALTY**

11. Based on the Member's guilty plea, the College and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be for the Committee to require that:
- a) immediately following the hearing into this matter, the Member appear before the Committee to be reprimanded, and the fact of the reprimand shall be recorded on the College Register;
  - b) the Registrar of the College suspend the Member's certificate for a period of one (1) month, starting on the date of the order from the Discipline Committee, and the suspension shall appear on the College Register. If, however, the Member meets the requirements of paragraph (11c) below, such suspension shall be deferred and shall take effect only if the Member fails to meet the requirements of paragraph (11c) below;
  - c) within eight (8) months of the date of this order, the Member enrol, at his own expense, in Unit I of the course of instruction entitled "Connaître les barrières, Respecter les limites" offered by Donat Boulerice, or in another course of instruction pre-approved by the Registrar, and that the Member complete this course. The Member shall deliver directly to the Registrar proof of the successful completion of the course within thirty (30) days of its completion; and

- d) a summary of the Decisions and Orders of the Committee, including the Member's full name, be published in the official publication of the College, *Professionally Speaking/Pour parler profession.*

12. By this document, the Member acknowledges his understanding that any agreement between the College and the Member with respect to the penalty proposed herein does not bind the Discipline Committee.

## **DECISION**

Having examined the Exhibits filed, and based on the guilty plea, the Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty, and the submissions made by Counsel for the College, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Louis Rémillard committed acts of professional misconduct, being more particularly breaches of subsections 1(5) and (19) of Ontario Regulation 437/97, as set out in the *Notice of Hearing*.

## **REASONS FOR DECISION**

The Committee accepted the Member's Guilty Plea and the Agreed Statement of Facts, Guilty Plea and Joint Submission on Penalty.

The Committee finds that the Member showed a lack of judgment in his behaviour towards a female student even though she was not a student of his. Specifically, the fact that he had discussions and telephone conversations of a personal nature with her constitutes conduct unbecoming a member of the profession. The Committee finds that the Member acted unwisely in his behaviour with the

student since their communication could have been interpreted as a sign of friendship or as a personal relationship.

In the opinion of the Committee, the Member failed to respect the generally accepted boundaries between teachers and students. Specifically, the fact that he met the student after school hours at a street corner and gave her a ride in his car on at least two occasions constitutes a breach of the standards of the profession.

### **DECISION ON PENALTY**

The Committee accepts the Joint Submission on Penalty and orders that:

- a) immediately following the hearing into this matter, the Member appear before the Committee to be reprimanded, and the fact of the reprimand shall be recorded on the College Register;
- b) the Registrar of the College suspend the Member's certificate for a period of one (1) month, starting on the date of the order from the Discipline Committee, and the suspension shall appear on the College Register. If, however, the Member meets the requirements of paragraph (11c) below, the suspension shall be deferred and shall take effect only if the Member fails to meet the requirements of paragraph (11c) below;
- c) within eight (8) months of the date of this order, the Member enrol, at his own expense, in Unit I of the course of instruction entitled "Connaître les barrières, Respecter les limites" offered by Donat Boulerice, or in another course of instruction

pre-approved by the Registrar, and that the Member complete this course. The Member shall deliver directly to the Registrar proof of the successful completion of the course within thirty (30) days of its completion; and

- d) pursuant to subsection 30 (5) (3) of the Act, the findings and order of the Committee shall be published in summary, with the Member's full name, in the official publication of the College, *Professionally Speaking / Pour parler profession*.

### **REASONS FOR PENALTY DECISION**

In the opinion of the Committee, the reprimand given to the Member by his peers regarding his conduct will provide a specific deterrent to the Member.

The Committee acknowledges that the Member has co-operated with the College by admitting that his behaviour was inappropriate. The Committee is satisfied that, in these circumstances, the Member is required to successfully complete Unit I of the course entitled "Connaître les barrières, Respecter les limites," or another course of instruction pre-approved by the Registrar. The course will help to fill in gaps in the Member's knowledge regarding his interactions with students. The Committee is also satisfied that the one-month suspension will be cancelled if the Member successfully completes the course. In the opinion of the Committee, this course or, failing that, suspension, will serve the interest of the public and of the Member.

The Committee endorses the Joint Submission on Penalty and stipulates that a summary of the Committee's Decision and Order, including the Member's full name, be published in the College's official publication, *Professionally Speaking / Pour parler profession*.

The Committee acknowledges that agreements of this type are entered into by experienced counsel, who have carefully considered how the proposed penalty addresses the various interests which they represent. On the other hand, it would have been preferable if the Committee had received arguments stating the underlying reasons for publishing or not publishing the Member's name.

Date: October 30, 2007

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Jacques Tremblay  
Chair, Discipline Panel

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Dean Favero,  
Member, Discipline Panel

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Rollande Lavictoire  
Member, Discipline Panel