

**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 Richard Lionel Roy, a member of the Ontario College of Teachers.

PANEL: Anne Vinet-Roy, Chair
Don Cattani
Amin Saab

BETWEEN:)	
	)	David Leonard and
	)	Heather Meredith,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
)	
RICHARD LIONEL ROY	)	Richard Lionel Roy was not
(CERTIFICATE #357876)	)	present, nor was he represented
)	
)	
	)	Christopher Wirth & Phil Tunley,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: October 26 and December 7,
	)	2006

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on October 26, 2006 at the Ontario College of Teachers (“the College”) at Toronto.

On October 26, 2006, the hearing commenced and was adjourned pending clarification as to the content of the Notice of Hearing that had been issued. The hearing subsequently resumed on December 7, 2006.

A *Notice of Hearing*, dated July 27, 2006 was served on Richard Lionel Roy (the “Member”), requesting attendance before the Discipline Committee of the Ontario College of Teachers on September 13, 2006 to set a date for a hearing, and specifying the charges. The hearing was subsequently set for October 26, 2006.

Richard Lionel Roy was not in attendance at the hearing.

THE ALLEGATIONS

The allegations against Richard Lionel Roy in the *Notice of Hearing*, (*Exhibit 1*) dated July 27, 2006 are as follows:

IT IS ALLEGED that Richard Lionel Roy is guilty of professional misconduct as defined in sections 30(2) of the *Ontario College of Teachers Act* (the “Act”) pursuant to Ontario Regulation 437/97, which constitute professional misconduct as defined in Section 1 of Ontario Regulation 437/97, and particularly the following subsections thereof:

- (a) failing to maintain the standards of the profession, contrary to subsection 1(5);
- (b) failing to comply with the *Act* and the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and particularly section 264(1)(c) thereof of the Regulations made under that Acts, contrary to subsections 1(14) and (15);

- (c) contravening a law, the contravention of which is relevant to the Member's suitability to hold a Certificate of Qualification and Registration, contrary to subsection 1(16);
- (d) performing acts that having regard to all the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to subsection 1(18); and
- (e) engaging in conduct unbecoming a Member, contrary to Ontario Regulation 437/97, subsection 1(19).

AND IT IS FURTHER ALLEGED that Richard Lionel Roy is guilty of professional misconduct as defined in 30 (2) of the *Act*, pursuant to Section 2 of Ontario Regulation 437/97, in that a finding of professional misconduct has been made against Richard Lionel Roy by the British Columbia College of Teachers that is based on facts that would constitute professional misconduct as defined in Section 1 of Ontario Regulation 437/97, and particularly those subsections referred to above.

AGREED STATEMENT OF FACTS

On December 7, 2006, Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced as *Exhibit 5, an Agreed Statement of Facts, Guilty Plea and Joint Submission. (ASF – Exhibit5)*

The *Agreed Statement of Facts, Guilty Plea and Joint Submission* provides as follows:

1. Richard Lionel Roy and Joseph Leonel Richard Roy are one and the same person.
2. Richard Lionel Roy, also known as Joseph Leonel Richard Roy (the "Member"), is a member of the Ontario College of Teachers (the "College"). Attached hereto and

marked as **Exhibit “A”** is a copy of the College Registered Member Information respecting the Member.

3. The Member was certified to teach in Ontario on June 30, 1990 and was granted an Ontario Teaching Certificate by the Ontario Ministry of Education, which was then responsible for the licensing of teachers in the Province of Ontario. The Member’s Ontario Teaching Certificate has never been suspended or revoked by the Ontario Minister of Education.
4. At that time, the Member provided the Ministry of Education with his social insurance number.
5. By operation of section 62 of the *Ontario College of Teachers Act, 1996* (the “Act”), the Member automatically became a member of the College when it came into existence on May 20, 1997, and was deemed to hold a Certificate of Qualification and Registration (the “Certificate”) under the *Act*. The Member has never paid any fees to the College and his Certificate is suspended for non-payment of fees.
6. The Member moved to the Province of British Columbia in the summer of 1990 and commenced employment in that province in September 1990.
7. The Member returned to Ontario for the 1991-1992 academic year and was employed by the Toronto Catholic District School Board as an occasional teacher. The Member taught at St. Madeleine School and St. John School, both in Scarborough. During this time only, the Member was a member of the Ontario Teachers Federation.
8. Thereafter, the Member returned to British Columbia and was employed in September 1992 at the Vedder Junior Secondary School in the British Columbia School District No. 33 (Chilliwack). Until the end of the 1992-1993 academic year, the Member was a French Immersion teacher, French as a second language teacher and music teacher at that school.

