

THE ALBERTA TEACHERS' ASSOCIATION
REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST AMY BELINDA WAGNER

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Amy Belinda Wagner 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 8, 2011.

Professional Conduct Committee members present as the hearing committee were [REDACTED]
[REDACTED]
[REDACTED] presented the case against the investigated member. The investigated member was present and was represented by [REDACTED] Professional Corporation.

CONSTITUTION/JURISDICTION

There were no objections to the composition or jurisdiction of the hearing committee.

CHARGES AND PLEA

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

1. Amy Belinda Wagner is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about July 2008 to March 2009, exceeded appropriate teacher-student boundaries, thus failing to treat a student with dignity and respect and consideration for [gender redacted] circumstances.
2. Amy Belinda Wagner is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about July 2008 to March 2009, exceeded appropriate teacher-student boundaries, thus failing to act in a manner that maintained the honour and dignity of the profession.

3. Amy Belinda Wagner is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about July 2008 to March 2009, engaged in activities that adversely affected the quality of her professional service.

The investigated member entered a plea of guilty to each of the charges by written submission.

WITNESSES

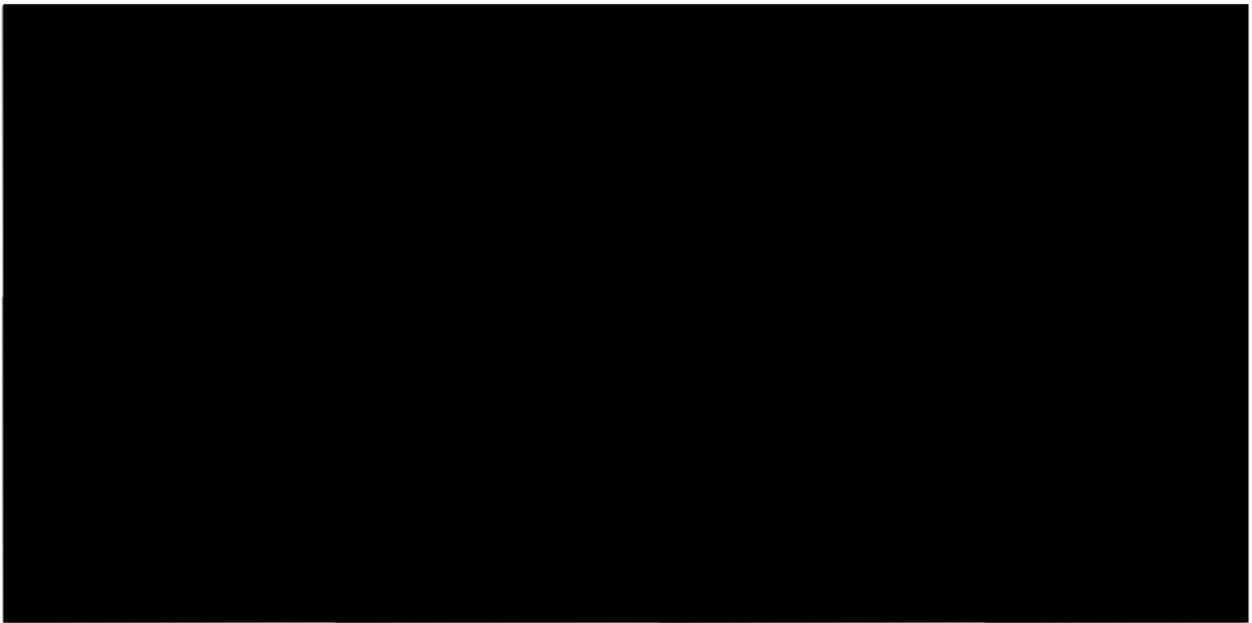
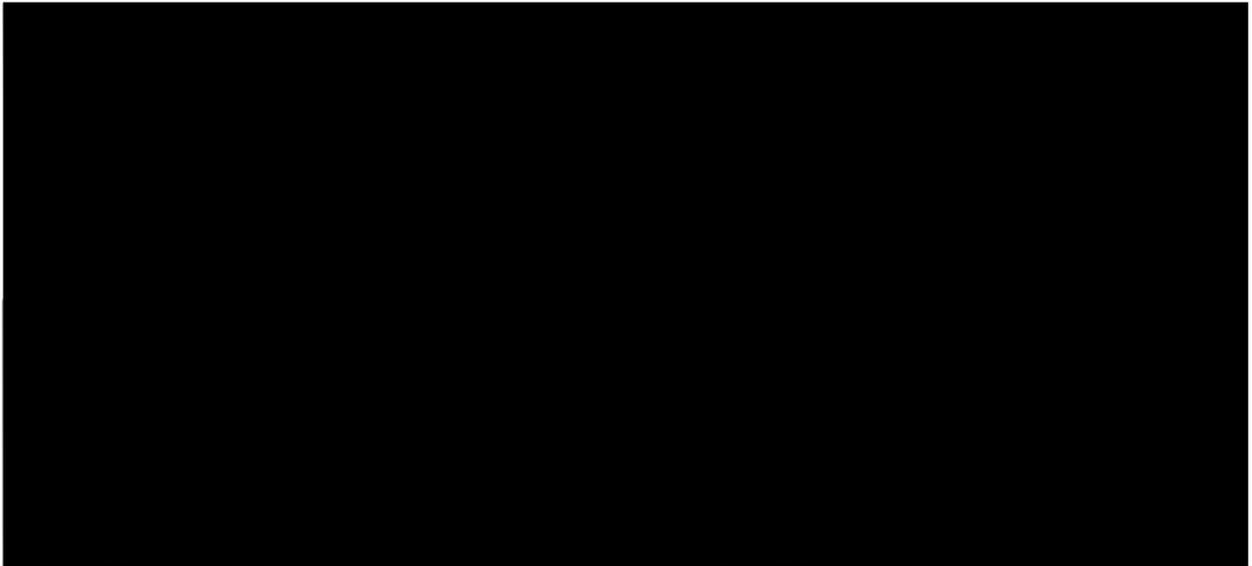
Wagner provided sworn testimony during the penalty phase of the hearing.

