

THE ALBERTA TEACHERS' ASSOCIATION  
REPORT OF THE HEARING COMMITTEE  
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL  
CONDUCT AGAINST JOHN BARTH

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against John Barth of [Location Redacted] were duly investigated in accordance with the *Teaching Profession Act*. The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada on Monday, March 7, 2005 at 0900 and continued through Tuesday, March 8, 2005.

Professional Conduct Committee members present as the hearing committee were [REDACTED]  
[REDACTED] presented the case against the investigated member.  
The investigated member was not present and was not represented by counsel.

CONSTITUTION/JURISDICTION

There were no objections to the constitution of the hearing committee or to its jurisdiction to hear the case.

CHARGES AND PLEA

The following charges were read by the secretary to the hearing committee:

1. John Barth is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the 1995-98 school years, failed to treat a student or students with consideration for their circumstances by discussing with them matters of school business inappropriate for discussion with students.
2. John Barth is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the 1995-98 school years, failed to treat a student or students with consideration for their circumstances by discussing with them matters of a sexual and/or personal nature.
3. John Barth is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the 1995-98 school years, failed to act in a manner befitting a member of the teaching profession by having a

student or students attend on matters of school business at his home where alcohol was served to them.

4. John Barth is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, on or about March 14, 2003, failed to act in a manner befitting a member of the teaching profession by his rude and abusive treatment of [Name Redacted], a social worker in the community.
5. John Barth is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the 1995-98 school years, involved a student in deceiving Principal [Name Redacted] about the content of a play.
6. John Barth is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the 1995-98 school years, misrepresented a parent's conversation with him when relating it to teaching colleague [Name Redacted].

As the investigated member was not present, a plea of not guilty to each of the charges was directed.