9. The Member was granted an Interim Professional Certificate by the British Columbia College of Teachers (“BCCT”), the governing body responsible for the licensing of teachers in the Province of British Columbia, on October 8, 1992. At the time of his registration with BCCT, the Member gave his social insurance number which was the same as that provided to the Ministry of Education.
10. On September 5, 1993 the Member killed his common law wife, [REDACTED] in Chilliwack, BC, and was subsequently charged with first-degree murder.
11. On or about January 14, 1994, the Member resigned his membership with BCCT.
12. The Member, who admitted killing the deceased, pleaded not guilty to the charge of first-degree murder, but guilty to the lesser-included offence of manslaughter. That plea was not accepted by the Crown prosecutor and a trial was ordered before the Supreme Court of British Columbia. The Member was found guilty by a judge sitting with a jury and convicted of first-degree murder. On September 19, 1994, the Member was sentenced to life imprisonment with no chance of parole for 25 years.
13. On or about May 8, 1995, a Hearing Sub-Committee of BCCT held a Hearing to decide whether the Member’s conviction on the first degree murder charge constituted conduct unbecoming a teacher. It was the verdict of that Committee that the Member was guilty of conduct unbecoming a teacher. Attached hereto and marked as **Exhibits “B”** and **“C”** respectively are copies of the Discipline Case Summary of BCCT in respect of the Member and a copy of the Decision of the Hearing Sub-Committee.
14. Further, the Hearing Sub-Committee recommended to the Council of BCCT that:
 - (a) the Certificate of the Member be cancelled;
 - (b) the Registrar of BCCT be instructed to notify other jurisdictions of the cancellation of the Member’s Certificate of Qualification;
 - (c) no costs be assessed to the Member;
 - (d) a summary of the case be published to members of BCCT; and

- (e) the Member's name be made available to the public in a statement indicating the disciplinary action against him.
15. The Council of BCCT accepted the recommendation of the Hearing Subcommittee, and by letter dated, June 28, 1995, a copy of which is attached as **Exhibit "D"**, BCCT advised the Member that his Certificate had been cancelled.
 16. The Member appealed the Decision of the Supreme Court of British Columbia and on March 19, 1996, the Court of Appeal for British Columbia set aside the verdict of first-degree murder and substituted a verdict of second-degree murder. The Court of Appeal also varied the sentence to life imprisonment with no chance of parole for ten years. Attached and marked as **Exhibit "E"** is a copy of the decision of the Court of Appeal for British Columbia dated March 19, 1996.
 17. The Member did not appeal the decision of BCCT to cancel his Certificate and he has not reapplied for membership in BCCT.

JURISDICTION OF THE COLLEGE

18. The Member does not dispute that the College has jurisdiction to prosecute him for the conduct described in paragraphs 10 and 12 above.
19. The Member acknowledges and understands that there have been court rulings that stand for the proposition that the College cannot use O. Reg. 437/97 in prosecuting members for conduct that occurred prior to the creation of the College.
20. The Member admits and agrees that regardless of the definition of professional misconduct against which his conduct, as described in paragraphs 10 and 12 above, is measured, it constituted conduct that is unbecoming a member of the teaching profession and that would reasonably be regarded by members of the College as disgraceful, dishonourable and unprofessional.
21. The Member admits and agrees that his conduct as described in paragraphs 10 and 12 is conduct that is relevant to his suitability to hold a Certificate from the College and is conduct that makes him unsuitable to hold a Certificate.

22. The Member admits and agrees that his conduct would amount to a failure on his part to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, benevolence and all other virtues as required by section 264(1)(c) of the *Education Act*, which identical provision was in existence at the time of the conduct described in paragraphs 10 to 15 above.

GUILTY PLEA

23. By this document, the Member admits the truth of the facts and exhibits referred to in paragraphs 1 to 17 above (the “admitted facts”). The Member hereby acknowledges that the facts referred to in paragraphs 10 and 12 above, constitute conduct which is unprofessional and pleads guilty to the allegations of professional misconduct against him being more particularly breaches of Ontario Regulation 437/97 1(5), 1(14), 1(15), 1(16), 1(18) and 1(19).
24. The Member also acknowledges that a finding of professional misconduct has been made against him by the BCCT, as described in paragraphs 13 to 15 above, and that finding was based on facts which would constitute professional misconduct as defined in Section 1 of Ontario Regulation 437/97, and particularly those subsections referred to in paragraph 23 above.
25. By this document, the Member states that he:
- (a) understands fully the nature of the allegations against him;
 - (b) 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) voluntarily decided to plead guilty; and
 - (d) understands and acknowledges that he is executing this agreement voluntarily, unequivocally and without the benefit of legal counsel.
26. In light of the admitted facts and circumstances, the Ontario College of Teachers and the Member submit that the Discipline Committee find the Member guilty of professional misconduct.

