

REPORT OF THE HEARING PANEL
OF THE PROFESSIONAL CONDUCT COMMITTEE

IN THE MATTER OF A CHARGE OF UNPROFESSIONAL
CONDUCT AGAINST KENNETH BURNETT

The hearing panel of the Professional Conduct Committee of The Alberta Teachers' Association reports that a charge of unprofessional conduct laid against Kenneth Burnett of B[Location 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, January 22, 1998. The hearing commenced at 0915.

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

[REDACTED] presented the case against the accused. The accused was not present and was not represented by legal counsel. The hearing panel was informed by the prosecuting officer that the accused was aware of the hearing and that he would neither be attending nor be represented by counsel.

CONSTITUTION/JURISDICTION

There were no objections to either the constitution of the hearing panel or its jurisdiction to hear the case.

An agreed statement of facts was submitted by the prosecutor. (Exhibit 2)

PLEA

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

Kenneth Burnett is charged with unprofessional conduct contrary to the *Teaching Profession Act* in that he, on or about the 12th day of June, 1986 in Edmonton, Alberta plead guilty to and was convicted of an indictable offence under the Criminal Code of Canada to wit: On or about the 21st day of July A.D 1971 and the 15th day of August A.D 1971, at or near the Town of [Location Redacted], in the Province of Alberta, did have sexual intercourse with [Name Redacted], a [gender redacted] person [personal info] and under the [Age Redacted], contrary to the Criminal Code.

In the absence of the accused, the hearing panel entered a plea of "not guilty" to the charge.

WITNESSES

No witnesses were called.

EVIDENCE ADDUCED FROM EXHIBITS FILED INDICATED THAT:

1. K Burnett was a substitute teacher for [School Division Redacted], [School Division Redacted] and [School Division Redacted] on an irregular basis from 1976 until June 1997. (Exhibit 2)
2. On June 12, 1986, K Burnett plead guilty to and was convicted of an indictable offence under the Criminal Code of Canada. (Exhibits 2 and 5)

DECISION OF THE HEARING PANEL

Charge 1—Guilty

REASONS FOR DECISION

1. K Burnett was convicted of an indictable offence under the Criminal Code of Canada.

PENALTY

The hearing panel of the Professional Conduct Committee imposes the following penalty:

- a) K Burnett is hereby declared ineligible for membership in The Alberta Teachers' Association;
- b) a recommendation shall be sent to the minister of education requesting that K Burnett's teaching certificate be cancelled;
- c) K Burnett's surrendered teaching certificate and accompanying letter shall be forwarded to the minister of education together with the recommendation to cancel the certificate.

REASONS FOR PENALTY

1. K Burnett was convicted of an indictable offence. Accordingly, K Burnett engaged in unprofessional conduct within the meaning of sections 22(2) and 40(2) of the *Teaching Profession Act*.

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2. A teacher convicted of an indictable offence brings dishonor and disrepute to the profession.
3. In an agreed statement of facts, K Burnett has accepted responsibility for his actions and has indicated he does not wish to bring further dishonor to the profession. (Exhibit 2)
4. K Burnett was forthright and cooperative with the investigating officer.

Dated at the City of Edmonton in the Province of Alberta, Thursday, January 22, 1998.

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

