

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

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST DAVID WILSON

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against David Wilson 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 commencing on June 12, 2017.

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

CONSTITUTION/JURISDICTION

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

PRELIMINARY MATTER

The committee heard an application from [REDACTED] to close the hearing to the public during those parts of the hearing where children would be testifying and/or when adults would be testifying regarding statements made by children, with the exception of the current teacher of some of the students and the school counsellor's division supervisor. [REDACTED] requested this out of concern for the privacy of those children whose statements would become part of the record. [REDACTED] also requested a publication ban on the use of any students' names. The committee made a decision pursuant to section 33(b) of the Teaching Profession Act to close the hearing to protect the identity of the vulnerable parties. The committee determined that protecting the anonymity of the witnesses outweighed any public interest in an open hearing.

[REDACTED] also requested that a new charge, Charge 6, be added to the existing charges. [REDACTED] explained that information regarding the new charge came to light while [REDACTED] was interviewing witnesses regarding Charge 4 and Charge 5. A letter to add Charge 6 was sent to Wilson on May 25, 2017, (which complies with section 31(3) of the act), and documentation was provided to show that Wilson received the information. Legal counsel advised the committee that there was no impediment to adding the charge. The committee therefore added Charge 6 to the list of charges.

CHARGES AND PLEA

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

1. David A Wilson 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 April 6, 2016, in the presence of other students, refused to accept a [Gender Redacted] student's response to his question as to whether [Gender Redacted] was a boy or a girl, and then asked [Gender Redacted] if [Gender Redacted] was transgender, thus failing to treat the student with dignity and respect.
2. David A Wilson 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 April 6, 2016, held a vote among a group of students to determine whether a [Grade Redacted] student was a boy or a girl, thus failing to treat the student with dignity and respect.
3. David A Wilson 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 April 6, 2016, asked a [Grade Redacted] student if [Gender Redacted] father was black, outside of any prior related conversation, thus failing to treat the student with dignity and respect.
4. David A Wilson is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, in January 2015, made comments to [Gender Redacted] students about how they were poor candidates to be married, thereby failing to treat students with dignity and respect.
5. David A Wilson is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, in January 2015, belittled a student by telling other students to take a shovel to hit [Gender Redacted] on the head if [Gender Redacted] was annoying, then to dig a hole and bury [Gender Redacted] in the hole, thereby failing to treat a student with dignity and respect.
6. David A Wilson is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the 2014/15 school, on at least one occasion, humiliated a [Gender Redacted] student at [School Redacted] by obligating [Gender Redacted] to skip rope and/or hula hoop in front of them, thereby failing to treat the student with dignity and respect.

In Wilson's absence, the chair entered a plea of not guilty to all charges on his behalf.

WITNESSES

██████████ called the following witnesses:

1. [Name Redacted], Superintendent, [School Division Redacted]
2. [Name Redacted], Learning coach, [School Division Redacted]
3. [Name Redacted], Educational Assistant, [School Redacted], [School Division Redacted]
4. Student 1, [School Redacted]
5. Student 2, [School Redacted]
6. Student 3, [School Redacted]
7. Student 4, [School Redacted]
8. Student 5, [School Redacted]
9. [Name Redacted], Principal, [School Redacted], [School Division Redacted]
10. Student 6, [School Redacted]
11. [Name Redacted], Vice-Principal, [School Redacted]
12. Student 7, [School Redacted]
13. Student 8, [School Redacted]
14. [Name Redacted], Counsellor, [School Redacted]
15. Father of Student 9 and Student 10
16. Mother of Student 9 and Student 10
17. Student 9, [School Redacted]
18. Student 10, [School Redacted]

EXHIBITS FILED

- Exhibit 1—Record of attempts by the presenting officer to inform Wilson of witnesses who would be called
- Exhibit 2—Copy of letter, dated May 25, 2017, to Wilson advising him that a sixth charge would be added on the day of the hearing
- Exhibit 3—Notice of hearing and Canada Post confirmation of delivery on May 25, 2017 Exhibit 4—Proof of Wilson's membership in the Alberta Teachers Association
- Exhibit 5—Copy of e-mail from [Name Redacted] to Wilson, dated January 20, 2015
- Exhibit 6—Copy of e-mail from Wilson to [Name Redacted], assistant superintendent, dated February 3, 2015
- Exhibit 7—Letter from [Name Redacted] to Wilson, dated February 5, 2015, summarizing the events that occurred at [School Redacted] and advising Wilson that he was being removed from the substitute teacher list for all ██████████ schools in [School Division Redacted]
- Exhibit 8—Copy of incident report by [Name Redacted], dated April 6, 2016
- Exhibit 9—Copy of [Name Redacted] notes of his phone conversation with Wilson re incident at [School Redacted] on April 6, 2016
- Exhibit 10—Formal complaint from the parents of Student 10, regarding the incident with their [Child] that occurred on April 6, 2016 at [School Redacted]

Exhibit 11—Copy of section 109.1 of the *School Act*

Exhibit 12—Copy of handwritten, undated, notes from Student 10, explaining the incident that occurred with Wilson at [School Redacted] on April 6, 2016

Exhibit 13—Copy of e-mail exchange between [Name redacted] and Wilson dated January 20-22, 2015

Exhibit 14—Typed copy of Student 1's statement typed by [Name Redacted], signed by Student 1

Exhibit 15—Typed copy of Student 2's statement typed by [Name Redacted], signed by Student 2

Exhibit 16—Typed copy of Student 3's statement typed by [Name Redacted], signed by Student 3

Exhibit 17—Typed copy of Student 4's statement typed by [Name Redacted], signed by Student 4

Exhibit 18—Typed copy of Student 5's statement typed by [Name Redacted], signed by Student 5

Exhibit 19—Detailed incident report based on [Name Redacted]'s notes and reviewed by [Name Redacted]

Exhibit 20—Statement from Student 6

Exhibit 21 Statement from Student 7

Exhibit 22 Statement from Student 8

Exhibit 23—Statement from Student 9

Exhibit 24—Statement from Student 10

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. During the time of the incident, Wilson was a substitute teacher with [School Division Redacted]
2. Wilson was a member of the Alberta Teachers' Association from January 1, 2014 to April 30, 2016 inclusive. (Exhibit 2)

Re Charges 4, 5 and 6, related to [School Redacted]

3. [Name Redacted]
 - a) [Redacted] is currently the superintendent of [School Division Redacted].
 - b) At the time of the incidents that resulted in the charges, [Name Redacted] was the assistant superintendent, People Services, [School Division Redacted]
 - c) [Name Redacted] confirmed that Wilson was a substitute teacher with [School Division Redacted]
 - d) [Name Redacted] was contacted by [Name Redacted] on January 19, 2015 regarding an incident that happened at [School Redacted] on January 15, 2015 while Wilson was a substitute teacher for [Name Redacted].
 - e) [Name Redacted] advised [Name Redacted] to follow the Code of Professional Conduct and to contact the Alberta Teachers' Association for advice.