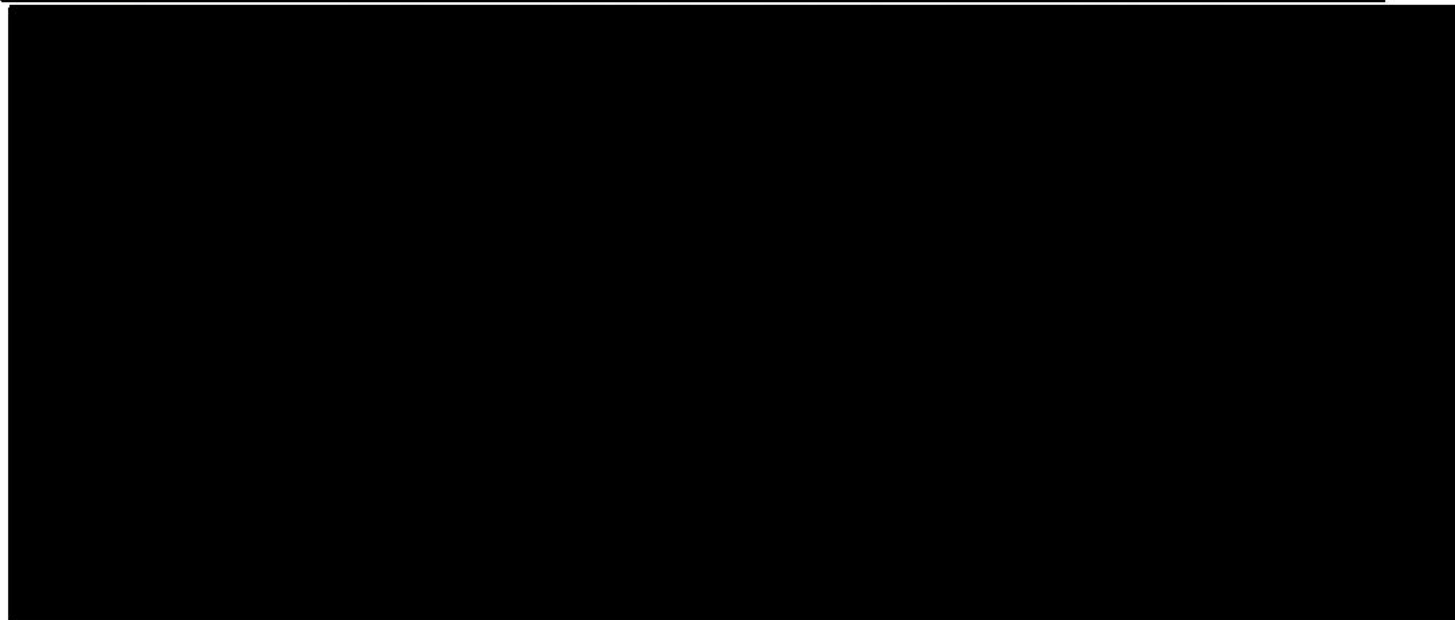
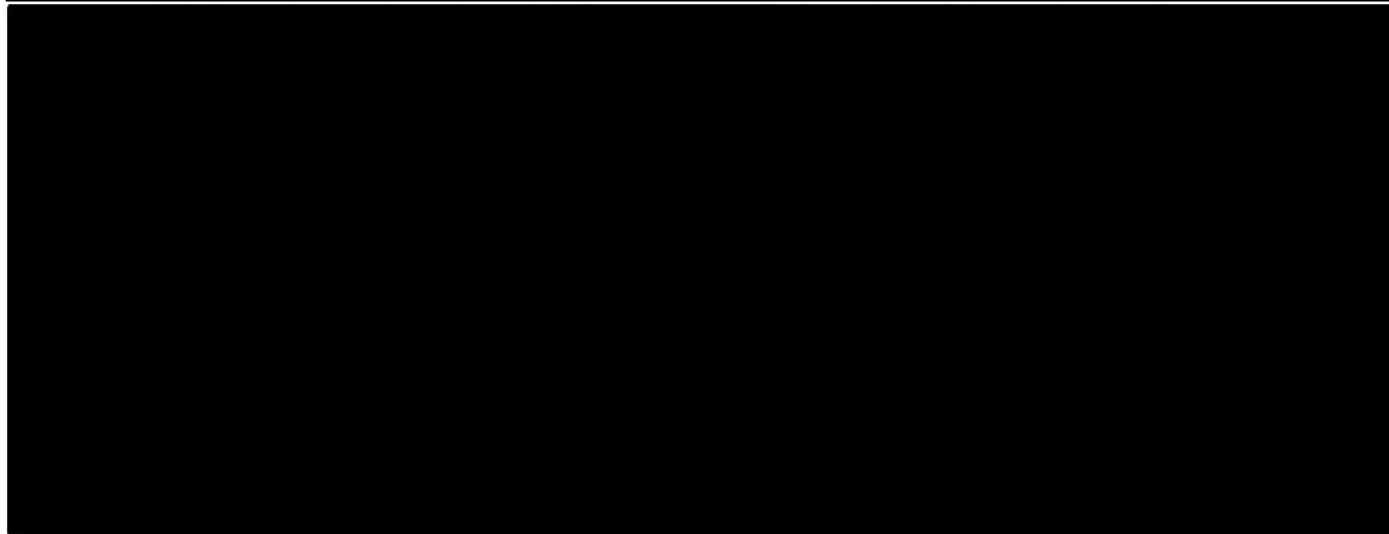
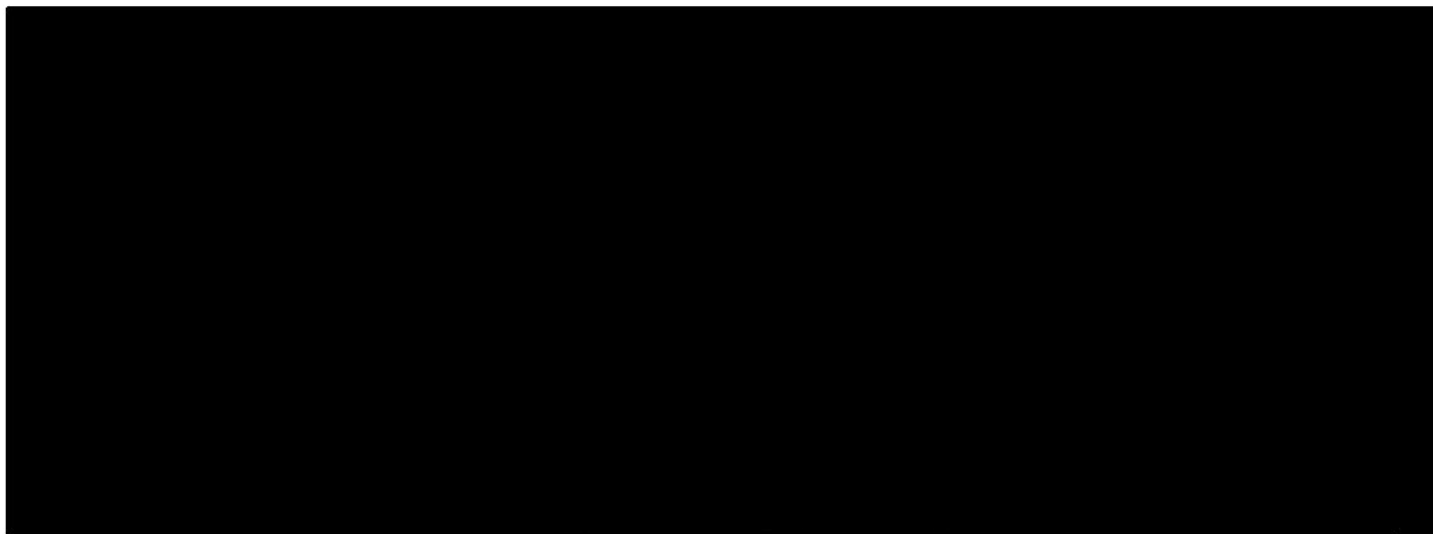
#### WITNESSES

