

**PRACTICE REVIEW HEARING COMMITTEE**

**HEARING DECISION IN THE MATTER OF EUGENE FRANCIS THOMPSON**

**HEARING HELD ON AUGUST 21, 2019  
EDMONTON, ALBERTA**

The Practice Review Hearing Committee (the “Committee”), established in accordance with section 7 of the former *Practice Review of Teachers Regulation*, Alberta Regulation 11/2010 (the “*Regulation*”), convened to hear a complaint about the alleged unprofessional conduct of Eugene Francis Thompson (the “Teacher”).

Pursuant to s. 35(8) of the *Practice Review of Teachers and Teacher Leaders Regulation*, AR 92/2019 (“new Regulation”):

**35(8)** A complaint under the former regulation that is not disposed of before the coming into force of this Regulation must be continued under and dealt with in accordance with this Regulation.

References to the sections of the Regulation in this decision are to the former Regulation, given that these were the sections referenced by the Registrar’s representative and the Committee in the hearing.

Although section numbers have changed between the former Regulation and the new Regulation, the provisions are substantively the same and the change in Regulation does not affect the decision of the Committee or outcome of this matter.

The following were Members of the Committee:

- [REDACTED] Chair, Teacher Member;
- [REDACTED] Teacher Member; and
- [REDACTED] Public Member.

The hearing was held on Wednesday, August 21, 2019 commencing at 10:00 a.m. at the 44 Capital Boulevard Building, 10044 108 Street, Edmonton, Alberta.

In addition to the Committee, the following individuals were present at the hearing:

- [REDACTED] Secretary to the Committee (the “Secretary”)
- [REDACTED] Recording Officer, Secretariat Support
- [REDACTED] Legal Counsel to the Committee
- [REDACTED] Court Reporter

**PRELIMINARY MATTERS**

The Chair introduced the Members of the Committee and all those in attendance. Neither the Teacher nor the Registrar’s Representative [REDACTED] was in attendance at the hearing as both parties had requested to proceed by way of written submission in accordance with the Practice Review Hearing Committee Processes and Procedures Rules.

The Members of the Committee stated they did not have any knowledge of the Teacher or the allegations, apart from the materials that were provided to them in advance of the hearing.

The Chair confirmed the dates of the Registrar's Notice of Decision of July 30, 2018, Notice of Hearing of July 11, 2019, and Agreed Statement of Facts and Joint Recommendation for Penalty that was submitted by the parties in addition to supporting materials from the Office of the Registrar, dated August 8, 2019.

Before the hearing proceeded to the merits of the complaint, the Committee considered the following preliminary matter:

- a) An application under section 19(2)(b) of the Regulation to close the hearing to the public

The parties made separate requests to close the hearing to the public in accordance with section 19(2) of the Regulation:

- The Teacher submitted that he [Personal Medical Information]. His arrest, conviction, and hearing before the Practice Review Hearing Committee has caused [Gender redacted] [Personal Medical Information]. His criminal case has been in the media.
- The Registrar's Representative submitted that the hearing should be closed on the basis of a court ordered publication ban related to this matter and in the interest of protecting the victim's identity.

The Committee granted the parties' requests to close the hearing to the public and proceed in private given the publication ban is still in effect on some of the materials before it. Section 19(2)(b) of the Regulation provides that a hearing before a practice review hearing committee must be open to the public unless in the opinion of the practice review hearing committee, the interests of any person other than the teacher may be detrimentally affected if the hearing is not held in private. In the Committee's opinion, the publication ban put in place by the court should be honored in this hearing, and closing the hearing will protect the interests of the victims directly impacted in this case, which interests could otherwise be detrimentally affected if the hearing is not held in private. It is further noted no members of the public were present at the hearing.

## **ALLEGATIONS**

The allegations in the Registrar's Notice of Decision dated July 30, 2018 are (Exhibit 1 page 76):

- 1) The Teacher has demonstrated unprofessional conduct for which he was criminally charged.

