

THE ALBERTA TEACHERS' ASSOCIATION

REPORT OF THE HEARING COMMITTEE  
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL  
CONDUCT AGAINST MAX TATS VON AMERONGEN

The hearing committee of the Professional Conduct Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Max Tats von Amerongen of [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 Wednesday, June 9, 1999 at 0900.

Professional Conduct Committee members present as the hearing committee were: [REDACTED]

[REDACTED] presented the case against the accused. The accused was present and was represented by [REDACTED].

CONSTITUTION/JURISDICTION

Neither the prosecuting officer nor the defence counsel objected to the constitution of the hearing committee. The prosecuting officer had no objection to the jurisdiction of the hearing committee. Counsel to the investigated member objected to the jurisdiction of the hearing committee. The reason for this objection was that the professional conduct hearing date was more than two years after the alleged offence. This was contrary to Section 65(2) of the *Teaching Profession Act*. After hearing from defence counsel and the prosecuting officer, the hearing committee reserved decision on the matter of jurisdiction.

PLEA

The following charges were read by the secretary to the hearing committee. To protect the identity of the victims, the pseudonyms Person A and Person B are used in this report.

1. Max Tats von Amerongen aka Max Joseph Amerongen is charged with unprofessional conduct contrary to the *Teaching Profession Act* in that he, on or about the 27th day of February, 1998 in [REDACTED] plead guilty to and was convicted of an indictable offence under the *Criminal Code* of Canada to wit: Between the 1st day of January, 1983 and the 21st day of November, 1984, both dates inclusive, at or near [REDACTED], did unlawfully commit an act of gross indecency with Person A, contrary to section 157 of the *Criminal Code* of Canada.

2. Max Tats von Amerongen aka Max Joseph Amerongen is charged with unprofessional conduct contrary to the *Teaching Profession Act* in that he, on or about the 27th day of February, 1998, in ██████████ plead guilty to and was convicted of an indictable offence under the *Criminal Code* of Canada to wit: Between the 1st day of November, 1984, and the 21st day of November, 1984, both dates inclusive, at or near ██████████, ██████████, did unlawfully commit a sexual assault upon Person B, contrary to section 246.1(1) of the *Criminal Code* of Canada.

The investigated member entered a plea of "guilty" to each of the charges.

The prosecution called no witnesses. The defence called M Amerongen.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. M Amerongen was a member of The Alberta Teachers' Association during the periods 1979 09 01 to 1984 11 30 and 1986 11 01 to 1997 02 28. (Exhibit 3)
2. M Amerongen was employed as a teacher by the ██████████, the ██████████ and the ██████████ (Exhibit 3)
3. At the time of the offences, M Amerongen was a teacher employed by ██████████
4. On 1998 02 27, M Amerongen plead guilty to and was convicted of two indictable offences under the *Criminal Code*.
5. The offences were committed against Person A, who was between the ██████████, and Person B, who was ██████████. (Exhibit 4)
6. Person A and Person B were former students of M Amerongen. (Exhibit 4)

DECISION ON JURISDICTION

On the matter of jurisdiction, the hearing committee ruled that it did have jurisdiction on the grounds that the limitation period set forth in Section 65(2) of the *Teaching Profession Act* does not apply to professional conduct proceedings.

PENALTY

The hearing committee of the Professional Conduct Committee imposes the following penalty:

1. M Amerongen is hereby declared ineligible for membership in The Alberta Teachers' Association.
2. A recommendation will be sent to the minister of learning requesting that M Amerongen's teaching certificate be canceled.
3. A fine in the amount of \$1,000 on each charge, for a total of \$2,000, be paid by M Amerongen to The Alberta Teachers' Association.

REASONS FOR PENALTY

1. A teacher convicted of an indictable offence brings dishonor and disrepute to the profession.
2. Society has a right to expect that teachers will act in a manner which establishes and maintains a trust relationship between teachers and students. M Amerongen violated this trust relationship.
3. A teacher should not be engaged in sexual activity with students. Society views such actions as repugnant and reprehensible. M Amerongen's actions showed disregard for societal expectations of teachers.
4. The court proceedings received widespread media coverage.
5. M Amerongen accepted responsibility for his behavior and demonstrated remorse.

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Dated at the City of Edmonton in the Province of Alberta, Canada, Wednesday, June 9, 1999

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