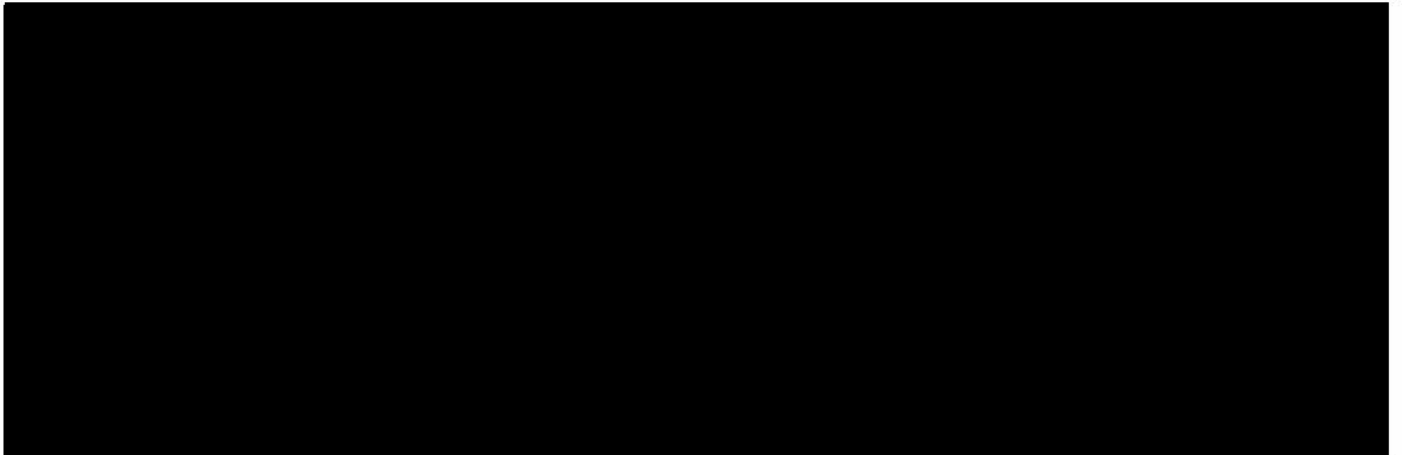
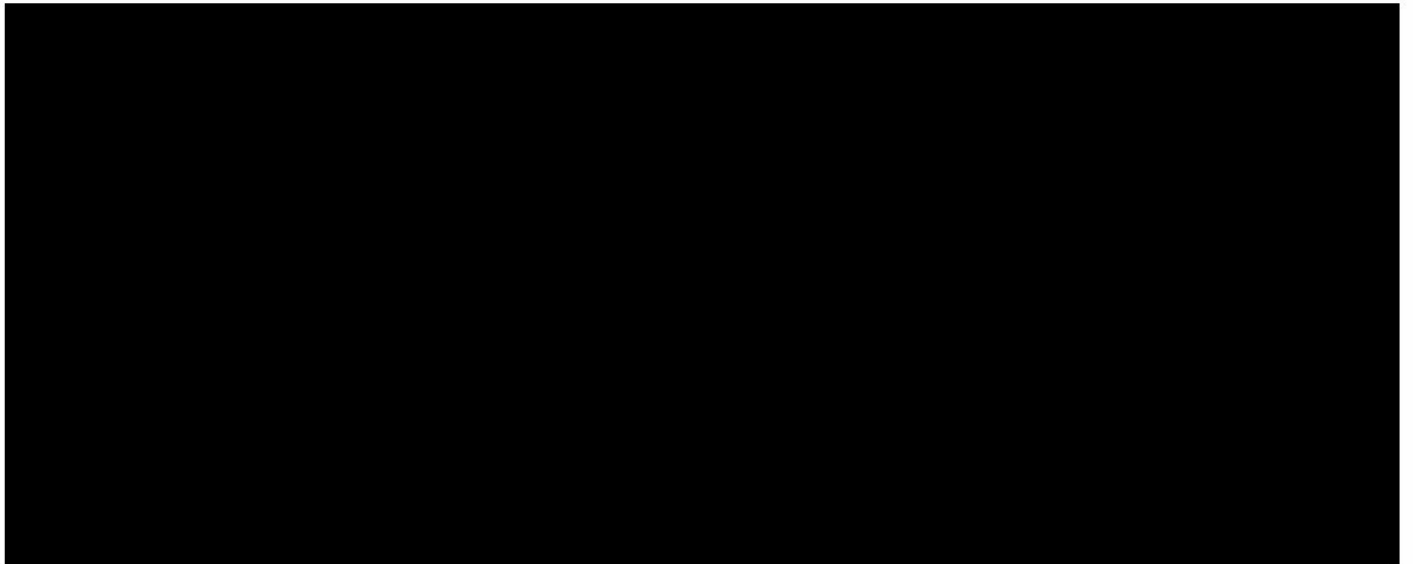
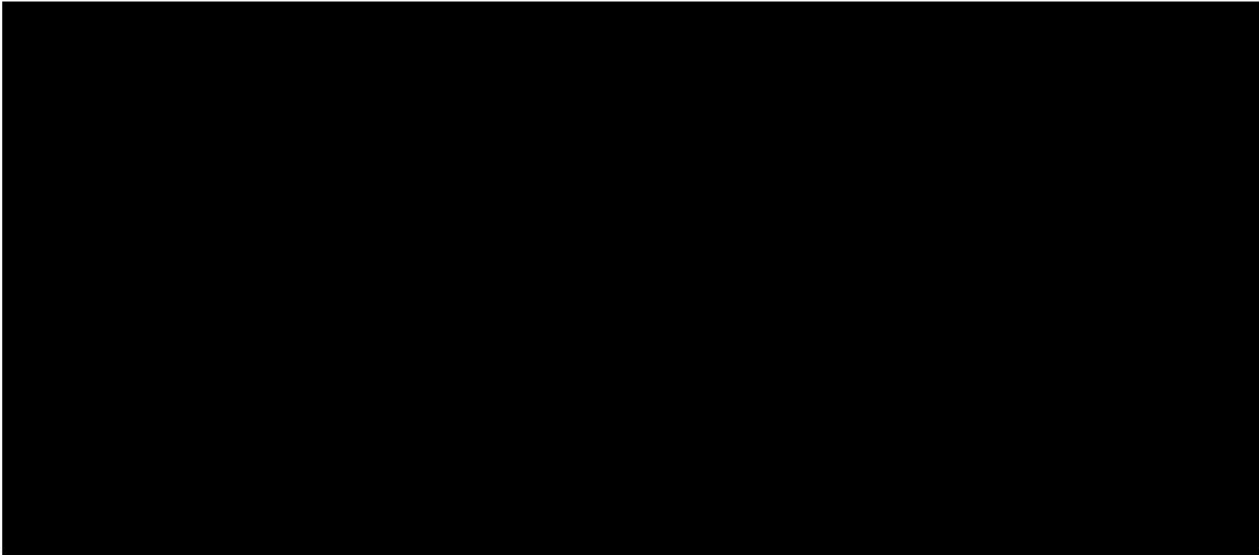
1. [Name Redacted]
2. [Name Redacted]
3. [Name Redacted]
4. [Name Redacted]
5. [Name Redacted]
6. [Name Redacted](mother of [Name Redacted])
7. [Name Redacted] (via telephone from the law office of Stewart, Balfour and Sutherland, Lochgilphead, Scotland)
8. [Name Redacted]
9. [Name Redacted]

#### EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Barth was a member of the Alberta Teachers' Association during the time of the incidents (Exhibit 3).
2. Barth was a teacher at [School Redacted] at the time of the incidents.

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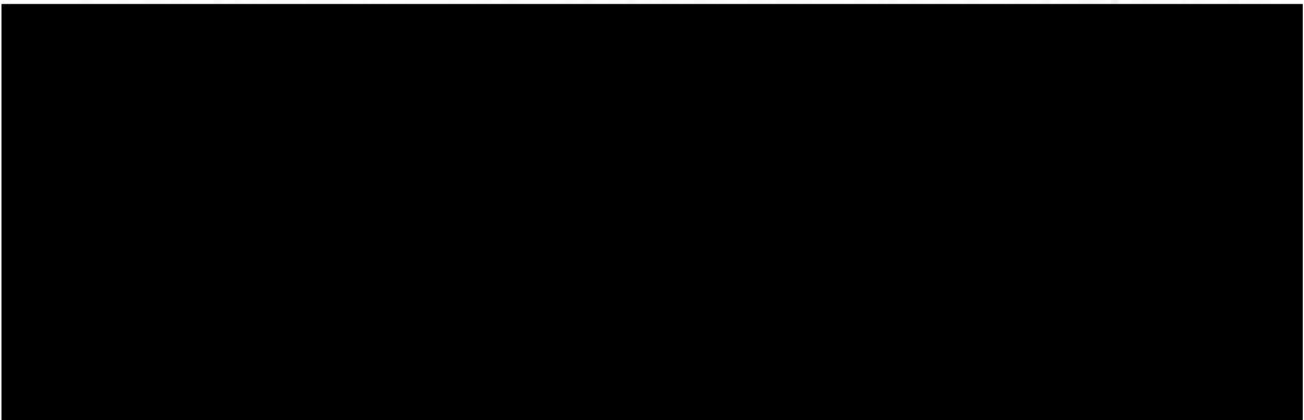
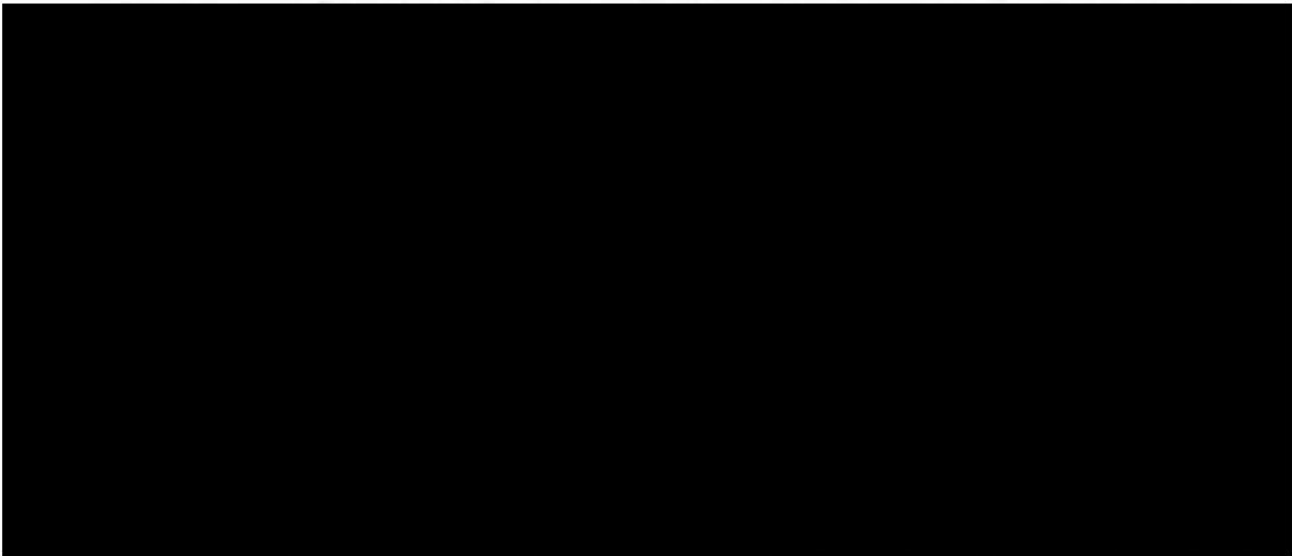
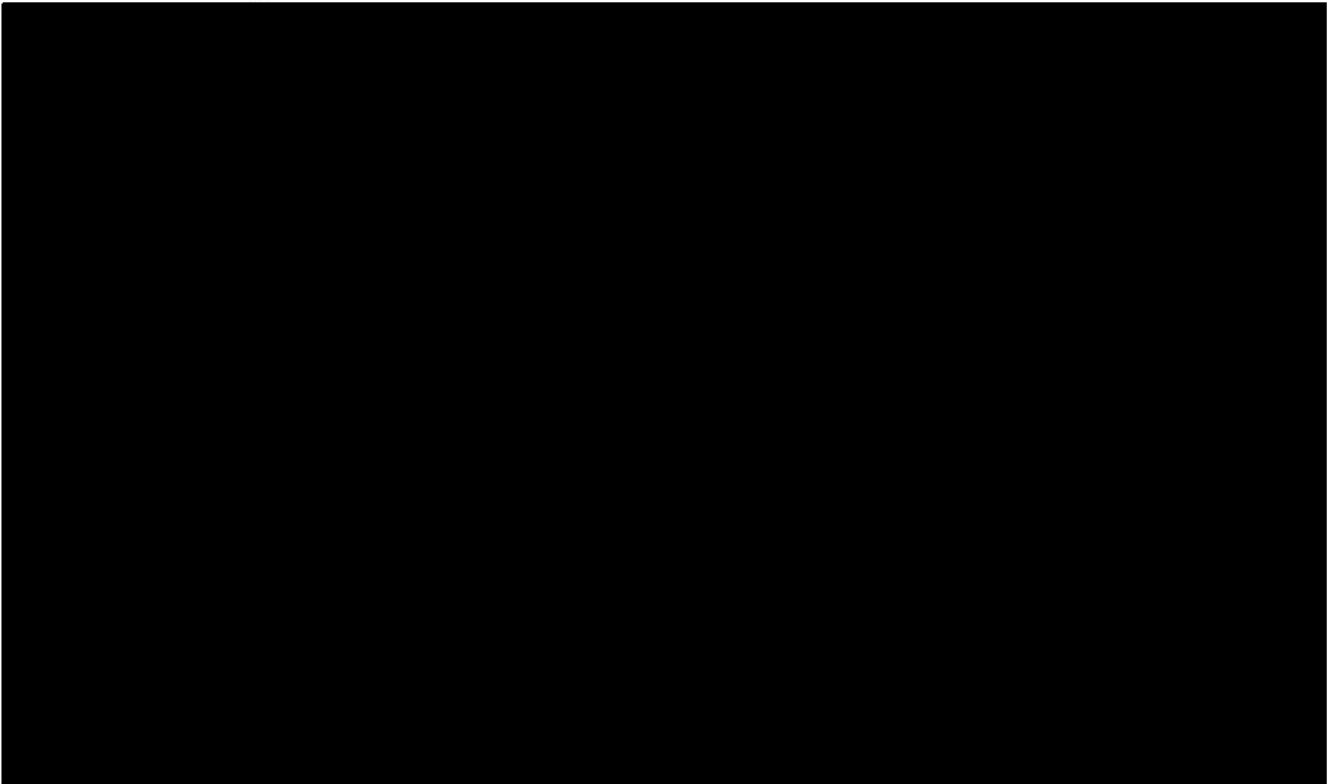