- f) [Name Redacted] received a paper copy of an e-mail sent from [Name Redacted] to Wilson on or about January 26, 2015. (Exhibit 5)
- g) In the e-mail received by [Name Redacted], [Name Redacted] outlined what the students had told [redacted] regarding Wilson's conduct, upon their return to school after a long weekend. (Exhibit 5)
- h) [Name Redacted] began an investigation and interviewed the students at [School Redacted].
- i) The students' interviews confirmed the information contained in the e-mail from [Name Redacted] (Exhibit 5):
- The students told [Name Redacted] that Wilson was rude and they feared he would return to their school.
 - They told [Name Redacted] that Wilson had told them that they would never get married. [Name Redacted] stated that weddings and marriage are a "big-deal," and it is culturally significant. Being told that you aren't suitable for marriage would be a very negative comment to make to [redacted] students. The students told [Name Redacted] that they were offended by Wilson's comments.
 - The students told [Name Redacted] that Wilson spent class time talking on his phone, both in class, and later in the bathroom at the back of the school, which meant the students were left unsupervised. Both times the students could clearly hear the conversations.
 - The students told [Name Redacted] that Wilson was loud and distracting and they were not able to concentrate on their work.
 - The students told [Name Redacted] that when they were outside, the younger students were sledding and the older students asked Wilson if they could go for a walk. At this time Student 4 (a younger student) asked if [Gender Redacted] could go with the older girls. Wilson responded by asking Student 4 if [Gender Redacted] was going to be a nuisance. [Gender Redacted] responded, "yes" because [Gender Redacted] thought that was the right answer. Wilson then stated to the older girls, "If [Gender Redacted] is annoying, take a shovel, hit [Gender Redacted] on the head and bury [Gender Redacted] in the snow."
- j) [Name Redacted] met with Wilson on January 26, 2015 and February 2, 2015:
- Wilson did not deny anything from [Name Redacted] e-mail (Exhibit 5).
 - Wilson admitted he conducted himself in an inappropriate manner by trying to be funny in order to build a relationship with the students.
 - Wilson admitted he made a number of errors, including the use of his cell phone while teaching at a [redacted] school, where cell phones are not allowed.
 - Wilson confirmed he asked a student if [Gender Redacted] was going to be a nuisance and he told the older girls to hit [Gender Redacted] over the head with a shovel and bury [Gender Redacted] if [Gender Redacted] was annoying.
 - Wilson admitted saying to at least one student that no one would want to marry [Gender Redacted].
 - Wilson admitted using careless language and engaging the students in conversations about smoking when they were trying to work.
 - Wilson indicated he wanted to apologize to the students. Lovell suggested that this would not be a good time for Wilson to return to [School Redacted] as the students were very agitated.

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- Wilson stated he felt uncomfortable at [redacted] schools. [Name Redacted] surmised that Wilson's lack of judgment could be due to a lack of understanding of [redacted] schools.
- Wilson confirmed his behaviour and apologized to the students and the teacher of [School Redacted] in an e-mail dated February 3, 2015 (Exhibit 6).
- [Name Redacted] commented in a reply to Wilson's e-mail that he appreciated the way Wilson responded to the situation (Exhibit 6).
- [Name Redacted] provided Wilson with a letter dated February 5, 2015 outlining a summary of events as well as four points to ensure successful future substitute teaching placements with [School Division Redacted] (Exhibit 7). [Name Redacted] also provided Wilson with a hard copy of the Alberta Teachers' Association's substitute teachers' guide.
- [Name Redacted] also informed Wilson in the February 5, 2015 letter that until further notice, Wilson would not be permitted to substitute teach in any of the [Location Redacted] schools (Exhibit 7).

4. [Name Redacted]

- a) [redacted] is currently a learning coach in the division office.
- b) From October 2011 to June 2015, [redacted] was the teacher/principal of [School Redacted].
- c) [Name Redacted] knew Wilson as a substitute teacher who had been in [redacted] classroom four or five times.
- d) [Name Redacted] enlisted Wilson as a substitute teacher for January 15, 2015.
- e) Upon her return to school on January 19, 2015, after the long weekend, the students were extremely upset and came to [redacted] with concerns regarding Wilson's conduct on January 5, 2015. All the students had something to say and all were affected by what had happened. [redacted] said, "They were intense, uptight and terribly bothered." [redacted] had never seen them this upset in the four years [redacted] had been teaching at [School Redacted].
- f) The students told [Name Redacted] about Wilson's actions:
 - Wilson had been extremely "rude," which is not a word that the [redacted] students would use lightly.
 - Wilson did not help them with their school work.
 - During outside time, Wilson made a comment that if one of the students became annoying, they should hit [Gender Redacted] over the head with a shovel and bury [Gender Redacted] in the snow.
 - Wilson told some students they would never get married because they were fat, bossy and ugly.

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- Wilson talked on his cell phone during class time, even though he had previously been explicitly told about the school's cell phone policy and had agreed to abide by the policy. The students could clearly hear his conversations which included references to selling guns and rifles.
 - Wilson told the students how much he liked smoking and that he had started as a teenager and they thought he was telling them it was okay to smoke.
- g) [Name Redacted] said there were eight children in the school and they were all related. The school is made up of two attached portable trailers approximately 20 by 40 feet in total.
- h) [Name Redacted] said [Name Redacted] was very concerned about the impact of Wilson's comments regarding marriage as it is the life ambition of all [Name Redacted] students to grow up and get married. They believe that if they don't get married, they will never amount to anything. There is a huge stigma attached to those who do not get married and for [Name Redacted], it is seen as a means to a new adventure as after marriage they move to their [Name Redacted].
- i) [Name Redacted] told [Name Redacted] that the students had expressed their concerns regarding Wilson's behaviour on January 15, 2015 to [Name Redacted] on that day.
- j) [Name Redacted] asked the students to journal about what had happened.
- k) When [Name Redacted] read the journals [Name Redacted] discovered that another incident with Wilson had occurred previously:
- Wilson asked Student 5, [Gender Redacted], to face him, while jumping rope, in close proximity.
 - Student 1 stated in [Gender Redacted] journal that the way Wilson watched Student 5 jump made [Gender Redacted] feel very uncomfortable.
- l) [Name Redacted] contacted division office to get advice, without using names. [Name Redacted], [Name Redacted]'s supervisor, advised her to follow the Code of Professional Conduct. [Name Redacted] asked [Name Redacted] to write an e-mail to the substitute teacher outlining [Name Redacted] concerns. (Exhibit 13)
- m) [Name Redacted] wrote an e-mail to Wilson to outline [Name Redacted] concerns (Exhibit 5).
- n) Upon receipt of the e-mail, Wilson questioned [Name Redacted]'s following of protocol and advised [Name Redacted] that he would be contacting the Alberta Teachers' Association (Exhibit 13).
- o) In subsequent e-mails, Wilson advised [Name Redacted] to contact the Association about how to proceed. He said he felt he had a right to gather evidence, and that [Name Redacted] should not have contacted the school division until they could not resolve it themselves (Exhibit 13).
- p) [Name Redacted] replied that [Name Redacted] would be contacting the Association and [Name Redacted] believed [Name Redacted] had followed the Code of Professional Conduct by not revealing any names or details when