## **EXHIBITS**

The following were entered as Exhibits in the hearing:

Exhibit #1 – Registrar's Binder

Exhibit #2 – Teacher's Materials

Exhibit #3 – Registrar's Written Materials

## **MANDATE OF THE COMMITTEE**

The mandate of the Committee is to hear the evidence presented with respect to the allegation of unprofessional conduct against the Teacher, to determine whether the Teacher's actions constitute unprofessional conduct, as defined under section 24 of the Regulation and, if so, to make recommendations under section 25 of the Regulation, as noted below.

## **Unprofessional conduct**

### **24(1)** The practice review hearing committee

- (a) may find the conduct of a teacher to constitute unprofessional conduct if, in the opinion of the practice review hearing committee, that conduct is
  - (i) detrimental to the best interests of students, the public or teachers generally, or
  - (ii) does not meet the professional conduct requirements,and
- (b) must find the conduct of a teacher to constitute unprofessional conduct if that conduct is the basis for a conviction for an indictable offence.

(2) Where a teacher has been convicted of an indictable offence, a practice review hearing committee shall make a recommendation to the Minister under section 25(1)(b) and has no authority to investigate the conduct of the teacher on which the conviction is based except for the purpose of making a recommendation to the Minister.

## **Recommendations of practice review hearing committee**

### **25(1)** If a practice review hearing committee

- (a) does not find that a teacher is unskilled or incompetent in teaching or does not find that the conduct of a teacher constitutes unprofessional conduct, the practice review hearing committee may recommend that the Minister dismiss the complaint, or
- (b) finds that a teacher is unskilled or incompetent in teaching or that the conduct of a teacher constitutes unprofessional conduct, the practice review hearing committee may recommend that the Minister do one or more of the following:
  - (i) serve a letter of reprimand on the teacher who is the subject of the complaint;
  - (ii) suspend the certificate of the teacher who is the subject of the complaint, with or without conditions;
  - (iii) cancel the certificate of the teacher who is the subject of the complaint or cancel the certificate and issue a certificate of a different class, with or without conditions;
  - (iv) order that the teacher who is the subject of the complaint be ineligible for a certificate for a definite or indefinite period of time, with or without conditions.

### **(2)** If the decision of a practice review hearing committee

- (a) relates to a teacher who has been convicted of an indictable offence, and
- (b) does not contain a recommendation that the Minister cancel or suspend the certificate of the teacher,

the decision must include reasons why such a recommendation has not been made.

## AGREED STATEMENT OF FACTS AND JOINT SUBMISSION

An Agreed Statement of Facts and Joint Submission for Penalty between the Registrar and the Teacher was submitted for the Committee's consideration (Exhibit # 1 pages 3 – 11; Exhibit #2 pages 1 – 9). It contains facts presented by the Registrar and admitted to by the Teacher for the purpose of dispensing with formal proof of such facts in respect to an allegation of unprofessional conduct against the Teacher, to be heard before the Practice Review Hearing Committee. It is dated August 8, 2019 and is signed by the Teacher and the Registrar, [REDACTED]

### Statement of Facts

The Teacher holds a Permanent Professional Certificate [Number Redacted] which was issued to him on August 12, 1980 in the Province of Alberta, in accordance with the *Certification of Teachers Regulation* AR 3/1999.

The conduct of certified teachers who are not subject to the *Teaching Profession Act* is governed by the *Practice Review of Teachers Regulation*.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- a) the Teacher had pled guilty to Count 1 and was criminally convicted of an indictable offence

[REDACTED]

[REDACTED]



The Investigation Report further included an Application to Enter Guilty Plea and Agreed Statement of Facts in Support Thereof filed with the Court of Queen's Bench dated March 28, 2018 that set out the circumstances for which the Teacher pled guilty and was subsequently convicted of an indictable offence under section 271 of the *Criminal Code of Canada*.

Based on that information, the Registrar rendered his decision dated July 30, 2018, and referred the complaint to a Practice Review Hearing Committee.

Section 2(c) of the Regulation defines unprofessional conduct as conduct that is the basis of a conviction for an indictable offence.

Section 14(2) of the Regulation states in a case where it has been confirmed that a teacher has been convicted of an indictable offence, the Registrar must refer the matter to a Practice Review Hearing Committee.