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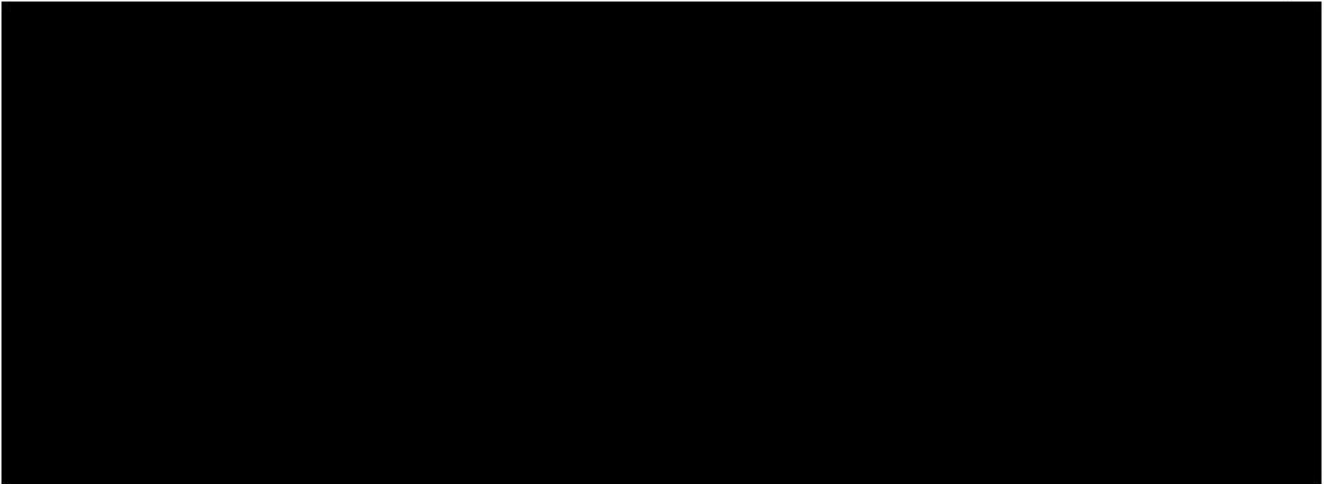
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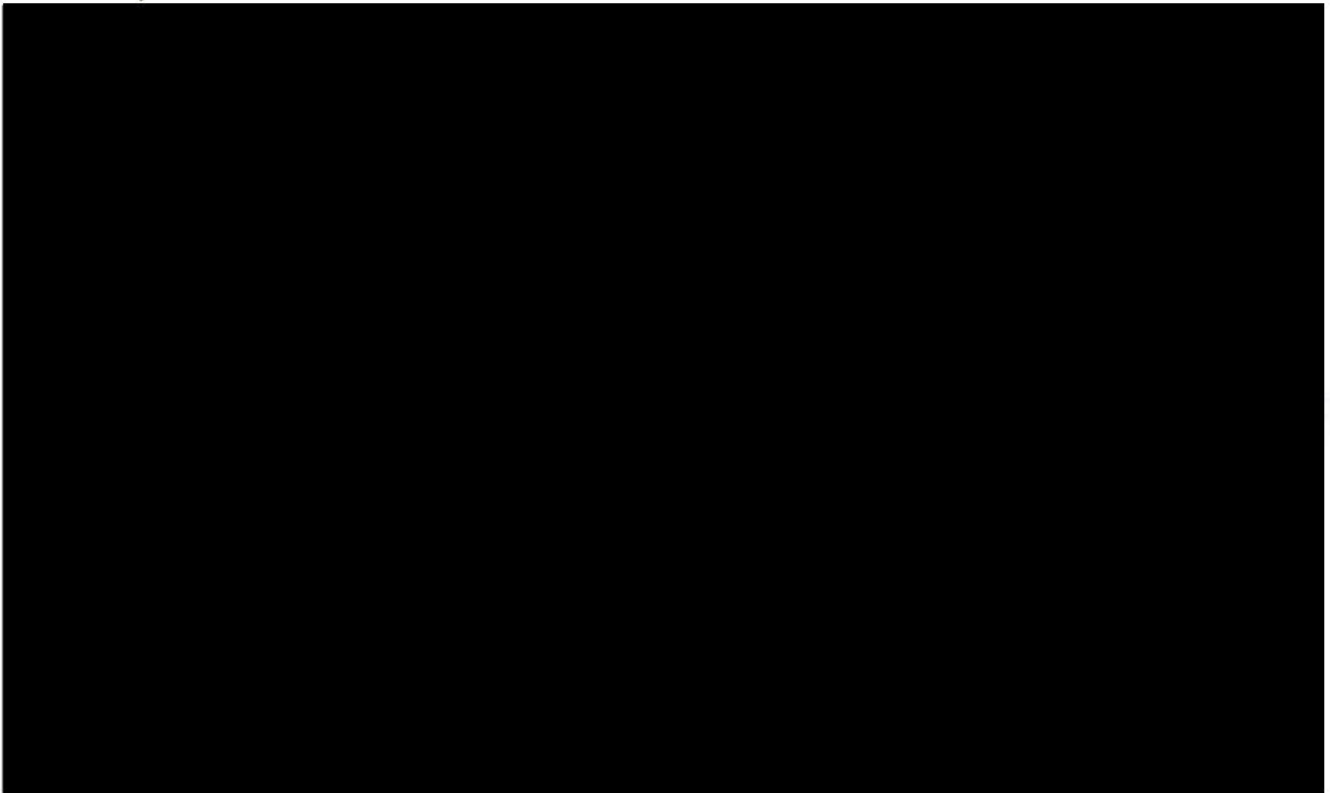