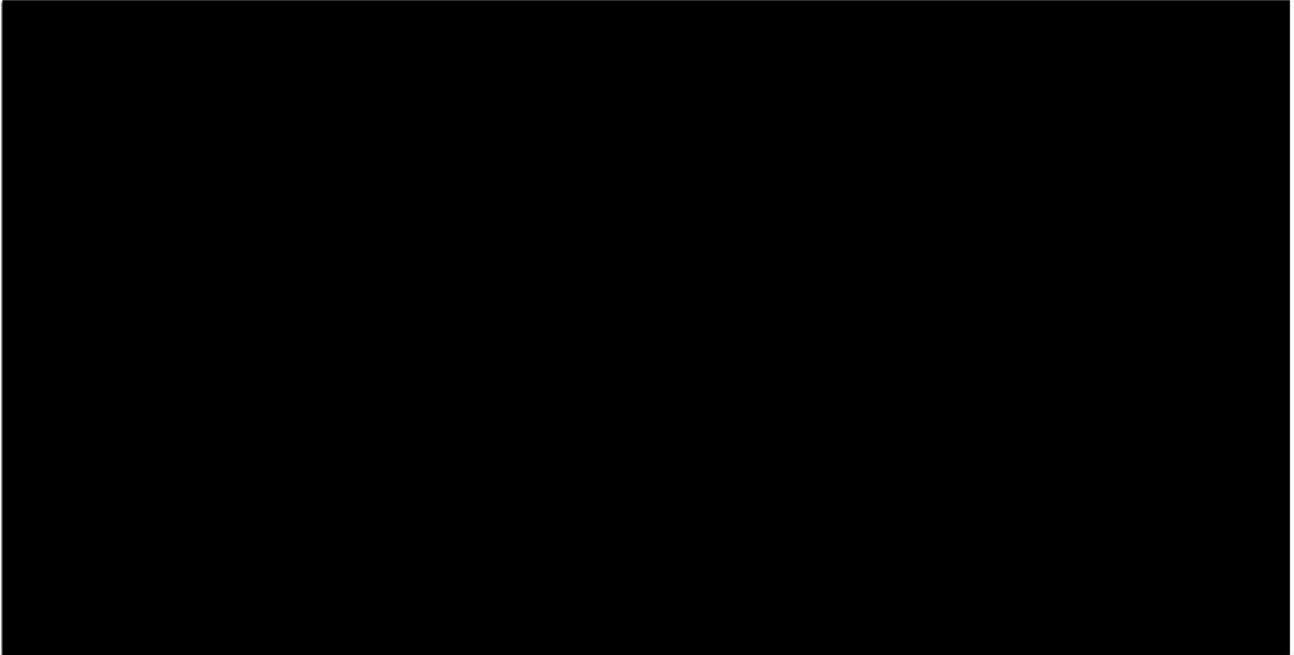
EXHIBITS FILED

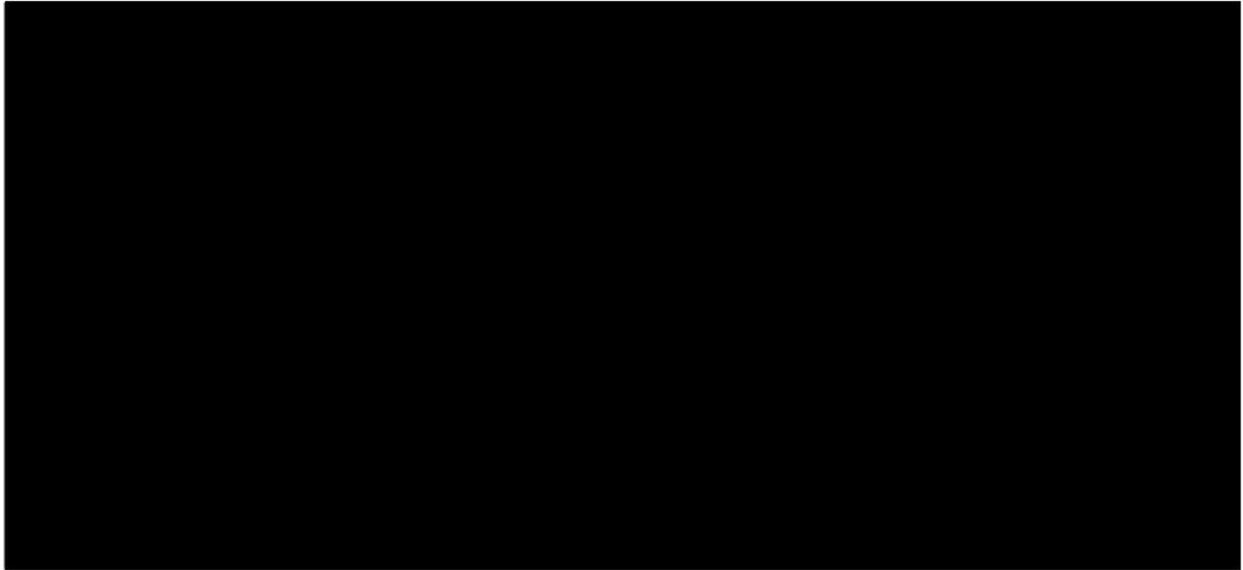
- Exhibit 1—Notice of hearing and Canada Post confirmation of delivery on May 4, 2011
- Exhibit 2—Proof of Wagner's membership in the Association from September 1, 2001 to March 3, 2009
- Exhibit 3—Declaration of awareness of rights, signed by Wagner, dated June 6, 2011
- Exhibit 4—Submission on plea, signed by Wagner, dated June 6, 2011
- Exhibit 5—Agreed statement of facts, signed by Wagner and [REDACTED], dated June 6, 2011
- Exhibit 6—List of precedent cases cited by [REDACTED]
- Exhibit 7—Summary of precedent cases cited by [REDACTED]

EVIDENCE ADDUCED INDICATED THAT:

