

THE TEACHING PROFESSION ACT AND AMENDING ACTS

IN THE MATTER OF a charge or complaint against  
ROBERT ARTHUR POOL

ORDER OF THE PROVINCIAL EXECUTIVE COUNCIL OF  
THE ALBERTA TEACHERS' ASSOCIATION

The Discipline Committee of The Alberta Teachers' Association, pursuant to authorization in that behalf, did, after duly investigating the charge of unprofessional conduct laid against Robert Arthur Pool by Provincial Executive Council, on Wednesday, April 11, 1990 find him guilty of unprofessional conduct. A report in writing of its findings and recommendations was made to the Provincial Executive Council of The Alberta Teachers' Association. After due consideration of the report and the recommendations made by the Discipline Committee, the Provincial Executive Council of The Alberta Teachers' Association does hereby:

- (a) suspend Robert Arthur Pool from the Association for a period five years;
- (b) recommend to the Minister of Education that Robert Arthur Pool's teaching certificate be suspended for a period of five years to be reinstated upon application to and approval by the Minister of Education; and
- (c) require Robert Arthur Pool pay to The Alberta Teachers' Association the sum of one thousand dollars (\$1,000.00) within 30 days of expiry of his right to appeal to the Teaching Profession Appeal Board.

DATED at the City of Edmonton, in the Province of Alberta, Thursday, May 24, 1990.

THE ALBERTA TEACHERS' ASSOCIATION

Per: [REDACTED]  
President

Per: [REDACTED]  
Executive Secretary

/mo [REDACTED]

REPORT OF THE DISCIPLINE COMMITTEE

IN THE MATTER OF a charge of unprofessional  
conduct against Robert Arthur Pool

The Discipline Committee of The Alberta Teachers' Association reports that a charge of unprofessional conduct laid against Robert Arthur Pool, [REDACTED] was duly investigated in accordance with the Teaching Profession Act (RSA 1980, Chapter T-3) and the Discipline Bylaws of the said Association. The hearing was held in The Alberta Teachers' Association Southern Alberta Regional Office, 540 12 Avenue SW, Calgary, Alberta, Canada, T2R 0H4, on Wednesday, 1990 04 11.

Discipline Committee members present were: [REDACTED] of Glen Power Professional Corporation was Committee Counsel, [REDACTED] was secretary and [REDACTED] was recorder. [REDACTED] was an observer to the hearing. W M Brooks presented the case against the accused. There being no objection to the composition of the Committee and no question of its jurisdiction to hear the case, the hearing proceeded.

The hearing was convened at 0920 and recessed in order to give R Pool 15 additional minutes to appear. The hearing reconvened at 0935 and R Pool was absent. The decision of the Discipline Committee was to conduct the hearing in his absence. A plea of not guilty to the following charge was entered on behalf of the accused.

Robert Arthur Pool is charged with unprofessional conduct contrary to the Discipline Bylaws of The Alberta Teachers' Association in that he, while a member of The Alberta Teachers' Association on or about the 28th day of December, AD 1983 at or near the [REDACTED], in the Province of Alberta, did commit a sexual assault upon [REDACTED] contrary to Section 246.1 of the Criminal Code, 1953-54.

Witnesses:

R Pool was subpoenaed as a witness but did not appear at the hearing. The Discipline Committee was not contacted by R Pool concerning his non-attendance.

Evidence Adduced and Exhibits Filed indicated that:

1. R Pool was a member of The Alberta Teachers' Association at the time of the commission of the indictable offence for which he was convicted.  
(Exhibits 2 and 5)
2. Although R Pool was not a member of the Association on the date of his conviction on 1989 11 20, he was a member within the previous six months of the date on which the request for an investigation into his conduct was received and the discipline process was initiated. (Exhibit 2)
3. R Pool plead guilty to the indictable offence of sexual assault under section 246.1 of the Criminal Code 1953-54 in relation to a sexual assault on a [REDACTED] at [REDACTED], Alberta on or about 1983 12 28.  
(Exhibits 5 and 6)
4. R Pool received a 30 month suspended sentence and was ordered to comply with five conditions of probation. (Exhibit 10)
5. As one condition of the probation, R Pool was directed not to be involved in any type of employment where there are children under the age of [REDACTED] years.
6. On 1989 11 30 the [REDACTED] News reported the conviction of R Pool. The report identified R Pool as a former substitute teacher in the [REDACTED] area. The article detailed the nature of the assault.

Decision of the Discipline Committee:

Guilty as charged.

Reasons for Decision:

1. R Pool was convicted of an indictable offence under the Criminal Code and is guilty of unprofessional conduct under 9(2)(f) of the Discipline Bylaws.
2. R Pool's conviction of sexual assault has brought dishonor and disrepute to the teaching profession.
3. Resulting newspaper coverage detailed the incident and reflected adversely on the teaching profession.



Recommended Penalty:

1. That R Pool's membership in The Alberta Teachers' Association be suspended for a period of five years.
2. That a recommendation be made to the Minister of Education that R Pool's teaching certificate be suspended for a period of five years, to be reinstated upon application to and approval by the Minister.
3. That R Pool be fined the sum of \$1,000.

Reasons for Recommended Penalty:

1. R Pool was convicted of an indictable offence under the Criminal Code.
2. The Discipline Committee considers the sexual assault committed by R Pool to be a serious offence. Such behavior is deplorable and reprehensible.
3. R Pool did not respond to the subpoena and did not appear at the hearing. The Discipline Committee noted that R Pool received the Notice of Hearing and the subpoena on 1990 03 14. No communication from R Pool was received by the Committee.
4. R Pool's non-attendance at the hearing demonstrates both disregard and contempt for the discipline process.
5. Society has the right to expect that teachers will not sexually assault children. R Pool's actions constitute aberrant behavior that is unacceptable to the Association.

Additional Comment:

The Discipline Committee notes that non-compliance with a subpoena is an extremely serious offence. The Committee has the jurisdiction to issue subpoenas to appear, and to ensure attendance of witnesses. The non-attendance of R Pool, ie his non-compliance with a subpoena, constitutes a breach of the Teaching Profession Act, section 15(2). The Committee reserves the right to take appropriate action regarding this matter.

DATED at the City of Calgary in the Province of Alberta, Thursday,  
April 12, 1990.

THE DISCIPLINE COMMITTEE  
THE ALBERTA TEACHERS' ASSOCIATION