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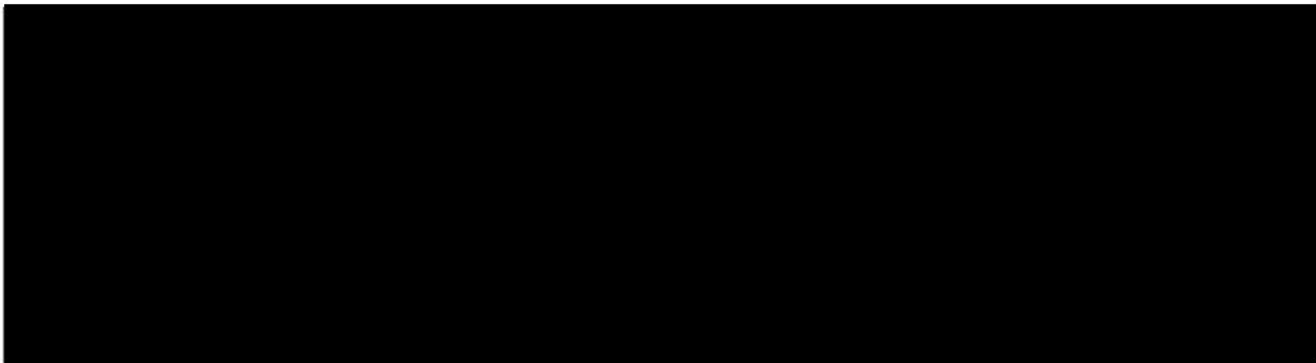
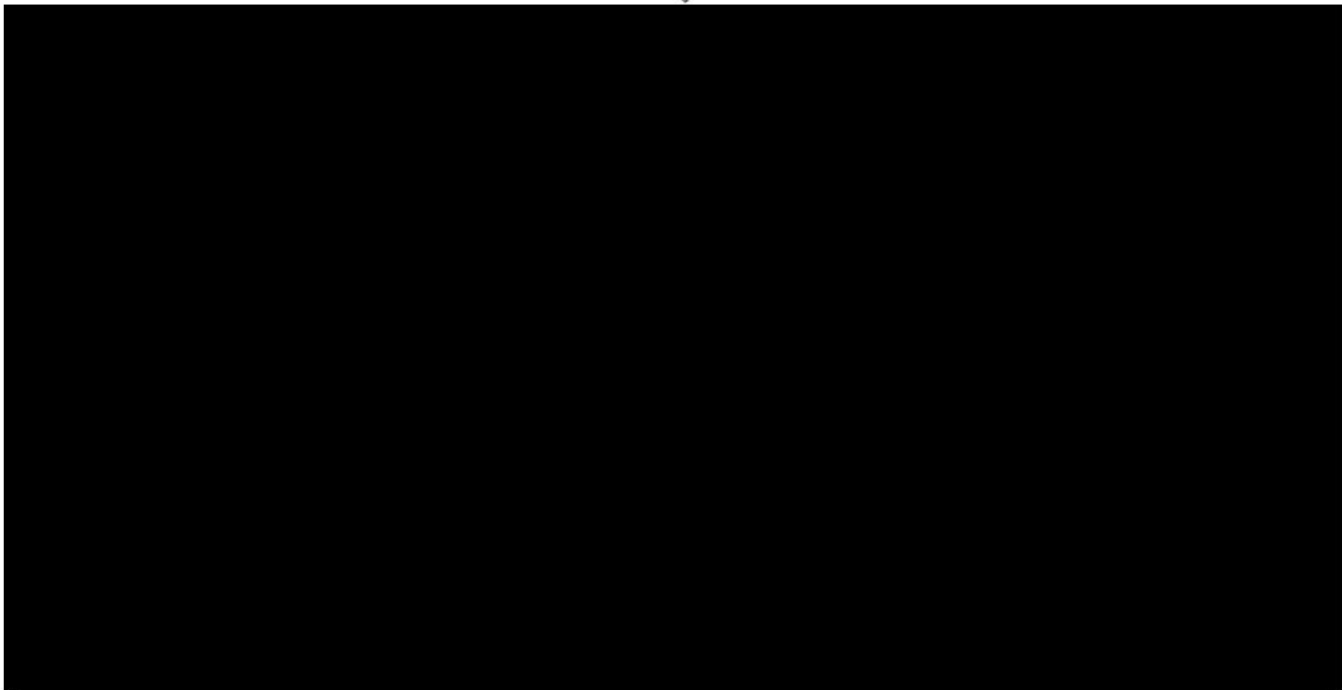






