

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

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST MURRAY MCARTHUR PEGLAR

The hearing committee of the Professional Conduct Committee of The Alberta Teachers' Association reports that charges of unprofessional conduct laid against Murray Peglar 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 Friday, February 8, 2002 at 0900.

Professional Conduct Committee members present as the hearing committee were [REDACTED]

[REDACTED] presented 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 the constitution of the hearing committee nor to its jurisdiction to hear the case.

PLEA

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

1. Murray M Peglar 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 July 11, 2001, was convicted of an indictable offence contrary to the Criminal Code of Canada.
2. Murray M Peglar is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association, between June 23, 2000 and July 1, 2000, did, for a sexual purpose, touch the body of a young person with whom he was in a position of trust and authority.

3. Murray M Peglar is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of The Alberta Teachers' Association between November 10, 2000 and December 12, 2001, failed to cooperate with the investigator in the investigation of a complaint of alleged unprofessional conduct.

In the absence of the accused, the hearing committee entered a plea of "not guilty" to each of the three charges.

WITNESSES

No witnesses were called.

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. M Peglar was employed as a teacher at [School Division Redacted] from August 26, 1999 until December 15, 2000. (Exhibit 3)
2. The hearing committee determined that M Peglar was a member of The Alberta Teacher's Association during that time. (Exhibit 3)
3. M Peglar plead guilty to and was convicted of an indictable offence contrary to section 153 (1)(A) of the *Criminal Code* on July 11, 2001. (Exhibit 5)
4. In keeping with the ban of publication imposed by the court, the victim's identity was not revealed during the hearing. [Gender Redacted] is referred to hereafter as "Student A." (Exhibit 4)
5. Student A was registered in M Peglar's [Subject Redacted] class in April 2000. (Exhibit 7)
6. A personal relationship evolved between Student A and M Peglar and it escalated into a physical relationship on June 23, 2000. (Exhibit 7)
7. On July 1, 2000, M Peglar engaged in sexual intercourse with Student A on two occasions at his home. (Exhibit 7)
8. Following a five-week absence during which Student A was on an [redacted] [Gender Redacted] and M Peglar met on August 24 and August 25, 2000. At this point, M Peglar indicated that he wished to terminate the physical and sexual relationship and return to a friendship relationship. (Exhibit 7)

Report of the Hearing Committee of PCC
Peglar, page 3

9. On more than one occasion, M Peglar expressed concern about the vulnerability of his job. (Exhibit 7)
10. On October 26, 2000, Student A disclosed the nature of [Gender Redacted] relationship with M Peglar to [Name Redacted], a teacher at [School Redacted]. (Exhibit 6)
11. [Name Redacted] advised [Name Redacted] principal, [Name Redacted], who in turn advised the deputy superintendent of schools, [Name Redacted], of the disclosure. (Exhibit 6)
12. On October 27, 2000, after speaking with [Name Redacted] of The Alberta Teachers' Association, [Name Redacted] informed M Peglar that the matter was being disclosed to the superintendent of schools, Child Welfare and the RCMP. (Exhibit 6)
13. When confronted with the facts, M Peglar did not deny the allegations. (Exhibit 6)
14. Student A indicated that [gender redacted] felt betrayed and taken advantage of and that, as a result of the events, [gender redacted] had difficulty dealing with day-to-day life at school. (Exhibit 7)
15. On November 10, 2000, [Name Redacted], investigating officer, advised M Peglar in writing that an investigation into his possible unprofessional conduct was underway. (Exhibit 11)
16. Despite having been convicted of an indictable offence on July 11, 2001, M Peglar did not advise the Association forthwith as required in section 22 (2)(b) of the *Teaching Profession Act*.
17. In a letter dated October 11, 2001 to [Name Redacted], counsel for M Peglar, [Name Redacted] requested information as to the outcome of the court case, quoting section 22(2) of the *Teaching Profession Act*, which supported the fact that the conviction had not been reported at that time. (Exhibit 11)

DECISION OF THE HEARING COMMITTEE

Charge 1 guilty
Charge 2 guilty
Charge 3 guilty

REASONS FOR DECISION

1. M Peglar was convicted of an indictable offence under the *Criminal Code* and is guilty of unprofessional conduct under section 22 (2)(a) of the *Teaching Profession Act*. (Exhibit 5)
2. Society has a right to expect that teachers will act in a manner which establishes and maintains a trust relationship between teachers and students. M Peglar betrayed that trust.
3. By engaging in a physical and sexual relationship with Student A, M Peglar failed to treat the student with dignity and respect.
4. The honor and dignity of the profession are harmed by a teacher who engages in physical and/or sexual relationships with students.
5. M Peglar failed to comply with his obligations under section 22 (2)(b) of the *Teaching Profession Act*.

PENALTY

The hearing committee of the Professional Conduct Committee imposes the following penalty on M Peglar:

1. That M Peglar's eligibility for membership in the Association be suspended for five years
2. That a recommendation be made to the minister of learning that M Peglar's teaching certificate be suspended for five years

This penalty will cover all three charges.

REASONS FOR PENALTY

1. M Peglar was convicted of an indictable offence under the *Criminal Code*. (Exhibit 5)
2. While M Peglar admitted his guilt from the outset, his communication with the Association, subsequent to his conviction, fell far short of honoring his obligations under section 22 (2)(b) of the *Teaching Profession Act*.
3. M Peglar disclosed that, during the time of the infraction, he was involved in counseling for [Medical Information]. (Exhibit 2)
4. The physical/sexual portion of the relationship was short in duration.

5. Sexual contact between teachers and students must be considered to be a serious breach of professional conduct.

Dated at the City of Edmonton in the Province of Alberta, Friday, February 8, 2002.

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