

THE ALBERTA TEACHERS' ASSOCIATION
REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST DAX BRUCE EARL ANDREWS

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Dax Bruce Earl Andrews of [Location Redacted] were duly investigated in accordance with the *Teaching Profession Act* (TPA). The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada on Thursday, March 16, 2006.

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

CONSTITUTION/JURISDICTION

There was no objection to either the composition or the jurisdiction of the hearing committee.

The prosecutor advised the committee that she had spoken to Andrews who was aware of these proceedings and he had agreed that the hearing should move ahead. Andrews indicated his willingness to waive the 15-day notice period of hearing requirement as specified in the TPA section 31(3) in relation to Charges 2 and 3. Andrews signed his submission to the hearing committee (Exhibit 2) on March 2, 2006, thirteen clear days prior to the hearing.

In a situation such as this, it is the view of the committee that section 31(4) of the TPA, supported by section 23(2) of the TPA, overrides the need to adhere to the prescribed duty of a hearing committee to meet the requirement of giving the member fifteen days notice of hearing relative to Charges 2 and 3.

When a member has been accused and convicted of an indictable offence, the interests of the public are best served by holding a hearing forthwith, as directed by section 31(4) of the TPA.

The committee noted that while Charges 2 and 3 would normally be governed by the time frame prescribed by section 31(3) of the TPA, section 31(4) deals with a "hearing that relates to the

conviction of a member of an indictable offence". While only Charge 1 in this case deals with the member's conviction of such offence, clearly the two other charges are related in that they arise from the facts that resulted in the criminal conviction.

The member had been notified of all three charges and had indicated that he had no objection to the hearing proceeding as scheduled.

The committee ruled that it was in the best interests of the public, the student, the member and the profession to proceed forthwith with the hearing on all three charges. There would be no real advantage to the member to sever Charges 2 and 3 and have them dealt with later.

CHARGES AND PLEA

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

1. Dax Bruce Earl Andrews is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, was convicted of an indictable offence under the *Criminal Code* and was sentenced February 28, 2006.
2. Dax Bruce Earl Andrews 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 October 1, 2004 through March 30, 2005, failed to maintain the dignity of a student by engaging in a sexual relationship with [gender redacted].
3. Dax Bruce Earl Andrews 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 October 1, 2004 through March 30, 2005, failed to act in a manner which maintains the dignity of the teaching profession by engaging in a sexual relationship with a student.

The investigated member entered a plea of guilty to the charges (Exhibit 2).

WITNESSES

No witnesses were called.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Andrews was a member of The Alberta Teachers' Association during the period September 1, 1993 to November 30, 2005 inclusive (Exhibit 3).
2. Andrews was a teacher at {School Redacted} with {School Division Redacted} (Exhibit 2).
3. Andrews plead guilty to and was convicted of an indictable offence on January 20, 2006—while “being in a position of trust or authority towards or in a relationship of dependency with . . . , a young person, did for a sexual purpose unlawfully touch, directly or indirectly, with a part of the body or with an object, a part of the body of . . . contrary to section 153(1)(A) of the Criminal Code of Canada” (Exhibit 4).
4. Over a five-month period, beginning in October 2004, Andrews had a sexual relationship with a {Age and Gender Redacted} student (Exhibit 2).
5. The court imposed a penalty on Andrews of 12 months probation and 18 months imprisonment in the community. A victim fine surcharge of \$100 was ordered. He was also ordered by the court to comply with the *Sex Offender Information Registration Act* and was ordered to provide a DNA sample per section 487.051(1)(a) of the *Criminal Code* (Exhibit 5).
6. Significant media coverage resulted from Andrews' actions. Nine news articles were provided for information (Exhibits 2 and 5).
7. Andrews had relinquished his teaching certificate to the Registrar of Alberta Education prior to the hearing (Exhibit 6).
8. Andrews resigned from his teaching position with {School Division Redacted} prior to the hearing (Exhibit 6).
9. A written paraphrase of the apology Andrews made in open court was submitted (Exhibit 6).
10. Andrews was forthright and cooperative throughout the investigation (Exhibit 2).

DECISION OF THE HEARING COMMITTEE

The hearing committee found Andrews guilty on all three charges.

REASONS FOR DECISION

1. Andrews was convicted of an indictable offence (Exhibit 4).
2. Andrews' actions clearly failed to maintain the dignity of the student.
3. Andrews failed to act in a manner that maintains the dignity of the teaching profession.

PENALTY

The hearing committee imposed the following penalty:

1. Effective immediately, Andrews is declared ineligible for membership in The Alberta Teachers' Association.
2. A recommendation will be sent to the Minister of Education to cancel Andrews' teaching certificate.
3. The Alberta Teachers' Association, upon receiving notice from the Minister of Education of the cancellation of Andrews' teaching certificate, will notify all teaching certification bodies in Canada of Andrews' lack of standing.

REASONS FOR PENALTY

1. Andrews was convicted of an indictable offence.
2. Andrews was involved in a sexual relationship with a student over a period of five months.
3. Andrews committed a breach of trust when he had a sexual relationship with the student.
4. Society has the right to expect that teachers will act in a way that will honour the dignity and well-being of students.

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5. Sexual contact with a student is a serious breach of the public trust and of professional conduct.
6. Andrews was forthright and cooperative throughout the investigation.
7. Andrews publicly apologized for his actions in open court.
8. Andrews, upon conviction, was sentenced to house arrest for 18 months and probation for 12 months, was ordered to provide a DNA sample and was ordered to comply with the *Sex Offender Information Registration Act*. Under all the circumstances above, the committee was of the view that any further punishment by way of a fine was unnecessary.

Dated at the City of Edmonton in the Province of Alberta, Thursday, March 16, 2006.

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