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DECISION OF THE HEARING COMMITTEE

- Charge 1—Guilty
- Charge 2—Guilty
- Charge 3—Guilty
- Charge 4—Not Guilty
- Charge 5—Guilty
- Charge 6—Not Guilty

## REASONS FOR DECISION

### Charge 1

Barth failed to treat a student or students with consideration for their circumstances by discussing with them matters of school business inappropriate for discussion with students when he complained to [Name Redacted] and [Name Redacted] that his programs were being under-funded. Barth also criticized the professional competence of colleagues.

### Charge 2

Barth failed to treat students with consideration for their circumstances by:

1. discussing with them matters of a sexual and/or personal nature;
2. encouraging [Name redacted], to pose nude for a community artist's group;
3. encouraging and planning for [Name redacted] to pose nude for him privately;
4. discussing nude drawings of his students, using explicit language [REDACTED];
5. instructing [Name Redacted] in how to [REDACTED];
6. soliciting information from students about their personal relationships;
7. relating information to students about his sexual life; and
8. instructing students to read sexually explicit material that had no relevance to approved course material.

[Name Redacted], [Name Redacted] and [Name Redacted] presented themselves as credible witnesses because their testimony was consistent and corroborative despite the length of time that has elapsed since the incidents. [Name Redacted] and [Name Redacted] presented themselves, through voice, appearance and demeanour, as resolute, confident and rational. While the committee had the advantage of actually seeing [Name Redacted] and [Name Redacted] testify, they were cognizant of being deprived of such advantage during the telephone testimony of [Name Redacted]. However, the telephone connection was good and the committee was able not only to hear the substantive replies of [Name Redacted] to the questions asked, but also to gauge with confidence the tone and candour of [gender redacted] replies.

