#### THE ALBERTA TEACHERS' ASSOCIATION

# REPORT OF THE HEARING COMMITTEE OF THE PROFESSIONAL CONDUCT COMMITTEE

## IN THE MATTER OF CHARGES OF UNPROFESSIONAL CONDUCT AGAINST TRACI-ANN BORER

The hearing committee of the Professional Conduct Committee of the Alberta Teachers' Association reports that charges of unprofessional conduct laid against Traci-Ann Borer 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 May 10-12, 2006 and adjourned and reconvened on June 12, 2006.

Professional Conduct Committee me	embers present as the hearing committee were
	presented the case against the investigated member.
The investigated member was present	A Part of a district of the Committee of

#### CONSTITUTION/JURISDICTION

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

#### CHARGES AND PLEA

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

- Traci-Ann Borer is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, on or about October 2002 to December 2002, at her place of residence, touched a student in a sexual manner.
- 2. Traci-Ann Borer is charged with unprofessional conduct pursuant to the *Teaching Profession Act* in that she, while a member of the Alberta Teachers' Association, while employed by [School Division Redacted], participated in activities inappropriate to the maintenance of a dignified teacher pupil relationship.

The investigated member entered a plea of not guilty to each of the charges.

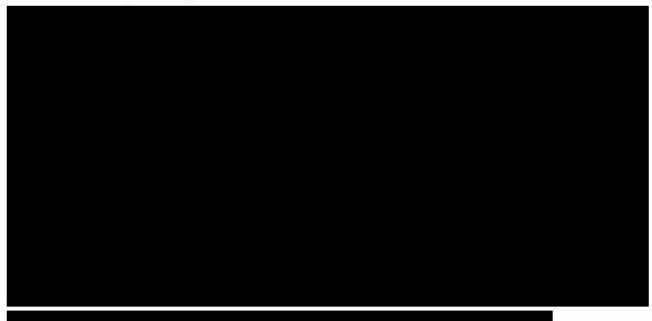
### WITNESSES

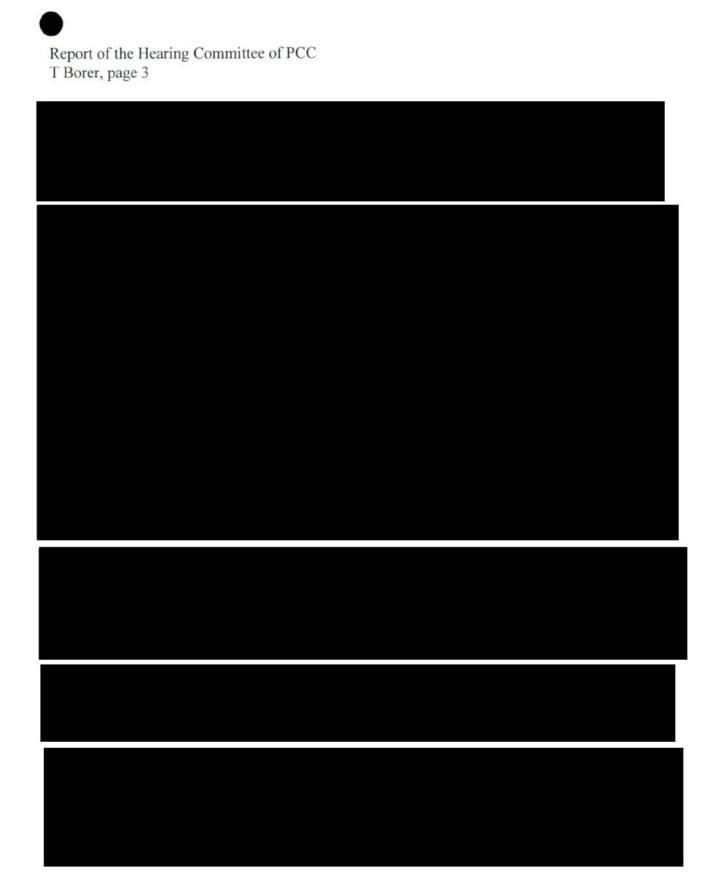
.

