

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

REASONS FOR DECISION, DECISION AND ORDER

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 André Trépanier;

the Discipline Committee held a hearing on October 2, 2002

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**André Trépanier
CERTIFICATE #106314**

PRESENT:

Members of the Panel

Marilyn Laframboise (Chair)

Bernard Adam

Pauline Demers

The Honourable Paul Levay, Independent Counsel to the Panel

Will McDowell, McCarthy Tétrault LLP, Counsel for the Ontario College of Teachers,
assisted by Christine Lonsdale, Lawyer

Luc E. Maisonneuve, Racicot, Maisonneuve, Labelle, Gosselin, Counsel for
Mr. Trépanier

André Trépanier

A Notice of Hearing, dated December 14, 2000, was served on André Trépanier, requesting attendance before the Discipline Committee of the Ontario College of Teachers on January 15, 2001 to set a date for hearing. The hearing date was set for October 2, 2002.

The Discipline Committee opened the hearing as scheduled. Counsel requested that the Notice of Hearing dated December 14, 2000 be withdrawn, indicating that he was submitting the case to the panel out of respect and in the public interest.

Mr. Maisonneuve, Counsel for Mr. Trépanier, indicated his assent. The Independent Counsel to the Panel confirmed the validity of this process.

IT IS ALLEGED THAT André Trépanier is guilty of professional misconduct or incompetence within the meaning of sections 30(2) and (3) of the Act in that:

- (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, 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, c.E2 and particularly, section 264(1)(c) thereof or the regulation made under that Act, contrary to Ontario Regulation 437/97, subsection 1 (15);
- (d) he performed acts or omissions that, having regard to all 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 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 André Trépanier is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers.

On October 2, 2002, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether the member was guilty of professional misconduct.

André Trépanier was present at the hearing and had counsel.

AGREEMENT

The parties agreed on a settlement in accordance with the following terms:

1. All of the charges against Mr. Trépanier shall be withdrawn.
2. Mr. Trépanier shall not make any submission.
3. Mr. Trépanier shall report to the College at 9:30 a.m. on October 2, 2002 to receive a verbal "reminder" of his professional responsibilities.
4. No other discipline proceeding, either verbal or written, shall be instituted against the Member.

5. Mr. Trépanier undertakes to complete a course of training on overstepping the bounds between teacher and student. This course is available in French and is offered in Northeastern Ontario.
6. Mr. Trépanier undertakes to undergo a psychological assessment on matters of sexuality and adolescent development. The assessment will be carried out by a qualified authority acceptable to both parties. In addition, the assessment will be carried out in French in Northeastern Ontario, if possible. The assessment report will be forwarded to the College.
7. The College shall issue no publication or public statement identifying Mr. Trépanier. A publication summarizing the allegations will appear in the Blue Pages of *Professionally Speaking/Pour parler profession*. A text was proposed. The parties acknowledge that *Professionally Speaking/Pour parler profession* is an independent publication that makes its own editorial decisions.
8. Each party shall be responsible for its own expenses.

REASONS

Following the advice of the Independent Counsel to the Panel, the Committee gave the proposed agreement its approval. However, the Committee expressed its concerns about the lack of specific dates for the training course and the psychological assessment of the Member that are proposed in the agreement.

The Committee received assurances from both parties that the course and psychological assessment would take place as soon as possible.

In accordance with the agreement, the Committee issued a “verbal reminder” to the Member concerning his professional responsibilities.

DECISION AND ORDERS

Based on the joint submission and the observations by counsel, the Committee agreed to withdraw the Notice of Hearing.

The Committee issued an order of non-publication of the Member’s name in the official publication of the Ontario College of Teachers, *Professionally Speaking/Pour parler profession*.

**DATED AT TORONTO, THIS 12th DAY OF DECEMBER, 2002
BY ORDER OF THE DISCIPLINE COMMITTEE**

Marilyn Laframboise, Chair

Bernard Adam

Pauline Demers