### **Joint Recommendation for Penalty**

The parties have requested that the Practice Review Hearing Committee recommend to the Minister of Education that the Teacher's permanent professional certificate be cancelled for unprofessional conduct in accordance with section 25(1)(b)(iii) of the Regulation.

The Teacher had pleaded guilty to an indictable offence [REDACTED]

[REDACTED] This unprofessional conduct is of a very serious nature which warrants the cancellation of his permanent professional certificate.

The Teacher has confirmed that he is in support of the Minister of Education cancelling his Permanent Professional Certificate issued in the Province of Alberta, indefinitely.

In accordance with section 24(1)(b) of the Regulation, the Committee must find the conduct of a teacher to constitute unprofessional conduct if that conduct is the basis for a conviction for an indictable offence.

### **COMMITTEE'S FINDINGS**

The Committee carefully reviewed and considered the Agreed Statement of Facts and Joint Recommendation for Penalty and accepts the facts as stated therein. After careful deliberation and consideration of the evidence and submissions before it, and in accordance with section 24(1)(b) of the Regulation, the Committee finds that Mr. Eugene Thompson is guilty of unprofessional conduct: Mr. Thompson's conduct resulted in him pleading guilty to an indictable offence [REDACTED]

In coming to this conclusion, the Committee is mindful of section 24(1)(b) of the Regulation, which states that the Committee "must find the conduct of a teacher to constitute unprofessional conduct if that conduct is the basis for a conviction for an indictable offence". The Teacher's conviction under the above noted section was for an indictable offence for which he was sentenced [REDACTED]

In this case, the Committee was presented with uncontested evidence from both parties that the Teacher pled guilty to one charge and was convicted of that offence under the *Criminal Code of Canada*, [REDACTED]

This conduct alone is sufficient for the Committee to find unprofessional conduct in accordance with section 24(1)(b) of the Regulation, however the Committee stressed that this conduct is especially severe and deserving of sanction given that the Teacher was in a position of trust and this conduct was a severe breach of this trust, and relates to the vulnerability of the individual in his care.

### DECISION AND RECOMMENDATION

The Committee accepts the joint recommendation presented by the parties to recommend to the Minister of Education that Eugene Francis Thompson's Permanent Professional Certificate be cancelled in accordance with section 25(1)(b)(iii) of the Regulation. The recommended penalty presented by the parties is appropriate given the circumstances and the Committee has deferred to the parties' joint submission on penalty as it is reasonable, fitting, and aligns with the public interest.

The Committee finds that Mr. Thompson engaged in unprofessional conduct which was the subject of a serious criminal proceeding, resulting in one conviction of an indictable offence. The conduct arose in the context of his employment and was a severe breach of trust and misuse of his position of authority [REDACTED]. Cancellation is appropriate in this case to ensure that the harm that he inflicted [REDACTED] does not happen again.

Section 25(2) of the Regulation states that if the decision of the Committee relates to a teacher who has been convicted of an indictable offence and the Committee does not recommend that the certificate of the Teacher be cancelled, reasons must be included as to why cancellation was not recommended. In this instance, as cancellation has been recommended, those additional reasons are not required.

Dated at the City of Edmonton in the Province of Alberta on this 1 day of October 2019.

[REDACTED]  
[REDACTED]  
Practice Review Hearing Committee

[REDACTED]  
[REDACTED]  
Practice Review Hearing Committee


[REDACTED]  
[REDACTED]  
Practice Review Hearing Committee

**OPTION TO APPEAL – NOTICE TO EUGENE FRANCIS THOMPSON**

Please note that the *Practice Review of Teachers Regulation* AR 11/2010 was repealed and replaced by the *Practice Review of Teachers and Teacher Leaders Regulation* AR 92/2019 which came into effect on September 1, 2019.

You have fifteen (15) days of receipt of this decision to submit an appeal to the Practice Review Appeal Committee, in accordance with section 29(2)(a) of the new regulation.

The appeal must be in writing and must describe the finding or recommendation, or both, being appealed and state the reasons for the appeal. The appeal must be addressed to:

The Chair, Practice Review Appeal Committee  
c/o   
44 Capital Blvd., 10044 – 108 Street  
Edmonton, Alberta T5J 5E6