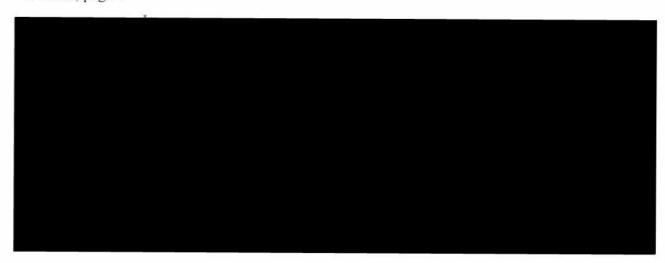
- 1. The prosecution called as witnesses
  - (a) [Name Redacted], Deputy Superintendent, [School division Redacted]
  - (b) Constable [Name redacted], Royal Canadian Mounted Police, [Location redacted] detachment
  - (c) [Name Redacted], former student in [School division Redacted]
  - (d) [Name Redacted], former common-law partner of Borer
- 2. The defence called as witnesses
  - (a) [Name redacted], former student in [School division Redacted]
  - (b) Traci-Ann Borer

## EVIDENCE ADDUCED AND EXHIBITS FILED INDICATED THAT:

1. At the time of the incidents in question, Borer was a member of The Alberta Teachers' Association (Exhibit 2).







## DECISION OF THE HEARING COMMITTEE

The hearing committee found Borer guilty on both Charge 1 and Charge 2.

## REASONS FOR DECISION

- 1. Borer touched a student in a sexual manner.
- 2. Borer developed and continued close relationships with students that were not consistent with appropriate student teacher relationships. These included a series of improper overly friendly e-mails using Borer's school e-mail account, visits to a student's part-time job, two day trips to [Location Redacted] with a student and taking students to parties where alcohol was served.
- 3. Alcoholic Jello shooters were available in Borer's refrigerator for students who attended an [subject Redacted] party at her residence.
- 4. Borer's testimony on critical issues was often unclear, evasive, inconsistent and it appeared that she had a selective memory, frequently answering questions with, "I can't recall." Examples are as follows:
  - (a) Borer testified that she tried to put distance between herself and Student visited her house and yet Borer established friendly e-mail contacts with Student following this visit.
  - (b) No recollection of conversations with Student on two day trips to [Location Redacted].
  - (c) No recollection of saying that students should call her Tracy.
  - (d) Borer could not recall why she sent e-mails.
  - (e) Borer did not recall whether she had gone into the hot tub at the July 1 party where she took two students. Borer claimed that people wore street clothes in the hot tub.

	Student about sexuality when Student had been open with the school community about questions about own sexuality.
5.	While the committee was aware of various reasons to carefully scrutinize the evidence of provided credible testimony that was consistent with the circumstances surrounding the incidents was involved in. was straightforward about criminal past, abuse of alcohol, and physical abuse of Borer. had been reluctant to come forward, indicating that did not have a vendetta against Borer. testimony about the incidents was also clear when related memory of incidents between Borer and students. While Borer and differed on certain crucial elements of the facts alleged, to a large extent Borer gave evidence of the circumstances surrounding the incidents in question that was corroborative of evidence. For example, there was no dispute that Student was at Borer's residence or that Borer and Student engaged in mutual massages.
6.	Borer admitted to having crossed the line by having Student visit at Borer's residence.

(f) Despite all Borer's involvement with Student , Borer could not recall talking to

## PENALTY

The hearing committee imposed the following penalty:

Charge 1—a six-month suspension of membership in The Alberta Teachers' Association and a recommendation to the Minister of Education of a six-month suspension of Borer's teaching certificate.

Charge 2—a six-month suspension of membership in The Alberta Teachers' Association and a recommendation to the Minister of Education of a six-month suspension of Borer's teaching certificate.

These two penalties are to be applied concurrently.

#### REASONS FOR PENALTY

Students, parents and the public have a right to expect that teachers will act in a manner that
establishes and maintains appropriate student—teacher relationships, including observing
boundaries that are professional. Borer did not do this on many occasions.

- 2. Borer's action of touching a student in a sexual manner was inappropriate and unacceptable.
- 3. Borer put students in situations where alcohol was present, including one such situation in her own residence.
- The Association expects its members to treat students in a manner that maintains dignified student-teacher relationships.
- 5. Borer cooperated fully in the investigations conducted by the Association, the RCMP and the school board.
- 6. At the time of the incidents, Borer was in a stressful time in her life which included a physical and emotionally abusive relationship with her partner, a lack of adult support and an extreme work load. While Borer did plead "not guilty" to each of the charges and while the committee has found her to be guilty, Borer did demonstrate some developing insight into her earlier actions with her concessions that, in retrospect, she would have done some things differently.

Dated at the City of Edmonton in the Province of Alberta, Friday, May 12, 2006.

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

