

THE ALBERTA TEACHERS' ASSOCIATION
REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE
IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST JOHN CHRISTOPHER MILLER

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against John Christopher Miller 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 Thursday, July 3, 2014, commencing at 0900.

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

CONSTITUTION/JURISDICTION

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

CHARGES AND PLEA

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

1. John Christopher Miller is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between July 2012 and October 2012, engaged in conduct for which he, on November 29, 2013 was convicted of an indictable offence, to wit: On or between the 18th day of July, 2012 and the 17th day of October, 2012, at or near [REDACTED] in the Province of Alberta, being in a position of trust or authority towards (Student X) a young person, did for a sexual purpose, touch directly the body of (Student X), a young person, with a part of his body to wit [REDACTED] contrary to Section 153 (A) of the *Criminal Code*.
2. John Christopher Miller is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, between November 2012 and December 2012, engaged in conduct for which he, on November 29, 2013 was convicted of an indictable offence, to wit: Between the 16th day of November, 2012 and the 19th day of December, 2012, both dates inclusive, at or near [REDACTED], Alberta, being at large on his recognizance entered into before a justice and being bound to comply with a

condition of that recognizance requiring him to have no contact direct or indirect with (Student X), did fail without lawful excuse, to comply with that condition, contrary to Section 145 (3) of the *Criminal Code* of Canada.

3. John Christopher Miller 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 17, 2012 to December 19, 2012, failed to treat students with dignity and respect and failed to be considerate of their circumstances.
4. John Christopher Miller 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 17, 2012 to December 19, 2012, failed to act in a manner which maintains the honour and dignity of the profession.

Miller entered a plea of guilty to each of the charges by written submission.

AMENDMENT TO THE CHARGES

Stewardson sought to amend Charge 1 and Charge 2 to state that the conviction on each indictable offence occurred on October 10, 2013 and not on November 29, 2013 (which was the sentencing date in each instance.)

Stewardson advised that the reference to the *Criminal Code* in the charges was taken directly from the notice of conviction. Counsel to the committee noted that the reference to the *Criminal Code* subsection on the notice of conviction was incorrect. Counsel advised the committee to consider whether the error compromised the integrity of the process for the investigated member.

The hearing committee accepted the amendment to the date in Charge 1 and in Charge 2. Irrespective of his absence from this hearing, Miller would have been aware of the date of his criminal convictions.

The hearing committee did not direct any change to the reference to the *Criminal Code* in Charge 1. The substance of the issue is whether Miller was convicted of an indictable offence and the reference to the code is less material. In any event, the specifics of the wrongdoing alleged were set out in both the certificate of conviction (Exhibit E to these proceedings) and in Charge 1 of these allegations of professional misconduct to which Miller has pled guilty.

There is no prejudice to Miller in either permitting the amended date regarding his criminal convictions or in permitting the (minor) mistake in the reference to the *Criminal Code* section in Charge 1 herein to stand as set out in Exhibit E to these proceedings. Properly the reference to "Section 153 (A)" should have been to "section 153(1)(a)."

WITNESSES

No witnesses were called.

EXHIBITS FILED

Exhibit A—Declaration of awareness of rights, signed by Miller, dated June 13, 2014
Exhibit B—Notice of hearing and Canada Post confirmation of delivery on June 19, 2014
Exhibit C—Submission on plea, signed by Miller, dated June 13, 2014
Exhibit D—Proof of Miller's membership in the Alberta Teachers' Association from September 1, 2009 to September 30, 2013
Exhibit E—Certificate of conviction for wrongful touching
Exhibit F—Certificate of conviction for breach of conditions
Exhibit G—Agreed statement of facts, signed by Miller and [REDACTED], dated June 23, 2014
Exhibit H—Joint submission on penalty, signed by Miller and [REDACTED], dated June 23, 2014
Exhibit I—Letter from Miller to the investigating officer, not dated
Exhibit J—List of precedent cases