JOINT SUBMISSION ON PENALTY

27. The Ontario College of Teachers and the Member jointly submit that the appropriate penalty to be imposed by the Discipline Committee in this matter would be that the Committee:
- (a) direct the Registrar of the Ontario College of Teachers to immediately revoke the Certificate of Qualification and Registration of the Member which Certificate the Member is to immediately surrender to the Registrar of the Ontario College of Teachers; and
 - (b) direct that there be publication of the findings and order of the Committee in summary form, including the full name of the Member, in the official publication of the College.
28. By this document, the Member acknowledges his understanding that any agreement between the College and the Member with respect to the penalty proposed in this document does not bind the Discipline Committee.

DECISION

Having examined the Exhibits filed, and based on the plea of guilt, the *Agreed Statement of Facts, Guilty Plea and Joint Submission*, 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 Richard Lionel Roy committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(14), 1(15), 1(16), 1(18) and 1(19).

REASONS FOR DECISION

On September 5, 1993 the Member killed his common law wife, and was subsequently charged with first-degree murder. The Member was found guilty by a judge sitting with a

jury and convicted of first-degree murder. On September 19, 1994, the Member was sentenced to life imprisonment with no chance of parole for 25 years. The Member appealed the Decision of the Supreme Court of British Columbia and on March 19, 1996, the Court of Appeal set aside the verdict of first-degree murder and substituted a verdict of second-degree murder. The Court of Appeal also varied the sentence to life imprisonment with no chance of parole for ten years.

It is also admitted in the Agreed Statement of Facts that the Member was found guilty of professional misconduct by the British Columbia College of Teachers and his certificate in that College was cancelled in June 1995. The Member did not appeal the decision of BCCT to cancel his Certificate and he has not reapplied for membership in BCCT.

The Committee accepts that the Member is a member of the Ontario College of Teachers and therefore subject to the jurisdiction of the Committee.

Prior to the inception of the Ontario College of Teachers in 1996, most members charged with the equivalent of professional misconduct would have been subject to the Regulations under the *Teaching Profession Act*, which applied to members of the Ontario Teachers' Federation. This Member was not a member of the Ontario Teachers' Federation at the time he committed the crime of murdering his common law wife. Therefore, the Member was not subject to the *Teaching Profession Act* or the Regulations thereunder.

The Committee was faced with the proposition that, since there was no Regulation which would apply to the Member at the time he committed the crime for which he was charged in these proceedings, it would therefore by necessary implication require a finding of

professional misconduct under Regulation 437/97, which was not in effect at that time. Notwithstanding, the Committee is satisfied that, having jurisdiction to deal with the conduct of the Member, it must make a finding in the public interest using the only regulation available to it, Regulation 437/97.

Further, in the Agreed Statement of Facts, the Member does not dispute that the College has jurisdiction to prosecute him for his conduct. The Member also agrees that, regardless of the definition of professional misconduct against which his conduct is measured, it constituted conduct that is unbecoming a member of the teaching profession and that would reasonably be regarded by members of the College as disgraceful, dishonourable and unprofessional. The Member also agrees that his conduct is relevant to his suitability to hold a certificate from the College and admits that his conduct makes him unsuitable to hold a Certificate.

PENALTY DECISION

The Committee makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke the Certificate of Qualification and Registration of the Member, which Certificate the Member is to surrender immediately to the Registrar of the Ontario College of Teachers; and
2. Pursuant to Section 30 (5) (3) of the *Ontario College of Teachers 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

The Committee concurs with the joint submission on penalty and finds that revocation of the Member's certificate of qualification and registration is appropriate. The crime for which the Member was convicted is extremely serious and one which would discredit and disqualify him in the eyes of the public and the profession as having the moral character to perform the duties of a teacher.

The Committee also concurs with the joint submission on penalty that the findings and order of the Committee, including the Member's name, be published in *Professionally Speaking/Pour parler profession*. Publication is appropriate to demonstrate that the Member's conduct is unacceptable in the eyes of the profession and of the public. This penalty also serves to protect the reputation of the profession in the minds of the public.

Dated: December 7, 2006

Anne Vinet-Roy
Chair, Discipline Panel

Don Cattani
Member, Discipline Panel

Amin Saab
Member, Discipline Panel