THE ALBERTA TEACHERS' ASSOCIATION

REPORT OF THE HEARING COMMITTEE
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF CHARGES OF UNPROFESSIONAL
CONDUCT AGAINST WAYNE THAI

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Wayne Thai of [Location 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 7, 20 11 at 0900.

Professional Conduct Committee members present as the hearing committee were [redacted] presented the case against the investigated member. The investigated member,
Wayne Thai, was not present and was not represented by counsel.

CONSTITUTION/JURISDICTION

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

[redacted] requested that the hearing be closed to the public other than the student's parents. This was for the protection and comfort of the student who would be testifying. The hearing committee considered section 33(b) of the *Teaching Profession Act* and granted the request.

PLEA

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

1. Wayne Thai is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the period September 2009 to January 2010, engaged in conversations of a personal and counselling nature, with a student, that exceeded appropriate teacher–student boundaries, thus failing to maintain the honour and dignity of the profession.

2. Wayne Thai is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the period September 2009 to January 2010, purchased gifts and food for a student and attended a movie with [Gender Redacted], thus failing to treat the student, ("Student A"*), with dignity and respect and consideration for [Gender Redacted] circumstances.

3. Wayne Thai is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that he, while a member of the Alberta Teachers' Association, during the period September 2009 to January 2010, hugged and touched a student in a manner that exceeded appropriate teacher–student boundaries, thus failing to treat the student, ("Student A"*), with dignity and respect and consideration for [Gender Redacted] circumstances.

*Name of student removed for purposes of this report only

On behalf of Thai, the hearing committee directed a plea of not guilty to each of the charges.

WITNESSES

Moench called the following witnesses:
1. Student A
2. [Name Redacted], Director, [Board of Education Redacted]

EXHIBITS FILED

Exhibit 1—Notice of hearing and Canada Post confirmation of delivery
Exhibit 2—Proof of Thai's membership in the Association during the period April 1, 2002 to April 30, 2010
Exhibit 3—Compilation of Facebook messages between Thai and Student A from November 3, 2009 to November 17, 2009
Exhibit 4—Transcript of interview of Student A by [Name Redacted] on January 28, 2010
Exhibit 5—Transcript of interview of Student A by [Name Redacted] on February 17, 2010
Exhibit 6—Copy of e-mail sent to Principal [Name Redacted] from Student A's aunt on January 18, 2011, then forwarded to [Name Redacted] on January 18, 2011
Exhibit 7—Series of letters from the [School Division Redacted]regarding Thai's suspension, termination and request for investigation, dated February 22, 2010 to April 16, 2010
Exhibit 8—Investigation summary from [redacted] Investigations provided to[School Division Redacted] February 3, 2010
Exhibit 9—Transcript of interview of Friend A of Student A conducted by [School Division Redacted] February 9, 2010
Exhibit 10—Transcript of interview of Friend B of Student A conducted by [School Division Redacted] February 9, 2010
Exhibit 11—Summary of investigation from [Name Redacted], dated February 18, 2010
Exhibit 12—Letter from Thai to [School Division Redacted] dated March 1, 2010

EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. Thai was a member of the Alberta Teachers' Association at the time of the events related to the charges.

2. Thai was employed, during this time, by [School Divison Redacted], as a teacher at [School Redacted].

Student A testified as follows:

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted] testified as follows:

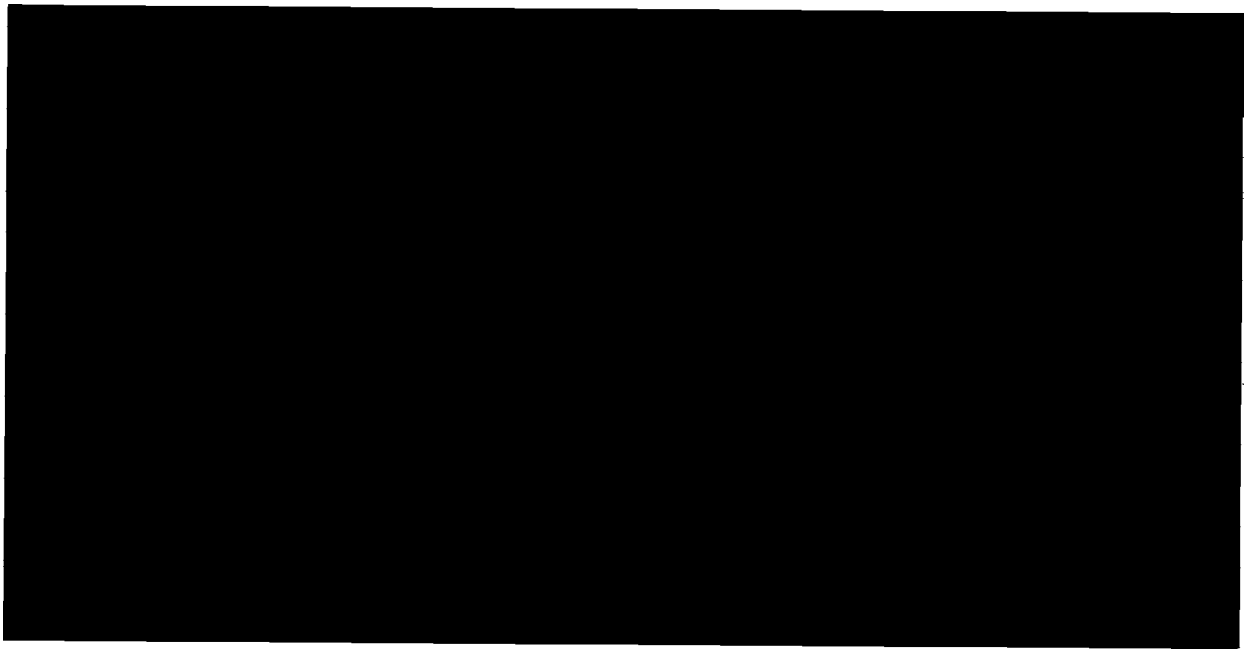
[redacted]