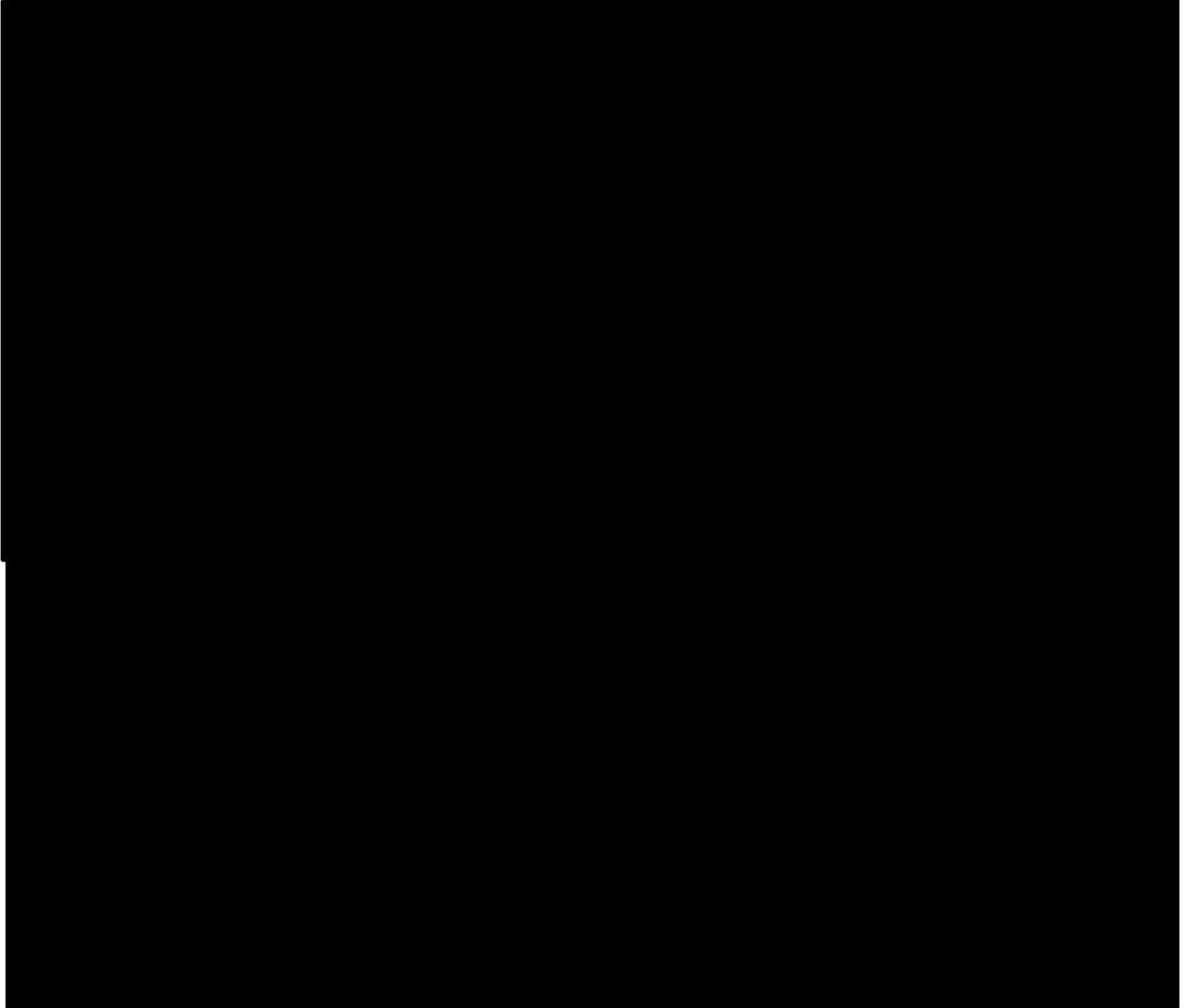
first speaking to [Name Redacted]. In a follow up e-mail, [Name Redacted] advised Wilson that [Name Redacted] had spoken with the Association and admitted to one small misstep in the process, in that [Name Redacted] had asked for [Name Redacted]'s advice. [Name Redacted] advised Wilson [Name Redacted] was going to forward a copy of their correspondence to [Name Redacted] (Exhibit 13).

- q) On January 21, 2015, Wilson sent an e-mail to [Name Redacted] stating he was going to "sit back and see how this all plays out ..." (Exhibit 13). The next day, Wilson sent another mail to [Name Redacted], stating he had "absolutely no desire to have anything to do with [School Redacted] in the future so you need not be concerned about me accepting a substitute teaching position there" (Exhibit 13).
- r) [Name Redacted] said [Name Redacted] did not feel Wilson's apology was sincere and [Name Redacted] felt relief that he would not be back at [Name Redacted] school as his behaviour had such a detrimental effect on [Name Redacted] students.
- s) On January 30, 2015, [Name Redacted] and Wilson met at the [School Division Redacted] office:
- [Name Redacted] reviewed the e-mail (Exhibit 5) with Wilson.
 - Wilson stated he "was just joking around" and he had joked with other [Name Redacted] school students in the past.
 - [Name Redacted] told Wilson the students were unhappy, worried and upset by his conduct.
 - [Name Redacted] told Wilson [Name Redacted] thought he should have been aware of the culture of the [Name Redacted] as he had worked as a substitute teacher before in [Name Redacted] schools.
 - [Name Redacted] stated Wilson never acknowledged that his behaviour could have an adverse effect on students.
 - [Name Redacted] asked Wilson why he hadn't helped the students with their work and Wilson replied "I only get paid \$200, what do you expect?"

5. [Name Redacted]

- a) [Name Redacted] is currently an educational assistant with [School Division Redacted].
- b) From September 2014 to June 2015, [Name Redacted] was the educational assistant at [School Redacted]. [Name Redacted] areas of responsibility were English as an Additional Language, Early Childhood and reading intervention. [Name Redacted] spent most of her time with the younger children and worked part-time, Tuesdays and Thursdays from 9:00 am to 2:30 pm.
- c) [Name Redacted] acknowledged that [Name Redacted] knew Wilson as a substitute teacher. [Name Redacted] recalled him being at the school on at least two occasions.
- d) [Name Redacted] didn't have a lot of contact with Wilson as [Name Redacted] was working with the younger children independently in another part of the school.

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- e) On January 15, 2015, the students came to [Name Redacted] side of the school to tell [Name Redacted] that Wilson was talking on the phone about guns. [Name Redacted] went to the other area in the school and listened to Wilson's phone conversation to ensure that it was not a threat to the children. [Name Redacted] determined it was a personal call and may have been a business transaction.
 - f) The next day that [Name Redacted] was at work, Student 3 confided in [Name Redacted] that when Wilson was last at the school, he told the older girls that if Student 4 was a nuisance, they should hit [Gender Redacted] over the head with a shovel and bury [Gender Redacted] Student 3 was anxious to tell [Name Redacted] what had happened. [Name Redacted] asked the students if they had told [Name Redacted] and they confirmed they had.
 - g) [Name Redacted] explained that Student 4 has learning and medical issues and is self-conscious. [Name Redacted] felt that Wilson's comments had a detrimental effect on Student 4.
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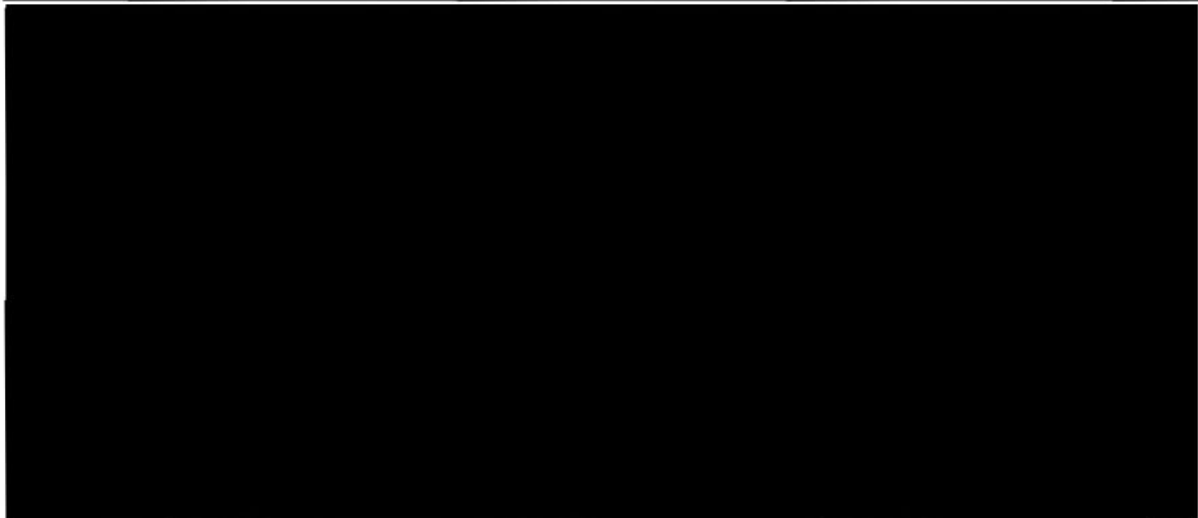
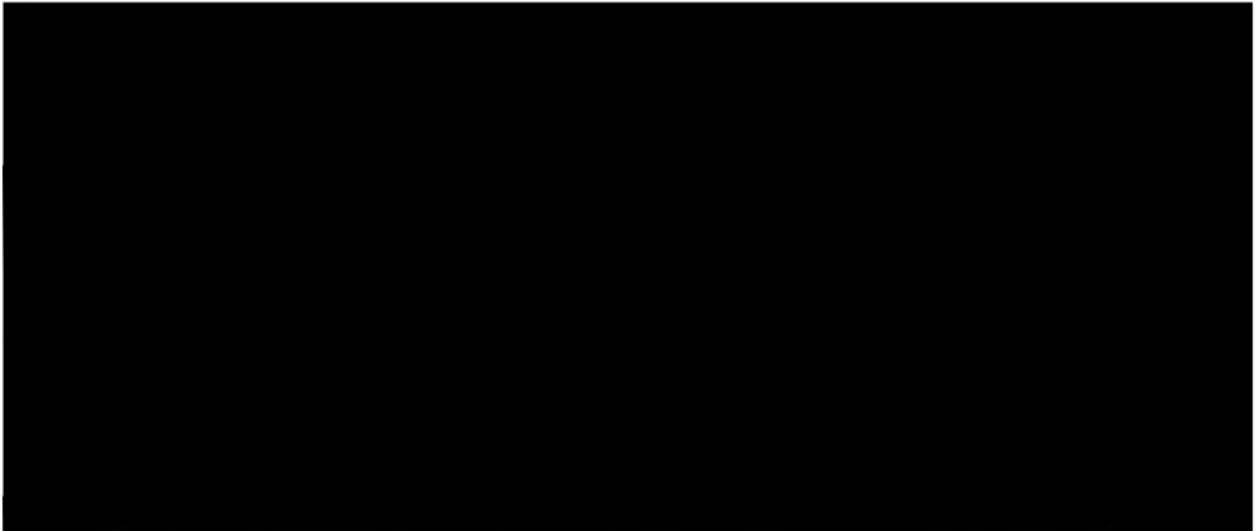


