

THE TEACHING PROFESSION ACT AND AMENDING ACTS

IN THE MATTER OF a charge or complaint against
James S Andruchow

ORDER OF THE PROVINCIAL EXECUTIVE COUNCIL OF
THE ALBERTA TEACHERS' ASSOCIATION

The Discipline Committee of The Alberta Teachers' Association, pursuant to authorization in that behalf, did, after duly investigating the charges of unprofessional conduct laid against James S Andruchow by Provincial Executive Council, on Monday, April 24, 1995, find him guilty of unprofessional conduct. A report in writing of its findings and recommendations was made to the Provincial Executive Council of The Alberta Teachers' Association. After due consideration of the report and the recommendations made by the Discipline Committee, the Provincial Executive Council of The Alberta Teachers' Association does hereby:

- (a) expel James S Andruchow from the Association, and
- (b) recommend to the Minister of Education that James S Andruchow's teaching certificate be cancelled.

DATED at the City of Edmonton, in the Province of Alberta, Thursday, June 15, 1995.

THE ALBERTA TEACHERS' ASSOCIATION

Per: _____
President

Per: _____
Executive Secretary

REPORT OF THE DISCIPLINE COMMITTEE

IN THE MATTER OF a charge of unprofessional conduct against James Andruchow

The Discipline Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against James Andruchow of [Location Redacted] were duly investigated in accordance with the *Teaching Profession Act* (RSA 1980, Chapter T-3) and the Discipline Bylaws of the said Association. The hearing was held in Barnett House, 11010 142 Street, Edmonton, Alberta, Canada on Monday, April 24, 1995 at 0900. Discipline Committee members present were:

[REDACTED]. The accused was neither present nor represented by counsel.

The Committee was informed of a court order banning publication of the name of the victim. The victim referred to subsequently as Student A is the same individual as named in the conviction notices, Indictment and in the charges 1 through 4. (Exhibits 4 and 5 A,B,C,D)

There being no objection to the composition of the Committee and no question of its jurisdiction to hear the case, the hearing proceeded.

The secretary to the committee reported that he had been contacted by telephone by J Andruchow. J Andruchow had indicated that he was sorry for the events and that he wished to plead guilty to all four charges. Following the conversation, Mr Andruchow submitted a letter dated 1995 03 27 in which he plead guilty to the four charges of unprofessional conduct. The committee accepted the letter from J Andruchow. (Exhibit 1)

Since the defendant was not present, the Committee followed its normal procedures and entered a plea of Not Guilty to the following charges:

1. Mr James Robert Andruchow, a member of The Alberta Teachers' Association at the time the criminal offence was committed, is charged with unprofessional conduct in that he was convicted of the following indictable offence on or about January 31, 1994 namely: that he, on or about February 13, 1993, at or near [Location Redacted], Alberta did commit a sexual assault on Student A, contrary to section 271 of the Criminal Code.
2. Mr James Robert Andruchow, a member of The Alberta Teachers' Association at the time the criminal offence was committed, is charged with unprofessional conduct in that he was convicted of the following indictable offence on or about January 31, 1994 namely: that he, between March 1, 1993 and June 1, 1993 at or near

[Location Redacted], Alberta did commit a sexual assault on Student A, contrary to section 271 of the Criminal Code.

3. Mr James Robert Andruchow, a member of The Alberta Teachers' Association at the time the criminal offence was committed, is charged with unprofessional conduct in that he was convicted of the following indictable offence on or about January 31, 1994 namely: that he, between March 1, 1993 and June 30, 1993 at or near [Location Redacted], Alberta did commit a sexual assault on Student A, contrary to section 271 of the Criminal Code.

4. Mr James Robert Andruchow, a member of The Alberta Teachers' Association at the time the criminal offence was committed, is charged with unprofessional conduct in that he was convicted of the following indictable offence on or about January 31, 1994 namely: that he, between September 1, 1993 and September 30, 1993 at or near [Location Redacted], Alberta did commit a sexual assault on Student A, contrary to section 271 of Criminal Code.

Witnesses

No witnesses were called.

Evidence Adduced and Exhibits Filed Indicated That:

1. J Andruchow was a member of The Alberta Teachers' Association during the period that the offenses occurred. (Exhibit 3)
2. J Andruchow was employed as a teacher by [School Division Redacted] at the time of the offenses. (Exhibit 3)
3. J Andruchow taught [Subject Redacted] and was a coach of several school teams. Student A was a member of several school teams coached by J Andruchow.
4. In 1993 02, J Andruchow returned with a group of students from an out-of-town [Sport Redacted] tournament. J Andruchow was the driver of the bus. J Andruchow dropped off all students except for Student A. J Andruchow returned the school bus, with Student A on board, to the bus yard. [Redacted].
5. Subsequently, J Andruchow's relationship with the [Age Redacted] old student continued until 1993 09. [Redacted].
6. On 1994 01 31, J Andruchow plead guilty to four indictable charges of sexual assault contrary to section 271 of the Criminal Code of Canada. (Exhibit 5 A, B, C, D)

7. On 1994 04 29, J Andruchow was convicted [REDACTED]
[REDACTED]

Decision of the Discipline Committee

Charge 1 - Guilty
Charge 2 - Guilty
Charge 3 - Guilty
Charge 4 - Guilty

Reasons for Decision

1. The defendant was convicted of four indictable offenses under the Criminal Code of Canada and is guilty of unprofessional conduct under section 9(2)(f) of the Discipline Bylaws.

Recommended Penalty

The Discipline Committee recommends to Provincial Executive Council the following penalty:

- Charge 1 - that the defendant's eligibility for membership in The Alberta Teachers' Association be cancelled and that a recommendation be made to the Minister of Education that the defendant's teaching certificate be cancelled.
- Charge 2 - that the defendant's eligibility for membership in The Alberta Teachers' Association be cancelled and that a recommendation be made to the Minister of Education that the defendant's teaching certificate be cancelled.
- Charge 3 - that the defendant's eligibility for membership in The Alberta Teachers' Association be cancelled and that a recommendation be made to the Minister of Education that the defendant's teaching certificate be cancelled.
- Charge 4 - that the defendant's eligibility for membership in The Alberta Teachers' Association be cancelled and that a recommendation be made to the Minister of Education that the defendant's teaching certificate be cancelled.

Reasons for Recommended Penalty

1. A teacher should not be involved in sexual relationships with students. Society views such actions as repugnant and reprehensible. The defendant's actions showed disregard for societal expectations of teachers.