

THE ALBERTA TEACHERS' ASSOCIATION  
REPORT OF THE HEARING COMMITTEE  
OF THE PROFESSIONAL CONDUCT COMMITTEE  
IN THE MATTER OF A CHARGE OF UNPROFESSIONAL  
CONDUCT AGAINST TRACY TOLMAN

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that a charge of unprofessional conduct laid against Tracy Tolman of [REDACTED] was duly investigated in accordance with the *Teaching Profession Act*. The hearing was held in Barnett House, 11010 142 Street NW, Edmonton, Alberta, Canada on Thursday, July 6, 2006.

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 not represented.

CONSTITUTION/JURISDICTION

There was no objection to the composition or jurisdiction of the hearing committee.

The hearing committee was advised by Tolman that he was aware of these proceedings and agreed that the hearing should move ahead. Tolman indicated his willingness to proceed with the hearing as specified in the section 31(3) of the *Teaching Profession Act (TPA)* in relation to the charge. In this situation, the hearing committee determined that section 31(4) of the *TPA*, supported by section 23(2) of the *TPA*, overrides the need to adhere to the requirement of giving the member 15 days notice of hearing relative to the charge.

When a member has been accused and convicted of an indictable offence, the interests of the public are best served by holding a hearing forthwith, as directed by section 31(4) of the *TPA*.

CHARGES AND PLEA

The following charge was read by the secretary to the hearing committee:

1. Tracy Tolman is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, committed six counts of sexual assault between the dates of January 1, 1998 and December 17, 2004 inclusive.

The investigated member entered a plea of guilty to the charge.

WITNESSES

No witnesses were called

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Tolman was a member of The Alberta Teachers' Association during the period September 1, 1997 to January 31, 2005 inclusive and was employed by [School Division Redacted] (Exhibit 4).
2. Tolman was charged with six sex-related offences, pled guilty on two of the counts and four counts were stayed by the Crown (Exhibit 3).
3. Tolman was convicted of an indictable offence on April 19, 2005 in Provincial Court on a charge that: "[Tolman] on or between the first day of January 1998 and the 17th day of December 2004, at or near [Location Redacted], in the Province of Alberta, did commit a sexual assault on [named person] contrary to section 271 of the Criminal Code" (Exhibit 2).
4. Upon conviction, Tolman was sentenced [REDACTED] incarceration, ordered to provide a DNA sample, ordered to comply with the *Sex Offender Information Registration Act* for a period of 20 years and given an order prohibiting Tolman from:
  - (a) attending a public park or public swimming area where persons under the age of 14 years are present, or can reasonably be expected to be present, or a day care centre, school ground, play or community centre;
  - (b) seeking, obtaining or continuing any employment, whether or not the employment is remunerated, or becoming or being a volunteer in a capacity that involves being in a position of trust or authority towards persons under the age of 14; and
  - (c) using a computer system within the meaning of subsection 342.1(2) for the purpose of communicating with a person under the age of 14 years (Exhibit 3).
5. On entering a plea of guilty in the hearing, Tolman verbally admitted that he had committed six sexual assaults as stated in the charge in this hearing.
6. Tolman submitted a letter in which he accepted responsibility for his actions and showed remorse for the damage he had done to his family, the community and the teaching profession. He apologized to the profession for his conduct. Tolman indicated that he has enrolled voluntarily in the [Name redacted] [REDACTED] Health Program at the [REDACTED] in [Location redacted] (Exhibit 5).

### DECISION OF THE HEARING COMMITTEE

The hearing committee accepted Tolman's plea of guilty to the charge.

### REASONS FOR DECISION

1. Tolman was convicted of an indictable offence.
2. Tolman admitted committing six sexual assaults.

### PENALTY

The hearing committee imposed the following penalty:

1. Tolman is ineligible for membership in The Alberta Teachers' Association
2. A recommendation will be made to the Minister of Education to permanently cancel Tolman's teaching certificate.

### REASONS FOR PENALTY

1. Tolman was convicted in Provincial Court of an indictable offence of sexual assault and admitted before this committee that he had committed six sexual assaults.
2. Society expects teachers to be trustworthy in their relationships with young persons.
3. Tolman was forthright and cooperative while attending the hearing and took responsibility for his actions.
4. Tolman made a public apology for his actions and the effect they had on family, the community and the profession.
5. Tolman, upon his criminal conviction, was sentenced to [REDACTED] incarceration, ordered to provide a DNA sample and ordered to comply with the *Sex Offender Information Registration Act* for a period of 20 years. Further he is prohibited from attending any place where persons under the age of 14 might be in attendance.
6. Tolman has voluntarily enrolled in the [Name Redacted] Program, an 18-month [REDACTED] program, where he is learning skills for the transition back to the community.

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7. Under all the circumstances above, the hearing committee is of the view that any further punishment by way of fine is unnecessary.

Dated at the City of Edmonton in the Province of Alberta, Thursday, July 6, 2006.

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