[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Credibility

The committee found [Name Redacted] to be a highly credible witness. [Name Redacted] demeanour was professional. [Name Redacted] made eye contact with the presenting officer and with the committee members. [Name Redacted] appeared to be honest and [Name Redacted] was able to easily recall even the smallest details. [Name Redacted] motivation in testifying was to fulfill his responsibility to [Name Redacted] division as [Name Redacted] was Assistant Superintendent of People Services at the time of the incidents. [Name Redacted]'s story remained consistent throughout all [Name Redacted] testimony. [Name Redacted] was able to elaborate on details when [Name Redacted] was asked to recall the same events many times. [Name Redacted] version of events was consistent with e-mail evidence and demonstrated a believable perception of events. [Name Redacted]'s testimony was consistent in factual matters with other testimony and written statements.

The committee found [Name Redacted] to be a highly credible witness. Although [Name Redacted] was nervous, overall [Name Redacted] demeanour was professional and competent. [Name Redacted] appeared to be caring and concerned about [Name Redacted] students and it was apparent [Name Redacted] was invested in [Name Redacted] student's well-being. Although

some details did blend together, all factual matters were consistent with other testimony and written statements. [Redacted] testimony was internally consistent throughout. [Redacted] was able to portray a believable perception of the events. [Redacted] was visibly upset at one point in [Redacted] testimony when referring to the effects of Wilson's behaviour on her students.

The committee found [Name Redacted] to be a credible witness. [Redacted] was calm and professional. It was obvious that [Redacted] was trusted by the students. [Name Redacted] was very concerned with following the protocol of the school and the division. [Redacted] only testified about those events of which [Redacted] had first-hand knowledge. [Redacted] was motivated by [Redacted] concern for the students and [Redacted] belief that everyone should be respected. [Redacted] testimony was internally consistent and consistent in factual matters with other testimony and written statements.

The committee found Student 1 to be a credible witness. [Redacted]

The committee found Student 2 to be a credible witness. [Redacted]

The committee found Student 3 to be a credible witness. [Redacted]

The committee found Student 4 to be a credible witness. [Redacted]

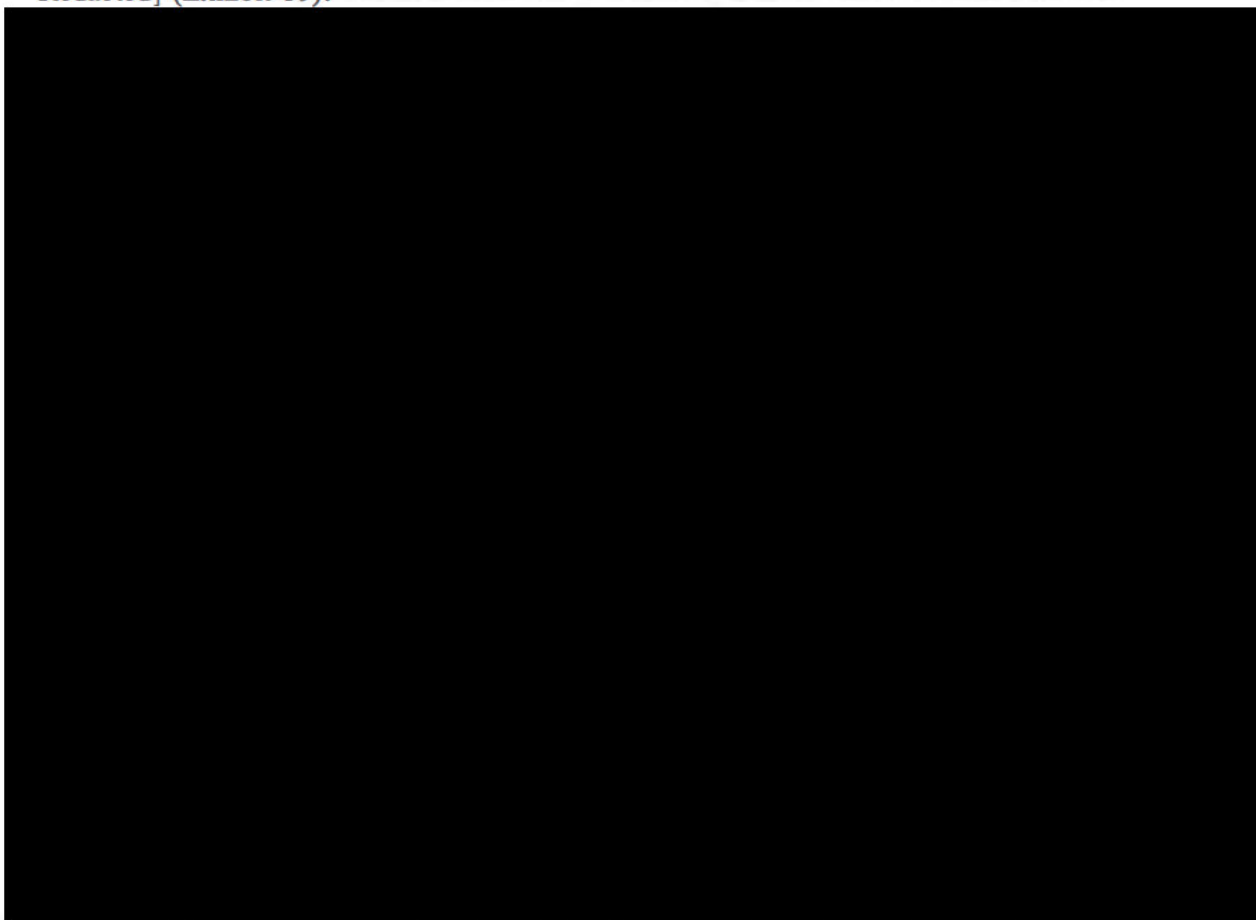
The committee found Student 5 to be a very credible witness. [Redacted]

Re Charges 1, 2 and 3, related to [School Redacted]

11. [Name Redacted]

- a) [Redacted] is currently the superintendent of [School Division Redacted].