### Charge 3

Barth failed to act in a manner befitting a member of the teaching profession by serving alcohol to students [Name Redacted] and [Name Redacted] in his home.

### Charge 4

[Name Redacted] stated that Barth slammed his hand on the table saying loudly, "I don't sit with [REDACTED] like you." When asked by the committee if anyone could attest to this occurrence, [Name Redacted] testified that

one person looked away as if embarrassed. No written testimony or other witnesses were brought forward to corroborate his allegation.

While the committee recognized that corroboration is not essential, given the circumstances so described, and the allegation that the behaviour of Barth was loud and overt, corroborative testimony would have likely been forthcoming. Under all the circumstances described by the one witness who addressed this charge, the committee concluded that it would not be appropriate to convict, even on the balance of probabilities.

#### Charge 5

Barth involved [Name Redacted] in deceiving Principal [Name Redacted] about the content of a play. He tore off the last scenes of the script of the play "Dark of the Moon" and instructed [Name Redacted], a student assigned as the assistant director of the play, to take the partial script to [Name Redacted].

[Name Redacted] was viewed by the committee as a highly credible witness because [gender redacted] testimony was internally and externally consistent, was *largely* corroborated by other witnesses and lacked contradiction. Although visibly emotional on occasion, [gender redacted] was articulate and calm. The testimony regarding the altered script was corroborated by [Name Redacted].

#### Charge 6

Barth was found not guilty of misrepresenting a parent's conversation with him when relating it to teaching colleague, [Name Redacted], because there was not enough proof to conclude that Barth was deliberately embellishing his version of his conversation with [Name Redacted] when he spoke to [REDACTED]

#### PENALTY

The hearing committee of the Professional Conduct Committee imposes the following penalty for Charges 1, 2, 3, and 5:

1. John Barth is declared ineligible for membership in the Alberta Teachers' Association.
2. A recommendation will be made to the minister of education to cancel John Barth's teaching certificate.
3. A letter of severe reprimand will be sent to John Barth no later than April 30, 2005.



REASONS FOR PENALTY

1. Students, parents and the public have the right to expect that teachers will act in a manner which establishes and maintains the trust relationship between teachers and students. Barth's behaviour betrayed that trust.
2. Barth failed to treat students [Name Redacted], [Name Redacted] and [Name Redacted] with consideration for their circumstances by discussing with them matters of a sexual and/or personal nature.
3. As a result of Barth's behaviour, [Name Redacted] articulated feelings of embarrassment and discomfort. [Gender redacted] felt confused in [gender redacted] identity and suffered loss in the violation of trust.
4. [Name Redacted] described having been adversely influenced by Barth. [gender redacted] spoke of lost opportunity throughout [gender redacted] high school years as a result of having been manipulated by Barth. This influence unquestionably contributed to [Name Redacted] making unfortunate life decisions that have taken [gender redacted] a long time to resolve.
5. [Name Redacted] was personally violated and was manipulated to secrecy about [gender redacted] relationship with Barth. [gender redacted] felt shame and believed [genderredacted] to be at fault. [Gender redacted] still exhibits strong feelings and experiences negative consequences in [gender redacted] life today because [gender redacted] is unable to separate Barth's interference in [gender redacted] sexual development from [gender redacted] adult sexual experiences.
5. Through introducing [Name Redacted] and [Name Redacted] to films and books with highly explicit sexual content, well beyond their experience, and not on any approved high school reading/viewing list, Barth intellectually and emotionally violated his students.
6. Through his inappropriate self-disclosures to students regarding his personal sexual relationships, sexual practices and the sexual abuse he had allegedly suffered and perpetrated, Barth violated the innocence of his students by unduly burdening them.
7. Barth interfered with students' relationships with administration through encouraging the students to openly protest administrative decisions with which he didn't agree. Barth further violated student/teacher relationships by openly criticizing other teachers to his students.
8. Barth acted unprofessionally in that he involved a student in deceiving Principal [Name Redacted] about the content of a play.
9. Barth, through his acts of manipulation, violated student friendships and relationships with peers.

10. Barth emotionally violated students by asking them to examine and discuss traumas that were not their own.
11. Barth sexually violated [Name Redacted] by instructing [gender redacted] in personal [redacted] techniques, by stroking [gender redacted] face, neck and foot, and by kissing [gender redacted] full on the lips.
12. Barth violated parent/child relationships by denigrating [Name Redacted]'s father and by telling [Name Redacted] that [gender redacted] parents were unreasonable and that he loved [gender redacted] more than [gender redacted] parents loved [gender redacted].
13. Barth's behaviour can be characterized, on overview, as seductive, improperly controlling, manipulative and predatory towards some of his students.
14. Barth failed to act in a manner befitting a member of the teaching profession by serving alcohol to students in his own home.

Dated at the City of Edmonton in the Province of Alberta, Tuesday, March 22, 2005.

HEARING COMMITTEE OF THE  
PROFESSIONAL CONDUCT COMMITTEE  
OF THE ALBERTA TEACHERS' ASSOCIATION