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Miller was employed as a [Grade redacted] teacher at [School Redacted] by [School Division Redacted] (Exhibit G)
2. Miller taught at [School Redacted] in [Location Redacted] during the 2010/11 and 2011/12 school years. (Exhibit G)
3. Miller was a member of the Alberta Teachers' Association from at least September 1, 2009 to September 30, 2013. (Exhibit D)
4. Miller was born in [REDACTED] (Exhibits E and F)
5. In 2010/11, Miller had Student X in his classroom. Student X was [Age Redacted] at the time. (Exhibit G)
6. Student X attended [School Redacted] and was in [Grade Redacted] during the 2010/11 school year and was [Age Redacted] years of age; in [Grade Redacted] during the 2011/12 school year when [REDACTED] was [Age redacted] years of age; and in [Grade Redacted] during the 2012/13 school year when [REDACTED] was [Grade Redacted] years of age. (Exhibit G)
7. During 2011/12, Student X was not a student of Miller's but he tutored [REDACTED] in [Subject Redacted] over the lunch hour. Miller tutored Student X in a remote portable classroom. Student X's mother was aware of the tutoring. (Exhibit G)

8. During the tutoring, Miller and Student X talked about increasingly personal information regarding the circumstances of each of them, including Student X's relationships and family breakup and Miller's relationship with his [REDACTED] (Exhibit G)
9. Toward the end of the 2011/12 school year, Miller hired Student X to [REDACTED] on at least one occasion. (Exhibit G)
10. After exams in June 2012, Miller and Student X kissed for the first time. They continued to kiss during the 2012/13 school year. (Exhibit G)
11. In late July 2012, on a number of occasions, Miller and Student X had sexual encounters that went beyond kissing and included sexual intercourse. (Exhibit G)
12. On October 17, 2012, Student X was interviewed by police. (Exhibit G)
13. On October 17, 2012, Miller was interviewed and arrested by police. Miller was released on a recognizance requiring him to have no further contact with Student X. (Exhibit G)
14. Between November 16, 2012 and December 19, 2012, notwithstanding the no-contact clause of his recognizance, Miller continued to have contact with Student X by texting, sending photographs over cell phones and meeting with [REDACTED]. (Exhibit G)
15. Miller is currently serving a 29-month sentence at [REDACTED] Institution. (Exhibit G)
16. Miller pled guilty to all four charges of unprofessional conduct. (Exhibit C)
17. Miller was convicted of an indictable offence on October 10, 2013 for touching a young person for a sexual purpose. (Exhibit E)
18. Miller was convicted of an indictable offence on October 10, 2013 for breaching a condition of his recognizance by making contact with Student X. (Exhibit F)
19. Miller was sentenced for both convictions on November 29, 2013. (Exhibits E and F)
20. Miller was cooperative with both the investigating and presenting officers. (Exhibit I)

DECISION OF THE HEARING COMMITTEE

Charge 1—guilty
Charge 2—guilty
Charge 3—guilty
Charge 4—guilty

REASONS FOR DECISION

1. Miller was convicted of an indictable offence on October 10, 2013 for touching a young person for a sexual purpose.
2. Miller was convicted of an indictable offence on October 10, 2013 for breaching a condition of his recognizance.
3. Miller engaged in inappropriate sexual activity with a student in his school. Miller breached the trust expected of teachers and took advantage of the student's vulnerability, thus failing to treat the student with dignity and respect.
4. Miller failed to maintain the honour and dignity of the profession by abusing his position of trust, breaching his authority and entering into a sexual relationship with a student.
5. Miller's actions resulted in convictions of indictable offences which are a matter of public record and awareness, thus Miller failed to maintain the honour and dignity of the profession.
6. Miller pled guilty to all four charges.
7. Under section 23 of the *Teaching Profession Act*, a teacher convicted of an indictable offence has contravened the Code of Professional Conduct.

PENALTY

The hearing committee imposed the following global penalty for all four charges:

1. Miller is declared ineligible for membership in the Alberta Teachers' Association
2. A recommendation will be made to the minister of education to cancel Miller's teaching certificate.

REASONS FOR PENALTY

1. Miller was convicted of indictable offences for touching a young person for a sexual purpose and for breaching a condition of his recognizance.
2. By his actions, Miller exploited a student and violated the standards of the profession, thus rendering him unfit to be a teacher.
3. The public has a high level of trust in teachers and expects that all teachers will treat students with dignity and respect and be considerate of their circumstances. Miller purposefully contravened these expectations to a high degree and on multiple occasions

4. While Miller's admissions of guilt are noted, they do not materially impact on the seriousness of his wrongdoings and the need for the imposition of a denunciatory penalty.

Dated at the City of Edmonton in the Province of Alberta, Thursday, July 3, 2014.

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