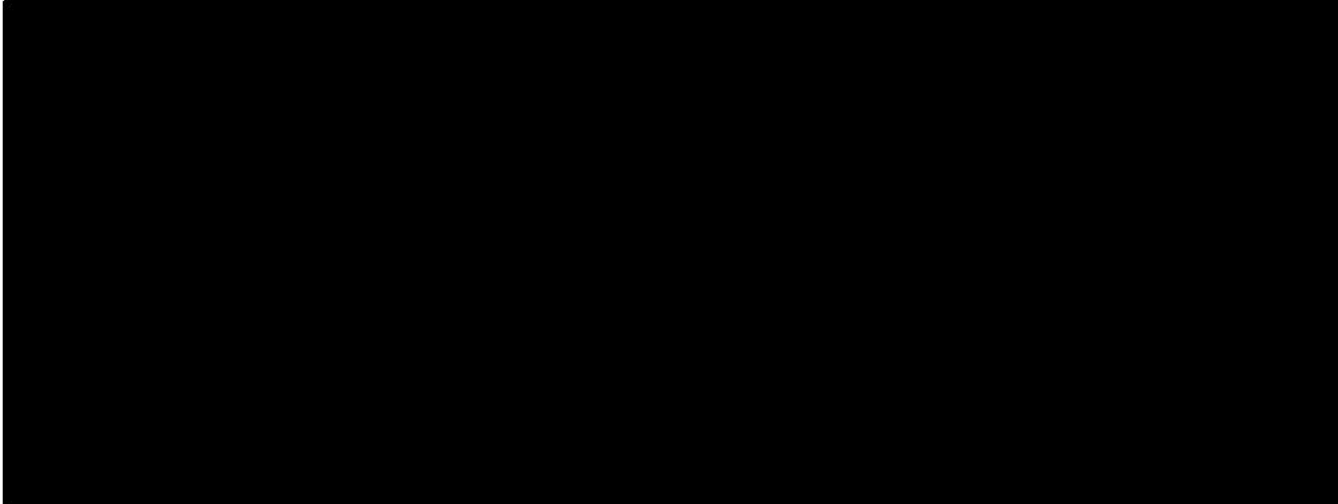
- b) At the time of the incidents that resulted in the charges, [Name Redacted] was the acting superintendent of [School Division Redacted]
- c) [Name Redacted] confirmed that Wilson was a substitute teacher with [School Division Redacted] at the time of the incidents.
- d) On April 6, 2016, [Name Redacted] received a second complaint about Wilson's behaviour as a substitute teacher, from the principal, [Name Redacted] and vice-principal, [Name Redacted] of [School Redacted].
- e) [Name Redacted] received the following information from [Name Redacted] and [Name Redacted] (Exhibit 19):

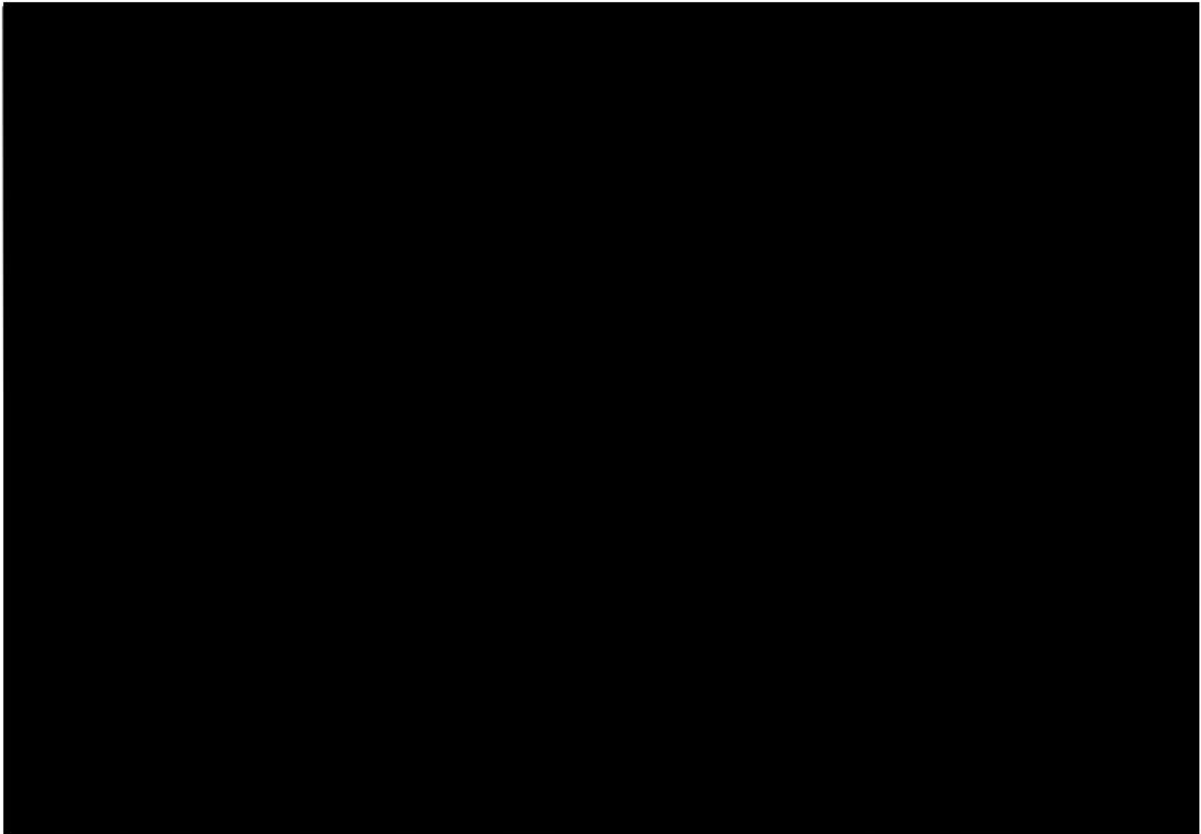


- f) Based on the information received, [Name Redacted] phoned Wilson at approximately 5:00 pm on April 6, 2016 and discussed these points (Exhibit 9):
 - [Name Redacted] asked Wilson what happened. Wilson said, "I was out on supervision and I mistook a [gender Redacted] for a [gender redacted]" He then stated, "I just blew it" in reference to his actions and behaviours.

