

THE TEACHING PROFESSION ACT AND AMENDING ACTS

IN THE MATTER OF a charge or complaint against
Manuel Goncalves

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 charge of unprofessional conduct laid against Manuel Goncalves by Provincial Executive Council, on Thursday, 1995 03 09, 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 Manuel Goncalves from the Association, and
- (b) recommend to the Minister of Education that Manuel Goncalves's teaching certificate be cancelled



DATED at the City of Edmonton, in the Province of Alberta, Friday, 1995 04 07.

THE ALBERTA TEACHERS' ASSOCIATION

Per:


President

Per:


Executive Secretary


REPORT OF THE DISCIPLINE COMMITTEE

**IN THE MATTER OF a charge of unprofessional
conduct against MANUEL GONCALVES**

The Discipline Committee of The Alberta Teachers' Association reports that a charge of unprofessional conduct laid against Manuel Goncalves of Edmonton, Alberta was 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, [Location Redacted], Canada on Thursday, 1995 03 09 at 0900. Discipline Committee members present were:

[Redacted]
[Redacted] the case against the accused. The accused was neither present nor represented by counsel.

Since the accused was not present and had not communicated his intentions to the committee, a 30 minute recess was declared. The hearing reconvened at 0935 hours.

Constitution/Jurisdiction

There was no objection to the composition of the Committee or its jurisdiction to hear the case.

Plea

A plea of "not guilty" to the following charge was entered on behalf of the accused.

Manuel Goncalves is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association had sexual intercourse with a student under [Age Redacted]

Witnesses

[Redacted]
[Redacted]
[Redacted]

Evidence Adduced and Exhibits Filed Indicated That:

1. M Goncalves was a member of The Alberta Teachers' Association at the time of the offense. (Exhibit 3)
2. M Goncalves was employed by the [School Division Redacted] from 1985 December until 1994 March 31.
3. M Goncalves taught [Name Redacted] when [gender redacted] was a [Grade redacted] student at [School Redacted].
4. [Name Redacted] testified that [gender redacted] confided in M Goncalves and considered him to be a good friend.
5. The relationship continued after [Grade Redacted] when [Name redacted] attended [School Redacted] which was across the street from [School Redacted].
6. M Goncalves did not discourage this relationship.
7. [Name redacted] testified that as of 1992 September conversations between [Gender Redacted] and M Goncalves became increasingly sexual in their nature. By 1992 November, M Goncalves and [Name Redacted] rarely talked about anything else. (Exhibit 4)
8. By early 1992 December, M Goncalves had begun sexual touching of [Name Redacted]. (Exhibit 4)
9. Before Christmas holidays began in 1992, M Goncalves gave [Name redacted] a ride home. M Goncalves suggested [Name Redacted] meet him at a later date. It was agreed that they would meet on the evening of 1992 December 22 at the [Location Redacted] entrance in a local shopping mall. [Name Redacted] testified that M Goncalves said, "Be there".
10. At the prearranged time, M Goncalves picked up [Name Redacted] in his truck and drove to a dark and empty business building in the downtown part of [Location Redacted]. [Name Redacted] testified that M Goncalves had checked out the building earlier to make sure that no one was present.
11. In testimony, [Name Redacted] stated that M Goncalves took [Gender Redacted] to an office that had no windows. Sexual intercourse occurred. [Name Redacted] stated that [Gender Redacted] was [Age Redacted] years of age in 1992 December.

Decision of the Discipline Committee

Guilty as charged.

Reasons for Decision

A teacher who has sexual intercourse with a [Age Redacted] student is guilty of unprofessional conduct.

Recommended Penalty

The Discipline Committee recommends to Provincial Executive Council that:

- (a) M Goncalves' eligibility for membership in The Alberta Teachers' Association be cancelled, and
- (b) A recommendation be made to the Minister of Education that M Goncalves' teaching certificate be cancelled.

Reasons for Recommended Penalty

1. A teacher should not have sexual intercourse with a [Age Redacted] student. Society views this event and the actions leading to it as repugnant, despicable and reprehensible. The defendant's behavior showed disregard for societal expectations of teachers.
2. Society has the right to expect that teachers will act in a manner which establishes and maintains the trust relationship between teachers and students. The defendant's behavior betrayed such trust.
3. The defendant's behavior was deplorable in that M Goncalves used his position of trust to manipulate a young and trusting student for sexual purposes.
4. The defendant showed a lack of sound judgement by his actions. He exploited a vulnerable [gender redacted] student who viewed [gender redacted] former teacher as an understanding, caring and trustworthy adult.
5. The defendant's actions were predatory and completely inappropriate.

Report of the Discipline Committee
Manuel Goncalves, page 4

DATED at the City of Edmonton in the Province of Alberta, Thursday, 1995 03 09.

THE DISCIPLINE COMMITTEE
THE ALBERTA TEACHERS' ASSOCIATION