[redacted]

Thai, in his response to [redacted] dated March 1, 2010 (Exhibit 12), wrote the following:

[redacted]

[redacted]



DECISION OF THE HEARING COMMITTEE

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

REASONS FOR DECISION

Charge 1

1 The Facebook messages clearly demonstrate that Thai initiated and attempted to further conversations using language, tone and slang indicative of a more casual, personal relationship.

2 These conversations crossed the acceptable teacher student boundaries. Thai did not live up to the standard expected of a teacher. This was obvious to Student A, [Gender Redacted] family, [Gender Redacted] friends, [School Division Redacted] staff, and the outside investigator, thus bringing the profession into disrepute.

3 While counselling students is not unprofessional in all circumstances, Thai used his position as a teacher to provide counselling to a vulnerable [Student]which was personally motivated, not in [Gender Redacted] best interests, and was potentially dangerous. When teachers abuse their position, they bring dishonour to the profession.

Charges 2 and 3

1. Thai, by his own admission purchased meals and gifts for Student A and attended a movie with [Gender Redacted]. By his own admission, he hugged and touched Student A on several occasions when they were alone.

2. Moreover, Student A testified that Thai often exceeded appropriate teacher–student boundaries when he put his hand on [Gender Redacted] leg and repeatedly grabbed [Gender Redacted] hands and [Gender Redacted] hair. He also hugged [Gender Redacted] and asked [Gender Redacted] for hugs. Student A also testified that he purchased jewellery and other gifts for [Gender Redacted] that were not welcomed.

3. The Facebook messages demonstrate a level of intimacy and use of language that were far beyond an appropriate teacher–student relationship. Thai initiated, encouraged, and even demanded communication with Student A. These demands accelerated and became more urgent over a short period of time and especially when Student A attempted to break off the communication.

4. Thai did not treat Student A with dignity and respect during these communications and he was certainly not considerate of [Gender Redacted] circumstances.

5. Thai violated the trust of a [Age Redacted] student he knew to be vulnerable through both his actions and his words.

6. The hearing committee identified Thai's behaviour as grooming, which the hearing committee understood to reflect a course of conduct designed to promote an increasingly personal relationship with ultimate sexual objectives.

7. Students expect school to be a safe environment and expect that teachers will maintain a professional distance and not exploit the teacher student relationship for their own gratification.

8. Society expects teachers to act in a manner that establishes and maintains a trust relationship between teachers and students and act in the best interests of the students at all times. Thai betrayed that trust.

PENALTY

The committee imposed the following penalty on all three charges:

1. Thai is declared ineligible for membership in the Alberta Teachers' Association for a period of five years.
2. A recommendation will be made to the minister of education that Thai's teaching certificate be suspended for a period of five years.

REASONS FOR PENALTY

1. In a relationship between a teacher and a student, the parties are not on equal terms. The responsibility for maintaining proper boundaries falls solely on the teacher.

2. The hearing committee recognizes the validity of the student's complaint and the courage it took for [Gender Redacted] to come forward. The Association must take appropriate punitive action against teachers who hurt students.

3. Thai, while admitting the inappropriate nature of some of his actions, did not demonstrate remorse or understanding of the harm he caused to Student A, [Gender Redacted] family, and the profession. The hearing committee therefore believes that Thai continues to pose a danger to students.

4. Over the course of several weeks, Thai's behaviour with Student A was consistent with that of those who exploit children by attempting to foster a sense of emotional dependency. Just because Thai was not successful in establishing a sexual relationship with Student A, his grooming behaviour is no less despicable.

Dated at the City of Edmonton in the Province of Alberta, Thursday, July 7, 2011.

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