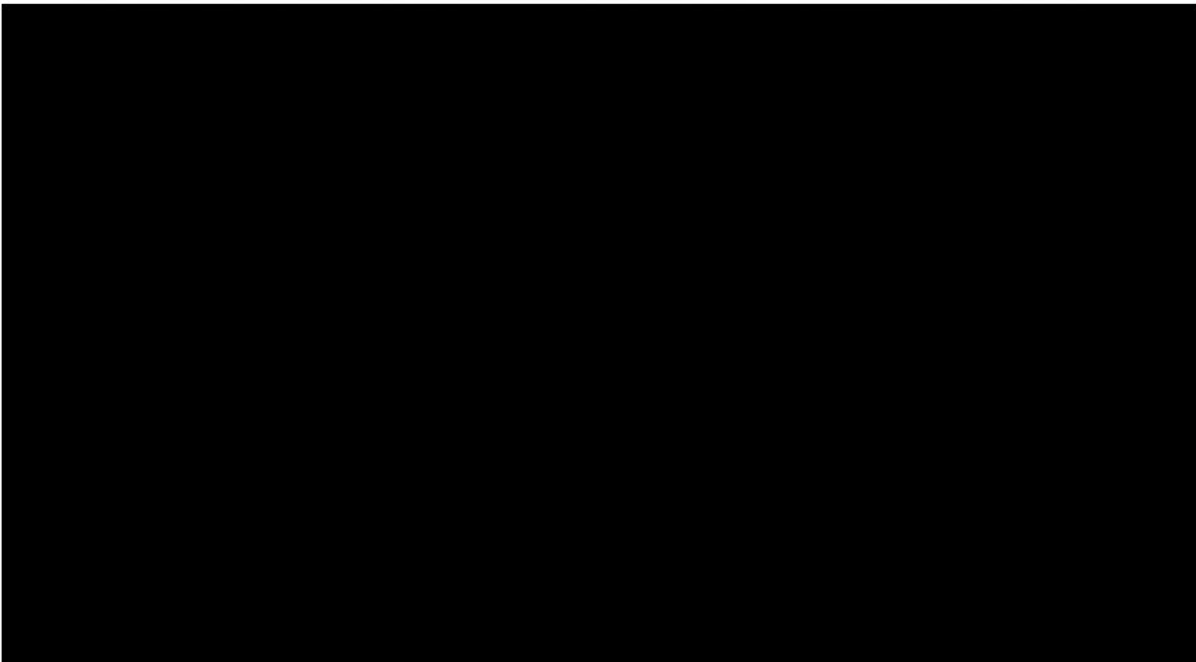
- Wilson admitted to [Name Redacted] that he went up to a group of students and asked them “How many of you think this is a [gender redacted]?”
 - Wilson said he then asked Student 10, “Are you transgender?”
 - Wilson admitted to [Name Redacted] that his actions were not appropriate and he was uncertain why he did what he did.
- g) [Name Redacted] then told Wilson that effective immediately, Wilson would no longer be on the substitute teacher list and [Name Redacted] would need to gather additional details.
- h) [Name Redacted] said Wilson recognized the significant impact this incident had. His demeanour was quiet and “he was at a loss for words.”
- i) On April 7, 2016, [Name Redacted] received an e-mail from the parents of Student 10 confirming the events of April 6, 2016. The e-mail was a copy of an official letter of complaint from the parents of Student 10 to the Alberta Teachers' Association. (Exhibit 10)
- j) [Name Redacted] stated that all the witness statements were consistent.
- k) [Name Redacted] reported this and the previous incident that had taken place at [School Redacted] to the Alberta Teachers' Association.

12. [Name Redacted]

- a) [Name Redacted] was the principal of [School Redacted] during the 2015/16 school year.
- b) [Name Redacted] confirmed that Wilson was a substitute teacher on April 6, 2016 at [School Redacted].
- c) Moore confirmed the following events occurred on April 6, 2016:
- 



13. Student 6



[Redacted]

14. [Name Redacted]

- a) [Name Redacted] is the vice-principal of [School Redacted] and was at the time of the incident.
- b) [Redacted] met Wilson for the first time on April 6, 2016.
- c) [Name Redacted] was in the teachers' lounge at lunch when Student 7 and Student 8 came to tell the administration about a situation on the playground. [Name Redacted] and [Name Redacted] asked the boys to come with them to the office on the elementary campus.
- d) [Name Redacted] worked with [Name Redacted] on the incident reports (Exhibits 8 and 19)
- e) [Name Redacted] conducted the interviews, with [Name Redacted] also present in a secondary role, due to the seriousness of the students' allegations.
- f) [Name Redacted] stated that Wilson's version of events was "dead on" to what Student 7, Student 8 and Student 10 had told him.
- g) [Name Redacted] testimony independently confirmed [Name Redacted] and [Name Redacted] testimony as outlined above.
- h) [Name Redacted] testified that the events outlined in Exhibits 8 and 19 were true and accurate.
- i) [Name Redacted] stated that [Redacted] phoned Student 10's father after [Redacted] had escorted Wilson off the premises.
- j) Student 10's father was very upset when he heard what had happened. He came to the school immediately.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

█ [Redacted]

17. [Name Redacted]

- a) [Name Redacted] was the counsellor at [School Redacted] during the 2015/16 school year. █ holds a bachelor's degree in social work.
- b) On April 6, 2016, [Name Redacted] brought Student 10 to speak to [Name Redacted]. Student 10 was distraught; [Gender Redacted] was vibrating and shaking. [Name Redacted] explained to [Name Redacted] what had happened (see previous testimony).
- c) Student 10 did not want to talk about the incident. After some encouragement, Student 10 said that the worst part was being singled out in front of [Gender Redacted] peers.
- d) [Name Redacted] saw Student 10 approximately 10 to 12 times between April and June 2016.
- e) As the counselling progressed, Student 10 was able to talk about what happened.
- f) In [Name Redacted]' professional opinion, Student 10 was forced to confront issues of [gender redacted] gender expression long before [gender redacted] was ready and [Name Redacted] felt that Wilson's comments had forced [gender redacted] timeline. [Name Redacted] stated that Student 10 had told her that [gender redacted] had questioned [gender redacted] gender expression before, but not to any great extent. Having to tell [gender redacted] parents what Wilson had said was very emotionally painful for Student 10.
- g) [Name Redacted] stated that Student 10 became very withdrawn and fearful. Prior to this incident, Student 10 had struggled to talk to teachers when [gender redacted] needed help, but the incident with Wilson exacerbated the situation. [gender redacted] became very cautious.
- h) In September 2016, Student 10 continued to be on [Name Redacted] caseload, but refused counselling, so the file was closed.

18. Father of Student 10

- a) On April 6, 2016, Father was at home when he received a phone call from [Name Redacted].
- b) [Name Redacted] told Father what had happened at school that day. Father said, "At first I was worried about my [child]; then I was pissed off that this had happened to [gender redacted]!"
- c) Father immediately went to the school and found his wife and [child] in [Name Redacted]'s office. There he noticed that his [child] was sitting as close to [gender redacted] mom as [gender redacted] could get, "sort of pushed up against [gender redacted]." Father asked Student 10 if [gender redacted] wanted to come sit with him, [gender redacted] did and hugged him and sat on his lap. "It's been a long time since I got a hug like that from [gender redacted]." [gender redacted] was very upset; "everything about [gender redacted] was shattered."

- d) He said that he and his [child] went for a walk and [gender redacted] asked him, "Am I weird?" This is not a question that [gender redacted] had ever asked before and it stunned him.
- e) Father said he wasn't surprised that Student 10 had been mistaken for a [gender redacted] as this often happened and he and his wife had taught Student 10 how to react in order to "politically" deal with this.
- f) He said what made him angry was that the teacher didn't back off.
- g) Father said he felt that he failed as a parent because he had told his kids to trust police, firefighters and teachers because no matter what, they will be professional and do the right thing. "We told [gender redacted] schools were safe" and Wilson's actions called this into question.
- h) Father said Student 10 was "shaken to [gender redacted] core" by this "horrific" incident. It has changed [gender redacted] personality and the family is "stuck with picking up the pieces."
- i) The next day, Mother and Father wrote a letter of complaint to the Alberta Teachers' Association regarding Wilson's behaviour. (Exhibit 10)
- j) Father's testimony confirmed other witnesses' testimony and written statements about the events of April 6, 2016.

19. Mother of Student 10

- a) Mother was working at [School Redacted] on April 6, 2016.
- b) A teacher told Mother that an incident had happened with her [child].
- c) Mother went to the office and [Name Redacted] and [Name Redacted] invited her in and told her what had transpired. (see previous testimony of [Names Redacted])
- d) Mother admitted that Student 10 had been mistaken for a [gender redacted] before. Student 10 had been taught to just tell people that [gender redacted] is [gender redacted]. "This was always accepted before."
- e) Mother said she was furious because "schools are supposed to be safe and caring spaces." "I was not mad at Wilson for mistaking Student 10 for a [gender redacted]; I was mad at him for his persistent questioning of my [child]."
- f) Mother said that previously a new teacher had mistaken Student 10 for a [gender redacted]. When Student 10 told the teacher that [gender redacted] is a [gender redacted], the teacher immediately apologized to Student 10 and later told Mother that "he was mortified" by his mistake.