1. In a joint submission, the parties agreed to amend the date in each of the charges from July 2008 to March 2008. The period in question for the events was revised from "July 2008 to March 2009" to "March 2008 to March 2009". (Exhibit 3)
2. Wagner was a teacher employed by [School Division Redacted] from September 1, 2001 to March 4, 2009. She was a member of the Alberta Teachers' Association during the entire time of her employment with [Location Redacted] Public. (Exhibits 4 and 5)
3. Wagner started her teaching career at the age of [Age Redacted]. (Joint response to questioning)
4. Wagner instructed [Subject Redacted] at [School Redacted] and coached the [Teams Redacted].(Exhibit 5)
5. Wagner was a [REDACTED] camp during the summer of 2008. (Exhibit 5)







29. Wagner provided testimony during the penalty phase of the proceeding that indicated
- a) she had been teaching for seven and a half years when the relationship with Student A occurred;
 - b) she had an unblemished record of performance but acknowledged that two years prior to the relationship with Student A, there had been a concern raised about professional boundaries with students;
 - c) she found working with students who “needed to be believed in” particularly rewarding; and
 - d) she has now developed friendships with peers her own age and has a support system that will prevent her from developing inappropriate relationships with students in the future.

DECISION OF THE HEARING COMMITTEE

Charge 1 Guilty
Charge 2 Guilty
Charge 3 Guilty

REASONS FOR DECISION

Charge 1

1. Wagner admitted that she had crossed a professional boundary in her relationship with Student A.
2. Teachers are in a position of trust and authority and as such, must be respectful of students' circumstances and maintain appropriate boundaries in their relationships with students. By her actions, Wagner failed to maintain a proper boundary.
3. Wagner understood Student A's circumstances but failed to act in a professional manner by engaging in the inappropriate relationship with [Gender Redacted], failing to terminate the relationship and failing to refer Student A to the appropriate professionals who could provide the support [Gender Redacted] needed
4. Wagner repeatedly allowed inappropriate physical contact with Student A, thus failing to maintain appropriate boundaries and failing to treat Student A with dignity and respect.

Charge 2

1. Wagner admitted that she had crossed a professional boundary in her relationship with Student A, thus failing to act in a manner that upheld the honour and dignity of the profession.
2. Wagner's inappropriate relationship with Student A was apparent to others, including colleagues and students, and this knowledge undermined the honour and dignity of the profession.

Charge 3

1. Wagner admitted that she had crossed a professional boundary in her relationship with Student A, thus adversely affecting the quality of her professional service.

2. Teachers are expected to maintain proper relationships with students in order to be objective and to treat all students equally. Further, they must be seen to be maintaining objectivity. By maintaining her relationship with Student A, Wagner compromised her ability to be objective and carry out her duties as a teacher.
3. By providing students with intimate details of her life, Wagner allowed students to view her as a friend rather than a teacher, thus compromising her professional integrity.

PENALTY

The presenting officer recommended that the hearing committee consider a penalty of a one-year suspension of membership in the Alberta Teachers' Association. The defence counsel recommended that the hearing committee consider a range of penalties which did not include a suspension of membership.

The hearing committee declares Wagner ineligible for membership in the Alberta Teachers' Association for a period of one year, effective immediately.

REASONS FOR PENALTY

1. Wagner maintained a protracted relationship with a student that exceeded appropriate professional boundaries. Wagner had sufficient experience as a teacher to understand that the relationship was inappropriate and did not act to terminate the relationship.
2. Wagner was aware that the student had [Medical] issues which made [Gender Redacted] vulnerable. Wagner failed to seek appropriate assistance for the student and, instead, exploited the student's vulnerability for her own purposes.
3. While the relationship never included sexual intimacy, there were attempts by the student to create intimacy and even then Wagner did not terminate the relationship or seek intervention from other adults or colleagues. Wagner continued to place herself in situations that created additional opportunities to foster the relationship.
4. Wagner escalated the relationship with the student in a manner that reinforced the inappropriateness, as evidenced in an e-mail exchange that used familial, immature and unprofessional language.
5. Wagner permitted a continuing inappropriate relationship that came to the knowledge of others and thus impacted negatively on the reputations of the student, Wagner and the teaching profession.

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6. In a relationship between a student and a teacher, the parties are not on equal terms. The responsibility for maintaining proper boundaries rests solely with the teacher.

Dated at the City of Edmonton in the Province of Alberta, June 9, 2011

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