- g) Mother went to comfort her [child] in [Name Redacted]'s office. Student 10 was "inconsolable ..., crying ..., hyperventilating."
- h) Mother and Father took Student 10 home. [Name Redacted] was still extremely upset and could not go to sleep without [Name Redacted] mom.
- i) The next day, Mother and Father wrote a letter of complaint to the Alberta Teachers' Association regarding Wilson's behaviour. (Exhibit 10)
- j) Mother's testimony confirmed the other witnesses' testimony and written statements about the events of April 6, 2016.

[Redacted]

[Redacted]

[Redacted]

hen
ing

[Redacted]

Credibility

The committee found [Name Redacted] to be a highly credible witness. [Redacted] demeanour was professional. [Redacted] made eye contact with the presenting officer and with the committee members. [Name Redacted] appeared to be honest and [Redacted] was able to easily recall even the smallest details. [Redacted] motivation in testifying was to fulfill his responsibility to [Redacted] division as [Redacted] was Assistant Superintendent of

People Services at the time of the incidents. [Name Redacted]'s story remained consistent throughout all [Name Redacted] testimony. [Name Redacted] was able to elaborate on details when [Name Redacted] was asked to recall the same events many times. [Name Redacted] version of events was consistent with e-mail evidence and demonstrated a believable perception of events. [Name Redacted]'s testimony was consistent in factual matters with other testimony and written statements.

The committee found [Name Redacted] to be a highly credible witness. [Name Redacted] demeanour was professional. [Name Redacted] made eye contact with the presenting officer and with the committee members. [Name Redacted] appeared to be honest and [Name Redacted] was able to recall details of the events in question. His motivation in testifying was to fulfill his responsibility to the students at his school. [Name Redacted] initial investigation was fair and thorough. [Name Redacted]'s story remained consistent throughout all [Name Redacted] testimony. [Name Redacted] testimony was internally consistent throughout. [Name Redacted] version of events was consistent with the e-mail evidence and demonstrated a believable perception of events. [Name Redacted]'s testimony was consistent in factual matters with other testimony and written statements.

The committee found Student 6 to be a highly credible witness. [Name Redacted]
[Name Redacted]
[Name Redacted]
[Name Redacted]
[Name Redacted].

The committee found [Name Redacted] to be a very credible witness. [Name Redacted] demeanour was professional. [Name Redacted] made eye contact with the presenting officer and with the committee members. [Name Redacted] appeared to be honest and [Name Redacted] was able to recall details of the events in question. [Name Redacted] motivation in testifying was to fulfill his responsibility to the students at [Name Redacted] school. [Name Redacted] supported the principal in the investigation of the events and the creation of the incident reports. [Name Redacted] version of events was consistent with the evidence and demonstrated a believable perception of events. [Name Redacted]'s testimony was consistent in factual matters with other testimony and written statements.

[Name Redacted]
[Name Redacted]
[Name Redacted]
[Name Redacted]
[Name Redacted]
[Name Redacted]

The committee found Student 8 to be a somewhat credible witness. [Name Redacted]
[Name Redacted]
[Name Redacted]
[Name Redacted]
[Name Redacted]

The committee found [Name Redacted] to be a credible witness. [Name Redacted] demeanour was professional. [Name Redacted] made eye contact with the presenting officer and with the committee members. [Name Redacted] appeared to be honest and she was factual in her responses. [Name Redacted] motivation in testifying was to fulfill her responsibility to the students at the school. [Name Redacted]'s testimony was somewhat consistent in factual matters with other testimony and written statements.

The committee found Father to be a very credible witness. He was somewhat nervous but his demeanour was sincere. He made eye contact with the presenting officer and with the committee members. Father appeared to be honest and he was able to recall details of the events in question. His motivation in testifying was to fulfill his responsibility to his [child]. Father's testimony was consistent in factual matters with other testimony and with written statements.

The committee found Mother to be a very credible witness. She was somewhat nervous and her demeanour was calm and determined. She made eye contact with the presenting officer and with the committee members. Mother appeared to be honest and she was able to recall details of the events in question. Her motivation in testifying was to obtain justice for her [child]. Mother's testimony was consistent in factual matters with other testimony and with written statements.

The committee found Student 9 to be a very credible witness. [Redacted]
[Redacted]
[Redacted]
[Redacted]

The committee found Student 10 to be an extremely credible witness. [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

DECISION OF THE HEARING COMMITTEE

- Charge 1 Guilty
- Charge 2—Guilty
- Charge 3 Guilty
- Charge 4—Guilty
- Charge 5—Guilty
- Charge 6 Guilty

REASONS FOR DECISION

Charges 1 and 2

1. By his own admission, in interviews with [Name Redacted] and [Name Redacted] and in a phone call with [Name Redacted], Wilson acknowledged refusing to believe that Student 10 was a [gender redacted], asking Student 10 if [gender redacted] was [REDACTED] and holding a vote to determine if [gender redacted] was a boy or a girl, all on April 6, 2016.
2. In a phone conversation with [Name Redacted], Wilson conceded that his actions were inappropriate and upsetting and he recognized this had a significant impact on the student.
3. In consistent testimony by numerous credible witnesses, the events of April 6, 2016 were established without doubt.
4. The Code of Professional Conduct states in section 4 "The teacher treats pupils with dignity and respect and is considerate of their circumstances." Wilson failed to do this by repeatedly questioning a student's gender, asking a student if [gender redacted] was transgender and holding a public vote among [gender redacted] peers to determine [gender redacted] gender. This was unprofessional and caused significant harm.
5. Teachers are expected to follow the Code of Professional Conduct in relation to pupils. Wilson failed to do so several times on April 6, 2016.

Charge 3

1. Consistent testimony by Student 6 about the incident on April 6, 2016 established, without doubt, that the event took place as [gender redacted] described.
2. Student 6 was thoughtful and gave testimony without signs of embellishment; [gender redacted] was not offended but realized that Wilson's random comment was not appropriate.
3. The Code of Professional Conduct states in section 4 "The teacher treats pupils with dignity and respect and is considerate of their circumstances." Wilson failed to do this by questioning the race of this student's father without reason. This was unprofessional.
4. Teachers are expected to follow the Code of Professional Conduct in relation to pupils. Wilson failed to do so on April 6, 2016.

Charge 4

1. In a letter of apology to [Name redacted] for the [School Redacted] students, Wilson acknowledged stating, on January 15, 2015, that certain students would never get married and admits that these statements were simply out of line.

2. By his own admission, Wilson engaged in actions that had a negative effect on the students of [School Redacted].
3. In a conversation with [Name Redacted], Wilson admitted that his comments and actions were inexcusable for someone with his experience. He admitted he did not pick up on the negative effects of his comments.
4. Consistent testimony by numerous credible witnesses established the events of January 15, 2015 without doubt.
5. The Code of Professional Conduct states in section 4 "The teacher treats pupils with dignity and respect and is considerate of their circumstances." Wilson failed to do this by making comments to [gender redacted] students about how they were poor candidates to be married. This was unprofessional and caused significant harm, given the importance of marriage in their culture.
6. Teachers are expected to follow the Code of Professional Conduct in relation to pupils. Wilson failed to do so on January 15, 2015.

Charge 5

1. By his own admission, Wilson engaged in actions that had a negative impact on the students of [School Redacted].
2. In a conversation with [Name redacted], Wilson admitted that his comments and actions were inexcusable for someone with his experience. Wilson confirmed that he asked a student if [gender redacted] was going to be annoying. When [gender redacted] answered yes, he told other students to take a shovel, hit [gender redacted] on the head and bury [gender redacted].
3. Through consistent testimony by numerous credible witnesses, the events of January 15, 2015 were established without doubt.
4. The Code of Professional Conduct states in section 4 "The teacher treats pupils with dignity and respect and is considerate of their circumstances." Wilson failed to do this by belittling a student, by telling other students to take a shovel to hit [gender redacted] on the head if [gender redacted] was annoying, then to dig a hole and bury [gender redacted]. This was unprofessional and caused substantial harm.
5. Teachers are expected to follow the Code of Professional Conduct in relation to pupils. Wilson failed to do so on January 15, 2015.

Charge 6

1. The testimony of Student 1, Student 2, Student 3, Student 4 and Student 5 about the incident in the fall of 2015 was consistent.

2. When Wilson asked Student 5, a [age redacted] [gender redacted], to skip rope in front of him, in close proximity, he failed to treat the student with dignity and respect. Many of the students recognized that this action humiliated and degraded Student 5.
3. The students gave reliable testimony about the impact Wilson's actions had and the negative effect it had on Student 5.
4. The Code of Professional Conduct states in section 4 "The teacher treats pupils with dignity and respect and is considerate of their circumstances." Wilson failed to do this, on at least one occasion, by humiliating a [gender redacted] student at [School Redacted] when he directed [gender redacted] to skip rope and/or hula hoop in front of him. This was unprofessional and detrimental to the best interests of the students.
5. Teachers are expected to follow the Code of Professional Conduct in relation to pupils. Wilson failed to do so in the fall of 2015.

For each of the six charges, it was clearly demonstrated through written statements and witness testimony that Wilson failed to treat the students with dignity and respect. His actions were detrimental to the best interests of students, thus failing to uphold section 4 of the Professional Code of Conduct and section 23(1)(a)(i) of the *Teaching Profession Act*.

SUBMISSION ON PENALTY

██████████ stated that the appropriate penalty in this case would be one letter of severe reprimand for all six charges, a declaration that Wilson be permanently ineligible for membership in the Alberta Teachers' Association and a recommendation to the minister of education that Wilson's teaching certificate be cancelled.

This penalty was recommended due to the nature and severity of Wilson's actions, which caused significant harm and have an ongoing impact on the victims. ██████████ stated that where there is significant harm, there is need for significant penalty. ██████████ stated that Wilson's actions were not isolated incidents; his actions were repetitive in nature and tended to victimize members of a minority population. ██████████ determined that Wilson's actions were severe enough to cause long term adverse emotional impact for the students and their families.

██████████ noted that Wilson was an experienced teacher who should have known better; Wilson's actions were not youthful indiscretions. Wilson has many years of teaching experience, both in Alberta and Saskatchewan. ██████████ investigation revealed that there was no record of previous professional discipline in either province. There were no mitigating factors in this case. ██████████ could not find a reason why Wilson would conduct himself in this manner. In January 2015, Wilson was removed from the substitute teacher list for ██████████ schools in [School Division Redacted] After the second occurrence involving Wilson was brought to the

division's attention, In April 2016, Wilson was removed from the substitute teacher list for all of the school division.

██████████ stated that Wilson was uncooperative with him and with the investigating officer, [Name Redacted]. ██████████ said that Wilson questioned why ██████████ would want to be a member of an Association that did not support him and criticized the process [Name Redacted] followed initially.

PENALTY

The hearing committee of the Professional Conduct Committee imposed as penalty on Wilson

1. a letter of severe reprimand to address Charges 1 to 6 inclusively,
2. a declaration that Wilson is permanently ineligible for membership in the Alberta Teachers' Association, and
3. a recommendation to the minister of education to cancel his teaching certificate.

REASONS FOR PENALTY

1. All teachers have a responsibility to treat students with dignity and respect.
2. Any conduct of a member that, in the opinion the hearing committee, is detrimental to the dignity of a student is unprofessional.
3. Wilson failed to uphold section 4 of the Code of Professional Conduct. He failed to treat [gender redacted] students with dignity and respect. Wilson's behaviours and actions were humiliating and degrading, tended to target minority groups, and could be considered to infringe on human rights.
4. Wilson's actions and behaviours caused significant and detrimental harm to more than one individual. Students, while under his care and supervision, endured pain and suffering that should have never happened. The committee believes that Wilson's actions will have a long-term impact on the students and may have a negative effect on their future relationships. Significant harm must result in a significant penalty.
5. Wilson's comments towards students in the ██████████ school were extremely disrespectful to their culture. His comments were hurtful, humiliating and degrading and failed to maintain the dignity of the student. His comments regarding the students' being poor candidates for marriage, in a culture where marriage for [gender redacted] is the ultimate vocation, were unacceptable and caused great harm to their self-esteem and self-worth.
6. Wilson's depraved actions in demanding that a student jump rope in close proximity to him, so he could stare at [gender redacted], had an extremely negative effect on the student, as well as on those who witnessed the event. Wilson's actions caused the student to question [gender redacted] body

image and [gender redacted] self-worth. [gender redacted] is still on medication for depression more than two years later. Only through the support and love of [gender redacted] extended family has [gender redacted] been able begin to put this behind [gender redacted]. [gender redacted] stated, "I have people in my life who have convinced me that I am beautiful."

7. In the student's written statement, [gender redacted] said that [Gender redacted]"hated" Wilson; however, in [gender redacted] testimony, [gender redacted] wanted the committee to know that hate is not allowed in [gender redacted] culture, so [gender redacted] changed it to "I dislike him." This shows the profound effect that Wilson's actions had on this student. He not only caused [gender redacted] to question [gender redacted] self-worth, but caused [gender redacted] to express an emotion in a written statement that went against [gender redacted] religion.
8. [School redacted] does not believe in taking civil action. Nevertheless, the parents of the students, as well as the minister of the [redacted], believe that Wilson's actions were so significant and harmful to the children that they agreed to have them testify at the hearing.
9. Wilson's question about a student's racial background shows a continued lack of respect for students. While this question did not have major impact on the student, it shows a pattern of behaviour that is disturbing.
10. Wilson's actions and repeated questioning of a young child's gender in front of [gender redacted] peers turned the life of that child upside down. His blatant disrespect for basic human dignity profoundly affected the student, [gender redacted] family, the school and the community.
11. His actions stripped the student of [gender redacted] innocence and took control away from a young [student] who was struggling with [gender redacted] gender expression. Because of [gender redacted] public humiliation, [gender redacted] was compelled to confront issues of gender expression with [gender redacted] parents. He forced [gender redacted] to deal with life issues long before [gender redacted] was emotionally ready.
12. A school counsellor worked with the student intensely for a period of two months, but little progress was made. At the beginning of the current school year, the student refused further counselling as it appears [gender redacted] associates the counsellor with the events of April 6, 2016.
13. This once happy-go-lucky child became withdrawn and fearful. [gender redacted] is often in tears and is no longer able to cope with the fear of being mistaken for a [gender redacted]. While there was evidence of some improvement in [gender redacted] condition, this continues to affect all aspects of [gender redacted] life. [gender redacted] often requires [gender redacted] mother to lay with [gender redacted] until [gender redacted] can go to sleep. [gender redacted] is afraid of substitute teachers; [gender redacted] no longer loves school and does not want to attend. [gender redacted] no longer trusts adults, is unable to place an order for [gender redacted] in restaurants, and refuses to use a public restroom unless accompanied by a trusted [gender redacted] adult or family member for fear of having [gender redacted] gender questioned.
14. Wilson's uncooperative nature throughout the entire investigation resulted in these children and their families having to disrupt their lives again to give testimony in this hearing. In causing a hearing that called for testimony, Wilson's actions further victimized the students

who were required to relive deeply personal and traumatic events in front of total strangers. The committee is aware that a person should not be further punished by opting to enforce one's right to a hearing but here Wilson failed to attend, failed to enter a plea to each of the charges and, it appears, simply ignored the process and the potential impact of same on persons he had already victimized. He also left the committee with nothing to indicate any genuine remorse on his part.

15. Wilson clearly betrayed the fundamental trust that society places on teachers and brought dishonour and disrepute to the profession. The public must be assured that teachers who do not uphold the values outlined in the Code of Professional Conduct will not go unpunished.
16. As the cultural fabric of our society becomes even more diverse, teachers' respect for human dignity is of paramount importance.
17. Teachers cannot be the ones who cause harm.

Dated at the City of Edmonton in the Province of Alberta, Thursday, July 6, 2016.

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

